

# Multiple Agency Fiscal Note Summary

|                             |  |
|-----------------------------|--|
| <b>Bill Number:</b> 2055 HB | <b>Title:</b> Gambling diversion court |
|-----------------------------|--|

## Estimated Cash Receipts

NONE

| Agency Name         | 2023-25                   |       | 2025-27   |       | 2027-29   |       |
|---------------------|---------------------------|-------|-----------|-------|-----------|-------|
|                     | GF- State                 | Total | GF- State | Total | GF- State | Total |
| Local Gov. Courts   | Fiscal note not available |       |           |       |           |       |
| Loc School dist-SPI |                           |       |           |       |           |       |
| Local Gov. Other    |                           |       |           |       |           |       |
| Local Gov. Total    |                           |       |           |       |           |       |

## Estimated Operating Expenditures

| Agency Name                         | 2023-25                   |          |             |          | 2025-27    |          |             |          | 2027-29    |          |             |          |
|-------------------------------------|---------------------------|----------|-------------|----------|------------|----------|-------------|----------|------------|----------|-------------|----------|
|                                     | FTEs                      | GF-State | NGF-Outlook | Total    | FTEs       | GF-State | NGF-Outlook | Total    | FTEs       | GF-State | NGF-Outlook | Total    |
| Administrative Office of the Courts | Fiscal note not available |          |             |          |            |          |             |          |            |          |             |          |
| Caseload Forecast Council           | .0                        | 0        | 0           | 0        | .0         | 0        | 0           | 0        | .0         | 0        | 0           | 0        |
| Department of Corrections           | Fiscal note not available |          |             |          |            |          |             |          |            |          |             |          |
| <b>Total \$</b>                     | <b>0.0</b>                | <b>0</b> | <b>0</b>    | <b>0</b> | <b>0.0</b> | <b>0</b> | <b>0</b>    | <b>0</b> | <b>0.0</b> | <b>0</b> | <b>0</b>    | <b>0</b> |

| Agency Name         | 2023-25  |          |       | 2025-27 |          |       | 2027-29 |          |       |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
|                     | FTEs   | GF-State | Total | FTEs    | GF-State | Total | FTEs    | GF-State | Total |
| Local Gov. Courts   | Fiscal note not available  |          |       |         |          |       |         |          |       |
| Loc School dist-SPI |  |          |       |         |          |       |         |          |       |
| Local Gov. Other    | Non-zero but indeterminate cost and/or savings. Please see discussion. |          |       |         |          |       |         |          |       |
| Local Gov. Total    |  |          |       |         |          |       |         |          |       |

## Estimated Capital Budget Expenditures

| Agency Name                         | 2023-25                   |          |          | 2025-27    |          |          | 2027-29    |          |          |
|-------------------------------------|---------------------------|----------|----------|------------|----------|----------|------------|----------|----------|
|                                     | FTEs                      | Bonds    | Total    | FTEs       | Bonds    | Total    | FTEs       | Bonds    | Total    |
| Administrative Office of the Courts | Fiscal note not available |          |          |            |          |          |            |          |          |
| Caseload Forecast Council           | .0                        | 0        | 0        | .0         | 0        | 0        | .0         | 0        | 0        |
| Department of Corrections           | Fiscal note not available |          |          |            |          |          |            |          |          |
| <b>Total \$</b>                     | <b>0.0</b>                | <b>0</b> | <b>0</b> | <b>0.0</b> | <b>0</b> | <b>0</b> | <b>0.0</b> | <b>0</b> | <b>0</b> |

| Agency Name         | 2023-25  |          |       | 2025-27 |          |       | 2027-29 |          |       |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
|                     | FTEs   | GF-State | Total | FTEs    | GF-State | Total | FTEs    | GF-State | Total |
| Local Gov. Courts   | Fiscal note not available  |          |       |         |          |       |         |          |       |
| Loc School dist-SPI |  |          |       |         |          |       |         |          |       |
| Local Gov. Other    | Non-zero but indeterminate cost and/or savings. Please see discussion. |          |       |         |          |       |         |          |       |
| Local Gov. Total    |  |          |       |         |          |       |         |          |       |

## Estimated Capital Budget Breakout

NONE

|  |                                 |   |
|--|---------------------------------|---|
| <b>Prepared by:</b> Danya Clevenger, OFM | <b>Phone:</b><br>(360) 688-6413 | <b>Date Published:</b><br>Preliminary 1/23/2024 |
|--|---------------------------------|---|

# Individual State Agency Fiscal Note

|                             |  |  |
|-----------------------------|--|--|
| <b>Bill Number:</b> 2055 HB | <b>Title:</b> Gambling diversion court | <b>Agency:</b> 101-Caseload Forecast Council |
|-----------------------------|--|--|

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

|                                       |                       |                  |
|---------------------------------------|-----------------------|------------------|
| Legislative Contact: Matt Sterling    | Phone: 360-786-7289   | Date: 01/18/2024 |
| Agency Preparation: Clela Steelhammer | Phone: 360-664-9381   | Date: 01/23/2024 |
| Agency Approval: Clela Steelhammer    | Phone: 360-664-9381   | Date: 01/23/2024 |
| OFM Review: Danya Clevenger           | Phone: (360) 688-6413 | Date: 01/23/2024 |

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

See attached.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

See attached.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# HB 2055

## GAMBLING TREATMENT DIVERSION COURT PILOT PROGRAM

101 – Caseload Forecast Council  
January 19, 2024

### SUMMARY

#### **A brief description of what the measure does that has fiscal impact.**

Section 1 Adds a new section to chapter 2.30 RCW that requires the Administrative Office of the Courts to conduct a gambling treatment diversion pilot program.

Section 1 Additionally states the program shall be established in three counties and outlines the requirements of the program.

Section 1 Additionally states if the court determines that the person is afflicted with a problem or disordered gambling, committed the crime in furtherance or as a result of problem or disordered gambling, is likely to be rehabilitated through treatment, and is a good candidate for treatment, the court may:

- order conditions of probation,
- defer sentencing, and
- place the person under supervision of a qualified mental health or substance use disorder professional for not less than one year or more than three years.

Section 1 Additionally states a person is not eligible for the program if:

- The crime is a crime against a person established in Title 7, 9, 9A, 10, 26, 28A, 46, or 74 RCW;
- The crime is a crime against a child listed in RCW 26A.400.322,
- The crime is an act which constitutes domestic violence as defined in RCW 10.99.020;
- The person has a record of two or more conviction of the above offenses, or a similar crime in another state or other proceedings that allege the commission of a violent offense are pending,
- The person is on probation or parole, or
- The person has previously been assigned by a court to a programs for the treatment of gambling.

Section 1 Additionally states if the person satisfactorily completes the treatment program, as determined by the court, the conviction may be discharged under RCW 9.94A.637. If not, the court may impose a sentence that could, or would, have been imposed originally for the offense for which the person pled guilty or was convicted.

## **EXPENDITURES**

### **Assumptions.**

None.

### **Impact on the Caseload Forecast Council.**

None

### **Impact Summary**

The provisions of this bill establish a pilot program for diversion. The Caseload Forecast Council (CFC) has no information regarding how many individuals would participate in the program or how many would successfully complete the program and have their sentenced discharged.

### **Prison and Jail Bed Impacts.**

While the estimated bed savings cannot be determined, the provision of the bill would allow diversion from a felony, gross misdemeanor, or misdemeanor offense, resulting in reduced need for prison and jail beds.

### **Impacts on DOC Community Custody population.**

A person that successfully completes the diversion pilot program may have a community custody term that would also be discharged, resulting in a reduction to DOC's community corrections caseload.

### **Impact on local detention and Juvenile Rehabilitation (JR) beds.**

No impact to local detention beds. It is assumed that juveniles with adjudications in the juvenile court would not be eligible to participate in this diversion pilot program, as successful completion results in convictions being discharged under RCW 9.94A.637 which applies to adult sentences.

Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result of provisions in the bill, it is possible that a juvenile sentenced as an adult may participate and successfully complete the pilot programs and have their sentence discharged. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any potential impacts to JR would be minimal.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 2055 HB

**Title:** Gambling diversion court

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: Costs for prosecutors and court-appointed defense attorneys.
- Special Districts:
- Specific jurisdictions only: Pilot program will be instituted in three counties.
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of persons referred to gambling treatment diversion court

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

## Part III: Preparation and Approval

|                                       |                       |                  |
|---------------------------------------|-----------------------|------------------|
| Fiscal Note Analyst: Alice Zillah     | Phone: 360-725-5035   | Date: 01/23/2024 |
| Leg. Committee Contact: Matt Sterling | Phone: 360-786-7289   | Date: 01/18/2024 |
| Agency Approval: Allan Johnson        | Phone: 360-725-5033   | Date: 01/23/2024 |
| OFM Review: Danya Clevenger           | Phone: (360) 688-6413 | Date: 01/23/2024 |



## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

Sec. 1 adds a new section to chapter RCW 2.30. The Administrative Office of the Courts (AOC) shall conduct a gambling treatment diversion court pilot program for the treatment of persons who have committed a crime for which they have pled guilty or been convicted in furtherance or as a result of the gambling. The pilot program shall be established in three counties of this state selected by the office, to include a county located within each of the three court of appeals divisions.

If the court has reason to believe that a person who has pled guilty to or has been convicted of a crime is afflicted with problem gambling or disordered gambling and the person committed the crime in furtherance of or because of problem gambling or disordered gambling, the court shall hold a hearing before it sentences the person. The prosecutor may present the court with any evidence concerning whether the person committed the crime in furtherance or as a result of problem gambling or disordered gambling and the advisability of permitting the person to enter the program.

A person who is placed under the supervision or care of a qualified mental health or substance use disorder professional shall pay the cost of the program of treatment to which the person is assigned and the cost of any additional supervision that may be required, to the extent of the financial resources of the person.

The court may order the person to perform supervised community service in lieu of paying the remainder of the costs relating to the person's treatment and supervision.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

The legislation would have indeterminate impacts on the three counties chosen to participate in the gambling treatment diversion court pilot program.

According to the Washington Association of Prosecuting Attorneys, the bill may increase the time a prosecutor would spend on a case, because there would be additional court hearings to determine whether a defendant was eligible for the gambling treatment diversion court. Court-appointed defense attorneys would also be required at these hearings. Additionally, prosecutors and court-appointed defense attorneys might spend time gathering evidence to make a determination about a defendant's problem gambling.

Because the number of defendants referred to the gambling treatment diversion court pilot program is not known, the total impacts are indeterminate.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The legislation would have no revenue impacts for local government.

#### **SOURCES:**

Washington Association of Prosecuting Attorneys