

Multiple Agency Fiscal Note Summary

Bill Number: 5474 SB	Title: Juvenile justice
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

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	No fiscal impact					
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											
Department of Labor and Industries	1.6	409,000	409,000	409,000	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	1.6	409,000	409,000	409,000	0.0	0	0	0	0.0	0	0	0

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	No fiscal impact								
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								
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Final 2/ 7/2023
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Individual State Agency Fiscal Note

Bill Number: 5474 SB	Title: Juvenile justice	Agency: 235-Department of Labor and Industries
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.2	0.0	1.6	0.0	0.0
Account					
General Fund-State 001-1	409,000	0	409,000	0	0
Total \$	409,000	0	409,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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: Delika Steele	Phone: 3607867486	Date: 01/19/2023
Agency Preparation: Jenifer Colley	Phone: (360) 902-6983	Date: 01/30/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/30/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/30/2023

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.

See attached.

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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	409,000	0	409,000	0	0
Total \$			409,000	0	409,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.2		1.6		
A-Salaries and Wages	280,000		280,000		
B-Employee Benefits	96,000		96,000		
C-Professional Service Contracts					
E-Goods and Other Services	32,000		32,000		
G-Travel	1,000		1,000		
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	409,000	0	409,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fiscal Analyst 5	71,520	0.2		0.1		
Management Analyst 3	71,520	1.0		0.5		
Management Analyst 5	91,524	1.0		0.5		
WMS BAND 2	104,887	1.0		0.5		
Total FTEs		3.2		1.6		0.0

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.

See attached

Part II: Explanation

This bill removes the ability for courts to order restitution on criminal cases when the offender is a juvenile. It creates a community compensation fund to be administered by the Department of Labor and Industries, in conjunction with a task force. The purpose of the community fund is to compensate parties harmed by juveniles.

II. A – Brief Description of What the Measure Does that Has Fiscal Impact

Section 4

- (1) A community compensation task force is established within the Department of Labor and Industries (L&I). The purpose of the task force is to address the elimination of juvenile restitution required by section 2 of this act and the compensation of parties harmed by juveniles. Core considerations for the task force should be reliant on restorative principles and best practices. The task force shall hold its first meeting on or before July 1, 2023. A final implementation plan must be submitted on or before July 1, 2024, to the appropriate committees of the legislature. The final implementation plan must be published and must include:
 - (a) A description of the decision-making structure recommended by the task force;
 - (b) Details on the infrastructure of the community compensation program created in this section to compensate parties harmed by juveniles including, but not limited to, how the program shall operate within L&I, and an estimate of the administrative cost required to maintain the program including the salaries of any necessary staff;
 - (c) A process for harmed parties, potentially including those who do not meet the current statutory definition of “victim”, to participate in the community compensation program, including details of the application and disbursement process, which must:
 - (i) Ensure individuals may participate in the compensation program regardless of their legal status’
 - (ii) Guarantee, to the greatest extent possible, the anonymity of those participating in the compensation program;
 - (iii) Not require a court order for harmed parties to participate in the compensation program;

- (iv) Limit, to the greatest extent possible the amount of documentation required to participate in the program and the administrative burden on individuals seeking payment;
 - (v) Consider capping amounts and types of costs that are eligible for compensation; and
 - (vi) Consider critically the ability of government entities, corporations insurance companies, and other non-individual harmed parties to participate in the compensation program with individual harmed parties having priority access;
- (d) A process for determining the eligibility of parties who may try to participate in the program. It is the intention of the legislature that the community compensation program be accessible to the broadest possible number of harmed parties, and that participation in the program does not require an adjudication or an order from the court; and
- (e) Standards and practices for calculating the amount of compensation individual applicants may receive.
- (2) The community compensation task force representatives shall include:
- (a) Three people who were ordered to pay juvenile legal financial obligations, either as juveniles or parents;
 - (b) Three people who were ordered to receive restitution payments from a respondent;
 - (c) One representative from a statewide coalition focused on legal financial obligations and youth justice;
 - (d) One representative from a civil society organization focused on legal financial obligation reform;
 - (e) One member of the Washington state partnership council on juvenile justice;
 - (f) One public defender specializing in juvenile law;
 - (g) One juvenile court judge;
 - (h) One prosecutor specializing in juvenile law;
 - (i) One county clerk or juvenile court administration;
 - (j) One member of the Washington state supreme court minority and justice commission;
- and

- (k) One individual with expertise in restorative justice practices or expertise in community compensation programs.

Section 5

- (1) Within funds appropriated for this specific purpose, the community compensation program is created in and will administered by L&I. The program is authorized to receive private contributions and funds from other sources.
- (2) Consistent with the recommendations of the community compensation task force established in section 4 of this act, the community compensation program will provide compensation to parties harmed by juveniles.
- (3) The department may adopt rules necessary to implement this section.

Section 8

Amends 7.68.120, removing the word person and inserting the word adult, so that CVC can only requests restitution for claim expenses from adult offenders.

Section 10(28)

(28) "Community compensation" means ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of counseling reasonably related to the offense for a party harmed by a juvenile. "Community compensation" does not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to parties harmed by juveniles or the offender. All parties harmed by juveniles shall have access to the community compensation program as provided in section 4 of this act.

II. B – Cash Receipt Impact

The cash receipts related to this program are indeterminate. The bill does not provide a level of funding for the program and L&I has no way to determine how much in private contributions will be received. As written, the bill does not identify a new fund source and L&I assumes it would impact General Fund – State.

II. C – Expenditures

Appropriated – Operating Costs

The expenditures related to compensation to parties harmed by juveniles is indeterminate. L&I does not currently track claims by the age of the party creating the harm and does not have an estimate of how that would impact the Crime Victims Compensation (CVC) program or the new Community Compensation program. As written, the bill does identify a new fund source and L&I assumes it would impact General Fund – State.

Section 4 – Task Force

L&I estimates that number of staff required for the task force will be three in total. A WMS Band 2 will be required to direct the task force, a Management Analyst 5 assist with project management of the task force and preparing the report and a Management Analyst 3 for support of the task force. These resources will be needed through June 30, 2024. L&I also expects there may be an expenditure impact related to Chapter 245, Laws of 2022 – State Boards, Commissions, Etc. – Member Stipends but does not have an estimate at this time. A fund source is not established in the bill and it is assumed to be General Fund - State.

Due to the timing in the bill in regards to the initial meeting being on or before July 1, 2023, resources will be required in FY23.

Section 4, 5 and 10(28) – Benefits

The expenditures related to compensation to parties harmed by juveniles is indeterminate. L&I does not currently track claims by the age of the party creating the harm and does not have an estimate of how that would impact the CVC program or the new Community Compensation program. As written, the bill does not identify a new fund source and L&I assumes it would

impact General Fund – State. There could be a technology impact associated with this bill. Until the task force is complete this is indeterminate.

Section 8 – Restitution

Since 2000, CVC program has made requests on 330 claims with juvenile offenders. Of those, 299 were awarded restitution. Restitution is requested from an offender if \$200 or more in benefits is paid on a claim. Section 8 will impact General Fund-State revenue as Section 8 amends 7.68.120, removing the word person and inserting the word adult, so that CVC can only requests restitution for claim expenses from adult offenders.

The impact to General Fund-State for this section is indeterminate. L&I received \$1.03 million in restitution in FY22 and has received approximately \$415,000 to date in FY23. The amounts are not currently broken out as adult and juvenile by CVC to determine future impact.

Indirect Costs

The amount included in this fiscal note for indirect is:

Fund Name		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
001	General Fund - State	19,000	0	0	0	0	0
	Total:	\$19,000	\$0	\$0	\$0	\$0	\$0

The department assesses an indirect rate to cover agency-wide administrative costs. Labor and Industries’ indirect rate is applied on salaries, benefits, and standard costs. For fiscal note purposes, the total indirect amount is converted into salary and benefits for partial or full indirect FTEs. Salary and benefits costs are based on a Fiscal Analyst 5 (Range 59, Step G).

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

This legislation will require rule making once implementation is determined.

Individual State Agency Fiscal Note

Bill Number: 5474 SB	Title: Juvenile justice	Agency: 307-Department of Children, Youth, and Families
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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: Delika Steele	Phone: 3607867486	Date: 01/19/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/25/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/25/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/26/2023

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.

This bill eliminates juvenile legal financial obligations, fines, fees, costs or surcharges and creates the community compensation program administered by the Department of Labor and Industries. Also, the bill removes language that requires restitution be paid in full for a juveniles record to be sealed.

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.

No fiscal impact.

The elimination of legal financial obligations does not impact The Department of Children, Youth and Families(DCYF)/Juvenile Rehabilitation(JR). JR does not assess fees or is required to serve on the community compensation task force. The majority of the work will be at the juvenile court and community levels.

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

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5474 SB

Title: Juvenile justice

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

Legislation Impacts:

- Cities:
- Counties: Please see the fiscal note of the Administrative Office of the Courts for reductions in revenue for counties.
- Special Districts:
- Specific jurisdictions only:
- 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:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/06/2023
Leg. Committee Contact: Delika Steele	Phone: 3607867486	Date: 01/19/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/06/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/07/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

Sec. 2 adds a new section to RCW 13.40. No fine, administrative fee, cost, surcharge, or restitution may be imposed or collected by the court or any agent of the court against any juvenile or a juvenile's parent or guardian, or other person having custody of the juvenile, in connection with any juvenile offender proceeding including, but not limited to, fees for diversion, DNA sampling, or victims' penalty assessments. Parties harmed by juveniles may collect compensation through the community compensation program as provided in section 4 of this act.

Sec. 10 amends RCW 13.40.020. The definition of "community-based sanctions" may include up to eight hours of community service. It may not include a fine.

Sec. 32 adds a new section. Section 4 of this act applies retroactively as well as prospectively to allow individuals with valid, unfulfilled restitution orders to participate in the community compensation program.

Sec. 33 adds a new section. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations, interests on legal financial obligations, or any other costs.

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.

Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, prosecutors, and jail costs. Please see the AOC fiscal note for a discussion of the fiscal impacts of the legislation.

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.

Please see the AOC fiscal note for a discussion of reduced revenue for counties as a result of the legislation.

SOURCES:

Administrative Office of the Courts