

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence
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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 Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

## 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	.1	19,700	19,700	19,700	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	2.0	482,413	482,413	482,413	2.0	460,648	460,648	460,648	2.0	460,648	460,648	460,648
Department of Licensing	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	2.1	502,113	502,113	502,113	2.0	460,648	460,648	460,648	2.0	460,648	460,648	460,648

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other			288,630						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			288,630						

## 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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<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									
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

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Preliminary 4/ 6/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years	.1		.1		
<b>Account</b>					
General Fund-State 001-1	19,700		19,700		
State Subtotal \$	19,700		19,700		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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 for 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.

Legislative Contact: Joe McKittrick	Phone: 3607867287	Date: 03/29/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/30/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/30/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 04/03/2023

187,173.00

Request # 271-1

## Part II: Narrative Explanation

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

The striking amendment would not make any changes affecting the fiscal impact to the Administrative Office of the Courts or the courts

This bill would change the eligibility criteria for firearms possession by:

- \* Changing the definition of firearms.
- \* Adding driving under the influence related juvenile felonies to the definition of a serious offense.
- \* Expanding the definition of "conviction" to include dismissals after a period of probation, suspension or deferral of sentence when finding of guilt entered.
- \* Expanding unlawful possession to include when a person accesses or has in their custody or control, receives, purchase, or attempts to receive or purchase any firearm after previous conviction or when found not guilty by reason of insanity.
- \* Expanding unlawful possession to include certain misdemeanor offenses and violations of order to surrender, extreme risk protection orders, or any protection order or no contact order restraining a person from a residence.
- \* Creating a new section outlining procedures for a person to petition for restoration of firearm rights.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

The bill would require changes to both superior and district court firearm forms.

Additionally, significant changes would need to be made to the Juvenile Corrections Systems (JCS) database. JCS is used by juvenile courts for tracking cases: referrals, monitoring, and support for juvenile needs during the life of a case and post-adjudication supervision. The JCS relies on data from existing superior court and courts of limited jurisdiction systems (Odyssey, SCOMIS, legacy Judicial Information System).

The firearm rights screen in JCS informs the court on ineligibility to possess firearms and would require changes to implement this bill. Any new codes in case management systems would have to be captured here. Juvenile sentencing worksheets are complex and must consider violations on referrals, dispositions, past history and other adjusting factors, such as firearms.

#### ADMINISTRATIVE OFFICE OF THE COURTS

This bill would have the following fiscal impact on the Administrative Office of the Courts (AOC).

FTE: 0.10

FY 2024: \$19,700 one-time

#### COURT FORMS

This bill would require changes to court forms which would take approximately 75 hours of work by a Legal Services Senior Analyst (\$8,000 one-time).

Legal Services Senior Analyst. Beginning July 1, 2023 through June 30, 2024, AOC would require salary, benefits, and associated standard costs for 0.04 FTE to update required court forms.

#### JUVENILE AND CORRECTIONS SYSTEM (JCS)

This bill would require changes to the database used by juvenile courts. System development and testing would take approximately 140 hours of work (\$11,700 one-time).

IT Solutions Architect and System Support Analyst. Beginning July 1, 2023 through June 30, 2024, AOC would require salary, benefits, and associated standard costs for 0.06 FTE to make system updates.

#### AOC STAFF IMPACTS INCLUDE STANDARD COSTS

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

187,173.00

Request # 271-1

Form FN (Rev 1/00)

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Bill # 1562 S HB AMS LAW S2324.5

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

### Part III: Expenditure Detail

#### Part III: Expenditure Detail

##### III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	.1		.1		
Salaries and Wages	11,500		11,500		
Employee Benefits	3,700		3,700		
Professional Service Contracts					
Goods and Other Services	400		400		
Travel	200		200		
Capital Outlays	200		200		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	3,700		3,700		
<b>Total \$</b>	<b>19,700</b>		<b>19,700</b>		

##### III. B - Expenditure By Object or Purpose (County)

NONE

##### III. C - Expenditure By Object or Purpose (City)

NONE

##### III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
IT Solutions Architect and System	109,300	0.1		0.0		
Support Analyst						
Legal Services Senior Analyst	114,400	0.0		0.0		
<b>Total FTEs</b>		<b>0.1</b>		<b>0.1</b>		<b>0.0</b>

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

NONE

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

#### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

#### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

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**IV. B3 - Expenditures by Object Or Purpose (City)**

NONE

**IV. C - Capital Budget Breakout**

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

NONE

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence	<b>Agency:</b> 101-Caseload Forecast Council
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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: Joe McKittrick	Phone: 3607867287	Date: 03/29/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 03/31/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 03/31/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/06/2023

## 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.*

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.*

# **SHB 1562 (S-2324.5)**

## **REDUCE HARM ASSOCIATED WITH GUN VIOLENCE**

**101 – Caseload Forecast Council  
March 31, 2023**

### **SUMMARY**

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

- Section 1 States the legislative intent of the bill.
- Section 2 Amends RCW 9.41.010 by expanding the definition of “firearm” to include frames and receivers for purposes of RCW 9.41.040. Additionally amends the definition of “serious offense” to include Driving while under the Influence and Physical Control of a Vehicle with under the Influence felony charges. Adds definitions for “conviction” or “convicted”, “domestic violence”, and “sex offense”.
- Section 3 Amends RCW 9.41.040 by expanding the definitions of the Class B felony offense of Unlawful Possession of a Firearm in the First Degree (ranked at Seriousness Level 7 on the adult felony sentencing grid) and the Class C felony offense of Unlawful Possession of a Firearm in the Second Degree (ranked at Seriousness Level 3 on the adult felony sentencing grid). Additionally moves language regarding the right to petition to have firearm rights restored to Section 4 of the act and adds a reference to the new section.
- Section 4 Adds a new section to chapter 9.41 RCW regarding the right to petition for firearm rights restoration. Clarifies the time period required for the filing of a firearm restoration petition.
- Section 5 Amends RCW 9.41.047 by updating terms, and including references and timelines associated with individuals found not guilty by reason of insanity.
- Section 6 States if any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

### **EXPENDITURES**

#### **Assumptions.**

None.

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

None.

#### **Impact Summary**

- Expands the definitions of existing Class B and C felonies

### **Impact on Prison and Jail beds**

The Caseload Forecast Council has no information concerning how many more incidents of the expanded felonies offenses may occur. However, as a Class C felony offense ranked at Seriousness Level 3 on the Adult Felony Sentencing Grid, Unlawful Possession of a Firearm in the Second Degree (UPF2) is punishable by a standard range term of confinement of between 1-3 months in jail and 51-68 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. The Class B felony offense of Unlawful Possession of a Firearm in the First Degree (UPF1) is ranked at Seriousness Level 7 on the Adult Felony Sentencing Grid, and is punishable by a standard range term of confinement of between 15-20 months and 87-116 months in prison. Therefore, increased incidence of these offenses would likely impact both jail beds and prison beds.

### **Impact on Department of Corrections (DOC) Supervision Caseload**

The bill has no impact to DOC supervision caseload.

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

There is no impact to juvenile sentencing for the expanded definition for UPF2. Per RCW 9.41.040(2)(a)(vi), persons under the age of eighteen are already restricted from owning, having in her or his possession, or having in his or her controls, firearms; and as such, expanding of the definition of UPF2 under the provision of this act will not result in any additional adjudications of this offense.

The bill also expands the definition of UPF1. The Caseload Forecast Council has no information concerning how many more incidents of the expanded felony offense may occur. However, as a Category B on the Juvenile Offender Sentencing Grid, UPF 1 is punishable by a standard range term of between Local Sanctions (0-30 days in local juvenile detention) and 52-65 weeks in JR. As a result, there may be an increased need for local detention and JR beds.

There may also be an additional increased need for JR beds. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. By expanding the definition for UPF1 and UPF 2, there may be additional convictions by individuals who commit the offense while under the age of 18 and sentenced as an adult. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any impacts to JR would be minimal for this population.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
<b>Account</b>					
General Fund-State      001-1	252,089	230,324	482,413	460,648	460,648
<b>Total \$</b>	252,089	230,324	482,413	460,648	460,648

### 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: Joe McKittrick	Phone: 3607867287	Date: 03/29/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 04/04/2023
Agency Approval: Shawn Eckhart	Phone: 360-596-4083	Date: 04/04/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 04/05/2023

## 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.*

The amended version of the proposed legislation adds out-of-state convictions which would disqualify a person from purchasing or possessing a firearm; requires us to send written verification to the prosecutor that we have conducted a records check on all civil and criminal records relevant to the restoration prohibitors established in this act; requires a court to grant the petition for restoration of firearm rights only if the court finds that the person petitioning meets the requirements established in this act; and removes the requirement that the court forward notification that a person's right to possess a firearm has been restored to the National Instant Criminal Background Check System Index.

These changes increase our fiscal impact as compared to the prior version.

The proposed legislation will create a fiscal impact to the Washington State Patrol (WSP).

Section 3 adds additional felonies that prohibit a person from possessing a firearm.

New Section 4(1) prohibits a person to petition a court to reinstate their right to possess a firearm if the person has been convicted or found not guilty by reason of insanity for certain felonies.

New Section 4(2) establishes timelines and criteria for when a convicted person can petition a court to reinstate their right to possess a firearm.

New Section 4(3)(d) requires the prosecuting attorney to provide the court written verification from the WSP that the WSP has conducted a records check of all civil and criminal records relevant to the prohibitors in RCW 9.41.040.

Section 4(4) requires the court to notify the WSP that the person's right to possess a firearm has been restored.

Section 5(1)(a) requires all firearms and any concealed pistol licenses to be surrendered immediately when a person is convicted or found not guilty by reason of insanity of certain felonies. The person may not possess a firearm unless the person's right is restored by the superior court that issued the order.

Section 5(1)(b) requires the court to submit a convicted person's information to the WSP if the person is convicted of certain felonies.

Section 5(3)(a) allows a person found not guilty by reason of insanity of certain felonies to petition to restore their right to possess a firearm one year after discharge.

### 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.*

### 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.*

Section 4(3)(d) and Section 4(4) will require two Program Specialist 2 to process record verification, as well as conduct background checks on all restoration of rights to possess a firearm.

We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus any applicable incentive or assignment pay. We compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase. We compute estimated support expenditures such as supplies & materials, communications, computer costs (hardware and software), vehicle and vehicle operating costs, among others, using average costs to support agency FTEs. We adjust the estimated support costs to reflect the needs of individual divisions or positions within the agency.

We base our estimate for agency indirect costs on the federal indirect cost rate of 33.41 percent approved by the U.S. Department of Transportation on February 14, 2023. This rate is effective July 1, 2023, and is used on all estimates completed after the approval date. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

**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	252,089	230,324	482,413	460,648	460,648
<b>Total \$</b>			252,089	230,324	482,413	460,648	460,648

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	106,200	106,200	212,400	212,400	212,400
B-Employee Benefits	47,256	47,256	94,512	94,512	94,512
C-Professional Service Contracts					
E-Goods and Other Services	13,310	11,050	24,360	22,100	22,100
G-Travel	4,800	4,800	9,600	9,600	9,600
J-Capital Outlays	22,400	3,650	26,050	7,300	7,300
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Indirect Costs	58,123	57,368	115,491	114,736	114,736
<b>Total \$</b>	252,089	230,324	482,413	460,648	460,648

**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
PROGRAM SPECIALIST 2	53,100	2.0	2.0	2.0	2.0	2.0
<b>Total FTEs</b>		2.0	2.0	2.0	2.0	2.0

**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence	<b>Agency:</b> 240-Department of Licensing
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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:**

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: Joe McKittrick	Phone: 3607867287	Date: 03/29/2023
Agency Preparation: Gina Rogers	Phone: 360-634-5036	Date: 03/31/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 03/31/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 04/01/2023

## 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 fiscal note

### 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 fiscal note

### 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.*

## 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.*

# Individual State Agency Fiscal Note

Agency 240 – Department of Licensing

Bill Number: SHB 1562 AMS      Bill Title: Reducing the risks of lethality and other harm associated  
LAW S2324.5                              with gun violence, gender-based violence, and other types of violence

**Part 1: Estimates**

**No Fiscal Impact**

**Estimated Cash Receipts:**

This bill will have potential indeterminant revenue decrease to the semiautomatic assault rifle (SAR) and concealed pistol license (CPL) account as it includes new felonies in the list of serious offenses that would cause an individual to be in unlawful possession of a firearm.

**Estimated Expenditures:**

This bill does not change daily agency operations. This bill will have indeterminate impacts in opposite directions (revenue and expenditure), and can be accomplished within existing resources

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

Legislative Contact:	Phone: (360)	Date:
Agency Preparation: Gina Rogers	Phone: (360) 634-5036	Date: 3/30/23
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	1562 SHB

## **Part 2 – Explanation**

This bill strengthens laws around unlawful possession of a firearm and firearm rights restoration.

### **2.A – Brief Description Of What The Measure Does That Has Fiscal Impact**

The Law & Justice committee amendment makes the following changes:

- Prohibits courts from restoring firearm rights to individuals with out-of-state convictions for an offense that would disqualify them from purchasing/possessing a firearm in the state they were convicted in
- Requires that prosecutors receive written verification from WSP that all civil/criminal records relevant to firearm rights restoration have been checked as part of the petitioning process
- Provides that courts must restore firearm rights if the petitioner meets the requirements
- Removes the requirement that courts forward notification of firearm rights restoration to the NICS system index

Previous substitute bill version made the following changes:

- Includes new intent language related to barriers for individuals who have safely reintegrated
- Makes changes to the unlawful possession of a firearm
- Changes eligibility requirements for firearm restoration rights
- Changes the process for petitioning
  - Requires a notice of firearm rights restoration to be sent to WSP rather than DOL

### **2.B - Cash receipts Impact**

This bill includes new felonies in the list of offenses that would cause an individual to be guilty of unlawful possession of a firearm. As these offenses, such as stalking, cyberstalking, and DUI related felonies, would exclude a person from gun ownership there is an indeterminate amount of decreased revenue in both Semi-Automatic Rifle (SAR) and Concealed Pistol License (CPL) accounts.

### **2.C – Expenditures**

This bill will not have an impact on expenditures by the department as it does not change daily agency operations. This responsibility does not currently reside with DOLs operations but was rather assigned to DOL in the original bill version, and then transferred to WSP in the substitute bill version.

## **Part 3 – Expenditure Detail**

None.

## **Part 4 – Capital Budget Impact**

None.

## **Part 5 – New Rule Making Required**

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost 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: Joe McKittrick	Phone: 3607867287	Date: 03/29/2023
Agency Preparation: Nicole Trexler	Phone: (360) 725-8428	Date: 04/04/2023
Agency Approval: Ronell Witt	Phone: (360) 489-4417	Date: 04/04/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/06/2023

## 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.*

Current Bill:

No new language has been added that has fiscal impact to Department of Corrections (DOC).

Substitute Bill:

Section 3 amends RCW 9.41.040 to state that if a person is guilty of a crime of unlawful possession of a firearm in the first degree, if the person owns, accesses, has in their custody, control, or possession, receives any firearm after having previously been convicted or found not guilty by reason of insanity. It removes the language stating attempt to receive or purchase a firearm from this bill.

Original Bill:

This bill is related to reducing the risks of lethality and other harm associated with gun, gender-based, and other types of violence by clarifying and updating the laws associated with the unlawful possession of firearms and restoration of firearm rights.

Section 2 adds language that includes “serious offense” as a felony charge under RCW 46.61.502(6) or 46.61.504(6) which includes driving while under the influence and physical control of a vehicle with under the influence felony charges. Additionally, it defines “sex offense” as the same meaning in RCW 9.94A.030 and “conviction” or “convicted” as if a plea of guilty has been accepted or a verdict of guilty has been filed or a finding of guilt has been entered.

Section 3 amends RCW 9.41.040 to state that is a person is guilty of a crime of unlawful possession of a firearm in the first degree, if the person owns, accesses, has in their custody, control, or possession, receives, purchases, or attempts to received or purchase any firearm after having previously been convicted or found not guilty by reason of insanity.

Effective date is assumed to be 90 days after adjournment of session in which this bill is passed.

### 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.*

### 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.*

The fiscal impact of this bill is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY). This bill expands the definitions of existing class B and C felonies and adds to the offenses that would prohibit individuals from owning, or having possession of, a firearm.

The Caseload Forecast Council (CFC) has no information concerning how many more incidents of the expanded felonies offenses may occur. However, as a Class C felony offense ranked at Seriousness Level 3 on the Adult Felony Sentencing Grid, Unlawful Possession of a Firearm in the Second Degree (UPF2) is punishable by a standard range term of confinement of between 1-3 months in jail and 51-68 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual’s prior history. The Class B felony offense of Unlawful

Possession of a Firearm in the First Degree (UPF1) is ranked at Seriousness Level 7 on the Adult Felony Sentencing Grid and is punishable by a standard range term of confinement of between 15-20 months and 87-116 months in prison. Therefore, increased incidence of these offenses would likely impact both jail beds and prison beds.

Assumptions:

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. We assume Direct Variable Cost (DVC) of \$6,980 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.
3. We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

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

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

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

**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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 1562 S HB AMS LAW S2324.5	<b>Title:</b> Violence
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

**Legislation Impacts:**

- Cities:** Approximately \$221,430 for law enforcement training on modified criminal offenses; indeterminate expenditure impact on law enforcement agencies as a result of processing requests for information related to petitions for restoration of firearm rights; indeterminate increased law enforcement costs as a result of processing additional incidents of class B and C felony offenses; indeterminate expenditure increase as a result of increased demand for jail beds
- Counties:** Approximately \$67,200 to provide training to law enforcement officers on modified criminal offenses; indeterminate expenditure impact on local law enforcement agencies as a result of processing requests for information related to petitions for restoration of firearm rights; indeterminate expenditure impact on law enforcement, prosecutors, and public defenders as a result of processing additional incidents of class B and C felony offenses; indeterminate expenditure increase as a result of increased demand for jail, juvenile detention beds; indeterminate expenditure impact as a result in change in prosecutor time required for petitions to restore firearm rights
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

**Part II: Estimates**

- No fiscal impacts.
- Expenditures represent one-time costs:** Approximately \$288,630 to provide training to local law enforcement officers on modified criminal offenses
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Number of incidents of expanded class B and C felony offenses that may occur; number of future petitions for restoration of firearm rights that may occur, and prosecutor and law enforcement staff time required for such petitions

**Estimated revenue impacts to:**

None

**Estimated expenditure impacts to:**

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	221,430		221,430		
County	67,200		67,200		
<b>TOTAL \$</b>	288,630		288,630		
<b>GRAND TOTAL \$</b>					<b>288,630</b>

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

### **Part III: Preparation and Approval**

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 04/05/2023
Leg. Committee Contact: Joe McKittrick	Phone: 3607867287	Date: 03/29/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 04/05/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/06/2023

## **Part IV: Analysis**

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

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

This fiscal note analyzes the impact of SHB 1562 AMS LAW S2324.5, comparing it to the impact of SHB 1562.

#### **CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The amendment would add a provision to section 4 specifying that in order to be eligible to petition for the restoration of firearms rights, in addition to meeting other criteria, a person would be required to have no out-of-state convictions for offenses that would disqualify them from purchasing or possessing firearms in the state of conviction. The amendment would also require that, when processing petitions for firearm rights restoration, prosecutors must verify to the court that they have reviewed “written verification from the Washington State Patrol that Washington State Patrol has conducted a records check of all civil and criminal records relevant to the prohibitors in RCW 9.41.040.”

These changes would not change the local government expenditure and revenue impacts below.

#### **SUMMARY OF CURRENT BILL:**

The proposed legislation concerns the possession of firearms and the restoration of firearm rights.

Section 2 would amend RCW 9.41.010, adding to the existing definition of a firearm, adding felony driving under the influence and felony actual physical control of a vehicle while under the influence to the list of serious offenses for the purposes of chapter 9.41 RCW, and adding definitions for conviction or convicted, domestic violence, and sex offense.

Section 3 would amend RCW 9.41.040, expanding the definitions of unlawful possession of a firearm in the first and second degrees to include additional prohibited actions. The amendments in this section would also expand the list of people subject to the firearm-related prohibitions included under unlawful possession of a firearm in the second degree to include people who were convicted of or found not guilty by reason of insanity of certain misdemeanor and gross misdemeanor offenses, or violations of certain kinds of court orders.

Finally, the amendments in section 3 would remove language describing the process for petitioning for a restoration of firearm rights, and specify that a person may make such a petition as provided in section 4 of the bill.

Section 4 would add a new section to chapter 9.41 RCW, specifying the process by which a person may petition to have their firearm rights restored. People with convictions for any felonies, or certain specified gross misdemeanors and misdemeanors would only be eligible to make such a petition after five years spent in the community without being convicted or found not guilty by reason of insanity of a criminal offense. People with convictions for all other gross misdemeanors or misdemeanors would be eligible after three such years spent in the community.

The current requirements for petitioning for restoration of firearm rights are five years spent in the community without being convicted or found not guilty by reason of insanity of a criminal offense for people with prior felony convictions, and three such years for people with non-felony prior convictions.

People with “prior felony convictions that would count as part of an offender score under RCW 9.94A.525,” or with an “out-of-state conviction for an offense which would disqualify the person from purchasing or possessing a firearm in the state of conviction,” would not be eligible to petition for firearm rights restoration under this section.

This section would require that people petitioning for restoration of their firearm rights serve prosecutors, who would be required to “take reasonable steps to notify the listed victim of a prohibiting crime and any person who previously obtained a full protection order or no-contact order against the person petitioning for restoration of firearm rights, if those persons have requested notification, of the process for providing a sworn written statement” with information relevant to the petition.

Finally, prosecutors would be required to verify that they have “reviewed the relevant records, including written verification from Washington State Patrol that Washington State Patrol has conducted a records check of all civil and criminal records relevant to the prohibitors in RCW 9.41.040 and, based on that information, whether there is sufficient evidence to determine that the person petitioning for restoration of firearm rights meets all the requirements set forth in this section.”

Courts would be able to set a hearing on the petition if they determine additional information is necessary to determine whether the petitioner meets the requirements of section 4 for restoring firearm rights.

Section 5 would amend RCW 9.41.047, specifying that people who have been found not guilty by reason of insanity of a criminal offense, meet certain other conditions and have been prohibited from possessing a firearm may petition for restoration of their firearm rights one year after being discharged from involuntary commitment.

## **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 proposed legislation would have both determinate and indeterminate impacts on local government expenditures.

According to WASPC, all local law enforcement officers would need to go through training regarding the modifications this bill would make to existing criminal offenses. WASPC estimates that approximately 30 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$221,430 for cities and \$67,200 for counties, for a total one-time cost to local governments of \$288,630.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff’s departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.5 hours X \$66 = \$221,430

Counties:

2,240 officers X 0.5 hours X \$60 = \$67,200

Total:

\$221,430 + \$67,200 = \$288,630

Training materials and time required may differ among different departments, however.

WASPC also indicates that while section 4 of the proposed legislation does not require prosecutors to request information from law enforcement agencies, prosecutors may still choose to request relevant information in some cases. Since it is unknown how many such requests law enforcement agencies may receive, however, the magnitude of any resulting expenditure impact is indeterminate.

According to the Washington State Caseload Forecast Council’s (CFC) fiscal note on this bill, expanding the definition of the existing offense of unlawful possession of a firearm in the second degree could impact demand for jail beds. As a class C felony ranked at seriousness level III, unlawful possession of a firearm in the second degree is punishable by a term of confinement of between one to three months in jail and 51-68 months in prison, depending on a person’s criminal history.

It is unknown how many additional incidents of the expanded class C felony offense may occur, however, so the expenditure impact on local governments resulting from an increase in demand for jail beds is indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, expanding the definition of the existing class B felony offense of unlawful possession of a firearm in the first degree, ranked at category B on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and 52-62 weeks in juvenile rehabilitation, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many juvenile incidents of the expanded class B felony offense of unlawful possession of a firearm in the first degree may occur as a result of this bill's provisions, so the magnitude of any resulting increase in county juvenile detention expenditures is indeterminate.

In addition to bed impacts, expanding the definitions of unlawful possession of a firearm in the first and second degree could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of these offenses. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a class B or C felony weapon law violation are approximately \$7,952.

However, given that it is unknown how many additional incidents of the expanded offenses may occur, the magnitude of the expenditure impacts on local governments from processing additional incidents of these offenses is indeterminate.

Finally, prosecutors may be required to spend additional time on petitions for restoration of firearm rights as a result of the specific requirements of section 4 of the proposed legislation. It is unknown how much additional prosecutor time these requirements could demand, however, and this could vary between cases based on the details of a particular petition. It is also unknown how many future petitions for restoration of firearm rights may be filed, and whether the increase in the length of time certain people must be in the community without any convictions for criminal offenses may drive down this number compared with filings in past years. Accordingly, the magnitude of any local government expenditure impacts that may result from additional prosecutor time required for processing petitions to restore firearm rights is 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 proposed legislation would have no impact on local government revenues.

#### **SOURCES:**

Crime in Washington Report, 2021

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council