

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5307 ESSB AMH PS H4991.2	Title: Total Confinement Alternative	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

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 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.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would expand the eligibility for offenders who are convicted of nonviolent offenses and offenders who are assessed at a low risk to reoffend for participation in a family sentencing alternative program.

The bill would also expand the types of parental relationships that would qualify for an offender's participation in a family sentencing program.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

The bill would amend RCW 9.94A.655 to expand eligibility to participate in a parenting program as an alternative to incarceration to include sex offenders and violent offenders assessed at low to moderate risk to reoffend and offenders who have a deportation detainer.

The bill would expand the definition of parental relationships for participation to include a biological or adoptive parent, expectant parent, legal guardian, custodian, stepparent, or person acknowledged as a parent figure.

The bill would bar involvement with a child welfare agency as a basis for denial of participation in a parenting alternative program.

This bill differs from ESSB 5307:

- Would modify the eligibility criteria for the court-based parenting sentencing alternative (PSA) by: restoring the current prohibition against allowing any offender with a current or prior sex offense conviction to participate in the program; and narrowing the expanded eligibility of violent offenders in the underlying bill by excluding any offender with a present conviction of a class A felony that is a violent offense;
- Would modify the eligibility criteria for the community parenting alternative partial confinement program (CPA) by: restoring the current prohibition against allowing any offender with a current sex offense conviction to participate in the program; and narrowing the expanded eligibility of violent offenders in the underlying bill by excluding any offender with a present conviction of a class A felony that is a violent offense;
- Would modify qualifying relationships for the PSA and CPA by: removing a non-parental custodian and a person acknowledged as a parent figure as qualifying relationships from the underlying bill; removing changes to certain eligibility criteria for biological and adoptive parents requiring legal or physical custody of the minor child to be had at the time of the offense; limiting eligibility of a stepparent for either program to only when he or she had a proven, established, and ongoing and substantial relationship with the minor at the time of the offense, unless he or she qualifies based on other status; and modifying the eligibility of an expectant parent by allowing participation in either program so long as he or she is pregnant or a biological parent awaiting the birth of his or her child or an adoptive parent in the process of a final adoption;
- Would move the definition of "minor child" to the sections pertaining to the PSA and CPA;
- Would modify the eligibility criteria for the PSA and CPA with respect to immigration status by requiring an offender to be a lawful resident of the United States and not be subject to a deportation detainer or order (rather than requiring an offender to not be subject to a deportation detainer or order and not become subject to a deportation order during the period of his or her sentence as provided in current law);
- Would modify provisions in the underlying bill by specifying that the existence of pending dependency proceedings does not, in and of itself, disqualify an offender from applying to or participating in the PSA (rather than specifying that the existence of an open child welfare case does not disqualify an offender);
- Would remove language from the underlying bill specifying that an open child welfare case or prior involvement with a child welfare agency may be supportive of an offender's application for the PSA; and
- Would remove language from the underlying bill specifying that legal termination of a child-parent relationship does not preclude an application for the CPA.

These changes do not change the fiscal impact.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Court education would be required. Certain sentencing and related forms would require revision. This would be managed within existing resources.