

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 2314 HB	<b>Title:</b> Drug Offender Sentencing Alternatives	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*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.

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## **Part II: Narrative Explanation**

This bill would create new drug offender sentencing alternatives (DOSA) for offenders convicted of a felony Driving Under the Influence (DUI). The bill would allow for residential and prison based alternatives similar to standard DOSA sentences.

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

Section 1(1) – Would provide that an offender is eligible for the special drug offense sentencing alternative for driving under the influence if the offender:

- (a) Does not have a prior conviction;
- (b) Is convicted of felony driving under the influence of intoxicating liquor, marijuana, or any other drug under RCW 46.61.502(6)(a); or
- (c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6)(a).

Section 1(2) – Would provide that a motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentencing range is 26 months or less. Would provide that if an offender has a higher midpoint, a motion for a special drug offender sentencing alternative can only be made by a joint agreement of the state and offender.

Section 1(3) – Would provide that if a sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, a court shall waive imposition of a sentence within the standard sentencing range and:

- (a) Impose a sentence consisting of a prison-based alternative under RCW 9.94A.662 if the low end of the standard sentencing range is greater than 24 months; or
- (b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section.

Section 1(4)(a) – Would provide that to assist a court in making its determination, a court may order either a risk assessment report or a substance use disorder screening report.

Section 1(4)(b) – Would provide that if a court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the Department of Health.

Section 1(5) – Would provide that an offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

- (a) If necessary, an indeterminate term of confinement of no more than 30 days;
- (b) Treatment in a residential substance use disorder treatment program certified by the Department of Health for a period set by the court up to six months;
- (c) 24 months of partial confinement to consist of 12 months' work release followed by 12 months of home detention with electronic monitoring; and
- (d) 12 months of community custody.

Section 1(6)(a) – Would provide that during any period of partial or community custody, a court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

Section 1(7) – Would provide that if a court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within 30 days. Upon receipt of the plan, a court shall schedule a progress hearing during the period of treatment and schedule a

treatment termination hearing for three months before the expiration of the term of community custody.

Section 1(8) – Would provide that a progress hearing or treatment termination hearing, a court may:

- (a) Authorize the termination of the offender's community custody status;
- (b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or
- (c) Impose a term of total confinement equal to one-half the midpoint of the standard sentencing range, followed by a term of community custody.

Section 1(9) – Would provide that a court may bring any offender sentenced under this section back into court at any time to evaluate the offender's progress or determine if any violations of the conditions of sentence have occurred. Would provide that a court may modify the conditions of partial confinement or community custody.

Section 2 – Would establish an effective date of January 1, 2021 for this bill.

## **II.B - Cash Receipt Impact**

None.

## **II.C – Expenditures**

Judicial education would be required. Revisions to existing forms and a new Judgment and Sentence form (for the new sentencing alternatives) would be required. These impacts would be managed within existing resources.