

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 2851 HB	<b>Title:</b> Conditionally Released SVPs	<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.

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 modify the procedures and considerations currently in place concerning treatment and placement of conditionally released sexually violent predators.

This bill would allow for the development of individualized treatment plans, and would allow the Department of Corrections to authorize the person to petition the court for conditional release.

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

Section 1(21) – Would define “fair share principles” and “fair share principles of release” to mean that each county has options for conditional release housing placements in a number equivalent to the number of residents from that county who are subject to total confinement pursuant to this chapter.

Section 2(4) – Would require that every person committed pursuant to this chapter has an individualized treatment discharge plan which addresses at the bare minimum the following;

- (a) A functional assessment of physical health, and the need for any health aid devices;
- (b) history of substance use and abuse;
- (c) history of risk and impulsive behaviors; and
- (d) A summary of the individual’s treatment needs, including community services and supports needed for safe living in the community and the providers of these services.

Section 3(1)(a) – Would allow those who have been found to no longer meet the criteria of a sexually violent predator the ability to petition court for an unconditional discharge.

Section 3(1)(b) – Would require the secretary to order a hearing when a person’s condition has so changed that a conditional release to a less restrictive alternative is in the best interest of the person and conditions can be met to adequately protect the community.

Section 3(2)(c)(i) Would allow for a person found at the for cause hearing to have either changed so they no longer meet the definition of sexually violent predator or the state fails to present prima facie evidence that the committed person continues to meet the definition of sexually violent predator, to ask the court to set a hearing on the issue of unconditional discharge. –

Section 3(2)(c)(ii) - Would allow for a person found at the for cause hearing to have either changed so a less restrictive alternative is in the best interest of the person or the state was unable to present prima facie evidence that no less restrictive alternative is in the best interest of the person, the ability to petition the court for hearing on the issue of conditional release.

Section 3(2)(c)(iii) – Would allow for the court to set a hearing on the issue of conditional release if at the for cause hearing there is evidence that probable cause exists to believe that release to a less restrictive alternative would be in the best interest of the person and conditions can be imposed to adequately protect the community.

Section 5(5)(a) – Would require when the court releases a person to less restrictive alternative placement the court considers the person’s less placement is in accordance with fair share principles; unless there are reasons why the department may not recommend that a person is released to his or her county of commitment, including the availability of individualized resource or support needs of the person. When the court authorizes conditional release based on the

department's proposal to a county other than the county of commitment, the court would enter specific findings regarding its decision and identify whether the release remains in line with fair share principles.

Section 5(6) – Would require that the department provide at minimum, the service needs identified in the person's discharge plan as outlined in RCW 41.09.080(4) and assignment of a community care coordinator, regular contact with court ordered treatment services, community escorts, a transition plan addressing access to continued services upon unconditional discharge, financial support for necessary housing and assistance in pursuing benefits, education and employment.

Section 6(2) – Would allow the Department of Corrections to issue an arrest warrant for up to seventy-two hours pending entry of a bench warrant by the court.

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

None

## **II.C – Expenditures**

Indeterminate but expected to be minimal. Superior courts could experience additional case filings and there would be a need for judicial officer education. These changes could be managed within existing resources.