

JUDICIAL IMPACT FISCAL NOTE

Bill Number: S-5291	Title: Creating Alternatives to Total Confinement	Agency: 055 – Administrative Office of the Courts (AOC)
-------------------------------	---	---

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
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:
Agency Preparation: Pamela Kelly	Phone: 360-705-5318	Date: 1/20/2020
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would expand eligibility for participation in the Family Offender Sentencing Alternative (FOSA) program by excluding prior juvenile adjudications when considering eligibility, expanding types of parental relationships to qualify for participation, defining the term expectant parent and amending the term “minor child” in statute.

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

Section 1(60) – Would define “expectant parent” to mean a pregnant or other parent waiting the birth of his or her child, or adoptive parent or person in the process of final adoption.

Section 2(1)(c) – Would expand eligibility to include offenders that have a prior or current conviction for a nonviolent offense, or a prior conviction for a violent offense and has not been determined to be a high risk to reoffend.

Section 2(1)(e) – This bill would expand eligible offender to include (i) A parent with physical custody of a minor child; (ii) an expectant parent; (iii) a legal guardian of minor child; or (iv) a biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense.

Section 2(2) – Would not consider juvenile offenses when considering eligibility for the parenting sentencing alternative.

Section 2(4)(a) – Would require if the court is considering Family Offender Sentencing Alternative and the offender has an open child welfare case or child abuse or neglect the Department of Children, Youth, and Families would be required to provide the most recent court order, if any or a report within seven business days of the request (i) legal status of the child welfare case or child abuse or neglect investigation; (ii) length of time there has been an open child welfare case.

Section 2(4)(b) – Would require the department report to the court if the offender has been convicted of a crime against a child.

Section 2(5) – Would add language that allows for those that have a prior substantiated referral of child abuse or neglect or open child welfare investigation to still be considered for the Family Offender Sentencing Alternative. The court would have to consider whether the child-parent relationship can be readily maintained during parental incarceration, and whether, due to the existence of the open child welfare case, parental incarceration exacerbates the likelihood of the termination of the child parent relationship.

Section 2(9)(b) – Would allow for a person sentenced under this section that has been brought back into court during community custody the right to counsel and the court would appoint counsel if the person proves to be indigent.

Section 3(1)(c) – Would consider an offender already incarcerated for the Family Offender Sentencing Alternative when certain conditions are met. This section would remove the requirement of having not been found to be a subject of deportation and adds the language stating the offender has a current conviction for a nonviolent offense or has a current conviction for a violent offense and has not been determined to be at a high risk to reoffend.

Section 3(1)(e) – Would change conditions (i) removing the requirement that the offender has physical or legal custody of a minor child; (ii) would remove the language that the offender has a proven, established, ongoing, and substantial relationship with this or minor child that existed prior to the commission of the current offense; (iii) and would change language stating that the offender is a legal guardian of child that was under the age of eighteen at the time of the current offense to a parent with guardianship or legal custody of a minor child; and would add (ii) the offender be an expectant parent; or (iii) the offender be a biological parent, adoptive parent, custodian, or stepparent with a proven established, ongoing, and substantial relationship with a minor child that existed at the time of the offense.

Section 3(2) – Would add prior juvenile adjudications are not considered offenses when considering eligibility for the parenting program developed by the department.

II.B - Cash Receipt Impact

None

II.C – Expenditures

Indeterminate but expected to be minimal. This bill would impact some pattern forms, and court judiciary will need to learn the new requirements. These impacts would be managed within existing resources.