

Judicial Impact Fiscal Note

Bill Number: 1125 2S HB	Title: Sentence modification	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

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

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.

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OFM Review:	Phone:	Date:

204,917.00

Request # 273-1

Form FN (Rev 1/00)

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Bill # 1125 2S HB

Part II: Narrative Explanation

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

The second substitute removes Section 4 that directed the Office of Public Defenders (OPD), within available resources, to provide representation for persons who are eligible to file a petition pursuant to section of the bill.

The second substitute would not make any changes affecting the fiscal impact to the Administrative Office of the Courts or the courts.

II. B - Cash Receipts Impact

none

II. C - Expenditures

SUPERIOR COURT FISCAL IMPACT:

The costs to courts are indeterminate, in part because the caseload for those eligible to petition for resentencing includes an unknown population of incarcerated individuals with terminal illness or other debilitating medical conditions, and in part because this population is not finite. Individuals entering DOC jurisdiction in the future, who eventually meet the eligibility requirements, would be able to petition for resentencing.

However, cost impacts to courts for those individuals currently incarcerated and meet the case type, age, and length-served eligibility requirements, is included in this analysis. Caseload estimates for this population was obtained from the Department of Corrections (DOC). Eligibility to petition for resentencing, excepting the conditions described above, is phased-in over seven fiscal years.

Estimated local superior court costs by fiscal year for the original petitions (as qualified above) are summarized below. The calculations include the following assumptions:

- Contested hearing rate: 90%
- Average contested hearing length of 120 minutes
- Average agreed hearing length of 30 minutes
- Denial rate of 75%
- Refiling rate of 75%

The majority of these resentences are assumed to be contested, especially in the first half of the phase-in, given the serious nature of the offense committed by the eligible petitioner; most are for person-based crimes. For example, in the first year of implementation just over half , 54.7%, of the eligible population is incarcerated for murder or manslaughter committed when under age 18. In the second year of implementation, for a population that includes offenses committed when an adult, just over 70% of the eligible population is for murder or manslaughter.

Similarly, because of the nature of the most serious offense in these resentencings, a 75% denial rate is anticipated. New resentencing petitions may be filed upon a change of circumstances three years after the denial date. It is anticipated that a relatively high number of individuals (75%) who will be denied resentencing will choose to file a new petition or “refile” in three years. During the phase-in period refiles are anticipated starting in FY30.

Estimated Resentencing Costs incurred by fiscal year are:

FY26: \$0
FY27: \$166,549
FY28: \$313,270
FY29: \$297,408
FY30: \$577,352
FY31: \$565,712
FY32: \$767,850
FY33: \$889,744

The costs for this proposed legislation will be ongoing. Beginning in 2033, excluding those individuals serving any sentence as a Persistent Offender or for Aggravated Murder, and individuals who are serving a sentence for Murder I but have served less than 20

years, all incarcerated individuals will be eligible to petition for resentencing who:

- a. Committed offense at 17 or younger and have served 7 years; or
- b. Committed offense as adults and have served 10 years.
- c. Have a terminal illness or other debilitating condition.

These future costs are unknown.

Part III: Expenditure Detail

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

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

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

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

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

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

III. D - FTE Detail

NONE

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

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