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## Appropriations Committee

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### ESSB 5588

**Brief Description:** Developing information concerning racial disproportionality.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hasegawa, Saldaña, Chase, Darneille, Schoesler, McCoy, Hobbs, Pedersen, Keiser, Hunt, Rolfes, Kuderer, Conway and Frockt).

#### Brief Summary of Engrossed Substitute Bill

- Requires the Caseload Forecast Council (CFC) to prepare a general disproportionality report on the adult criminal justice system prior to each legislative session.
- Requires the CFC to establish a procedure to provide Racial and Ethnic Impact Statements with fiscal notes on legislative bills that modify adult felony sentencing.
- Directs the Joint Legislative Audit and Review Committee to evaluate the act and submit a report to the Legislature by December 1, 2020.

**Hearing Date:** 2/24/18

**Staff:** Rachelle Harris (786-7137).

#### **Background:**

##### Caseload Forecast Council.

The Caseload Forecast Council (CFC) is a state agency tasked with providing official state forecasts for various programs. The CFC consists of two members appointed by the governor and four members appointed by the legislative caucuses. The CFC's forecasts include the number of people expected to meet entitlement requirements for public assistance programs, state correctional institutions, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, adoption support, and others. The CFC also provides forecasts for other non-entitlement programs such as the College Bound Scholarship program and the Early Childhood Education and Assistance Program, and others.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Caseload forecasts are prepared at least three times per year, and they are used to facilitate development of budget proposals by the Governor and the Legislature.

#### Fiscal Notes.

The Office of Financial Management (OFM) coordinates the development of fiscal estimates for bills and resolutions that affect state government revenues and expenditures. Upon direction from the OFM, state agencies affected by a bill estimate the bill's impacts on state revenues and expenditures. For legislation that affects any unit of local government, the Department of Commerce produces a local government fiscal note, which is also subject to coordination by the OFM. The fiscal notes are then provided to the Legislature to assist in decision making and budget development.

#### Racial and Ethnic Impact Statements.

Racial and Ethnic Impact Statements (REISs) are sometimes used by policymakers to assess potential disproportional racial and ethnic impacts when considering legislation or other proposals. They may include statistical analyses of impact of proposed legislation and other information. In the 2016 Supplemental Operating Budget, the Legislature directed the CFC to report to the Governor and the Legislature by December 31, 2016, on recommendations for procedures and tools for providing cost-effective REISs for forecasts produced by the CFC in the areas of criminal justice, human services, and education. The CFC reviewed four states that have implemented REISs into their legislative process and proposals in several other states. Based on their findings, the CFC recommended an incremental approach to the production of REISs, starting with a criminal justice pilot project before expanding REISs to other program areas.

#### **Summary of Bill:**

The CFC is required to prepare a general disproportionality report on the adult criminal justice system prior to each legislative session. The report must contain the following information:

- percentages of the total number of adult felony sentences in each crime category, distributed by race and ethnicity;
- percentages of adult felony sentences reduced to misdemeanors in each crime category, distributed by race and ethnicity;
- percentages of Washington's general adult at-risk population between the ages of 18 and 54, distributed by race and ethnicity;
- a complete list of felony offenses in each crime forecasting category; and
- a discussion of the limitations of any data presented.

The CFC must establish a procedure for providing REISs on legislative bills and resolutions that modify adult felony sentencing. The REISs must be included on the fiscal note on any bill or resolution that modifies adult felony sentencing. The CFC may request data and data processing assistance from the Administrative Office of the Courts, the Department of Corrections, and other agencies as needed. A lack of available REIS or any error in accuracy therein does not affect the validity of any measure passed by the Legislature, nor does it prevent either chamber from acting on a bill.

The CFC is considered a criminal justice agency for purposes of criminal records privacy.

The Joint Legislative Audit and Review Committee is required to evaluate the implementation of the act and submit a report to the Legislature by December 1, 2020.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.