

FINAL BILL REPORT

SHB 1137

PARTIAL VETO

C 311 L 91

Brief Description: Clarifying "criminal justice purposes" for local government criminal justice assistance.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Wang, Prince, Scott, Wilson, Zellinsky, Riley, Morris, Rayburn, Dorn, Wood, Paris, Orr, Ferguson, Winsley, Bray, Ludwig, Chandler, Inslee, Ogden, Ballard, Forner, Rasmussen, Roland, R. Johnson, Vance, Sheldon, Appelwick, Spanel, Leonard, Broback, D. Sommers, Hine, Kremen, Hargrove, Jones, May, Edmondson, Brough, Holland, Betrozoff, Wynne, Nealey, Miller, Bowman and Moyer; by request of Task Force on City/County Finances).

House Committee on Local Government
Senate Committee on Law & Justice

Background: During the 1990 2nd Extraordinary Session, the Legislature made available \$99.4 million to counties and cities to support local criminal justice systems. To ensure the funding was spent where intended, the Legislature restricted the expenditure of new funds to "criminal justice purposes" and specified that new funds could not be used to supplant existing local criminal justice monies. Local governments reacted to the legislative requirements with questions to the state auditor regarding (1) what local governments should use as a benchmark for existing levels of criminal justice expenditures, and (2) what services are included in the definition of "criminal justice purposes."

Based on a memorandum from the attorney general, the state auditor issued an interpretation for local governments to follow. The state auditor identified a government's legally adopted budget for criminal justice services, including any amendments as of July 1, 1990, as the basis for determining existing criminal justice expenditures. The auditor defined "criminal justice purposes" as activities relating to the enforcement and administration of the criminal law including dealings with persons suspected of, accused of, charged with, or convicted of crimes.

The definition of criminal justice purposes did not include costs associated with civil matters. If local government accounting systems did not separate criminal costs from

civil costs, the unit had to develop and implement a rational method of allocating such costs. Further, circumstances exist where criminal and civil justice activities are intertwined (ie. court clerks, bailiffs, prosecutors, and computer support). Many small jurisdictions do not have the computing or accounting systems to distinguish these costs.

Under certain circumstances, local governments may retain as abandoned property funds such as property tax overpayments or refunds. Currently, the abandoned property statute does not allow local governments to retain uncashed checks.

Summary: Local governments are directed to use calendar year 1989 actual operating expenditures for criminal justice purposes as the basis for estimating existing expenditure levels. Local governments are to exclude certain expenditures from the estimation of their criminal justice operating expenses. Excluded from these expenses are expenditures due to extraordinary events, contract changes or nonrecurring capital expenditures. To reduce the administrative burden on local governments and still retain the definition of criminal justice purposes, certain civil justice costs are authorized.

Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Certain activities that support both the criminal and civil justice systems (ie. county clerks, bailiffs, computer support, and RCW's) are eligible for funding, but only in circumstances where the criminal justice system is the clearly demonstrated expenditure priority.

An additional one-tenth of 1 percent local sales and use tax option is authorized for counties with a population of 150,000 or more located east of the Cascade mountains. At the present time, Yakima County would gain the option of levying this tax subject to voter approval. Funds generated by the increased taxing authority shall be used solely to support local criminal justice purposes.

Any city with a population exceeding 400,000, currently Seattle, must have an agreement with the Office of the Administrator of the Courts to utilize the District and Municipal Court Information System (DISCUS). If no agreement exists by January 1, 1992, Seattle shall not receive any further distributions from the Municipal Criminal Justice Assistance Account until such an agreement is in place. City municipal court system integration with DISCUS must be operational and in use no later than January

1, 1994. The implementation date is contingent upon funds being made available by the Legislature.

Uncashed checks are included in the abandoned property statute and are authorized to be held locally. After such abandoned property is held for more than five years, the proceeds may be deposited in the local jurisdiction's General Expense Fund.

Votes on Final Passage:

House	93	0	
Senate	49	0	(Senate amended)
House	89	8	(House concurred)

Effective: May 20, 1991

Partial Veto Summary: The governor vetoed Section 3 which required, in part, the city of Seattle to integrate its Municipal Court Information System with the State Administrator for the Court's District and Municipal Court Information System (DISCUS). The governor noted his objection to language authorizing the withholding of state criminal justice funds if Seattle failed to enter into such an agreement. The veto also eliminated language dealing with the definition of criminal justice purposes and the benchmark for determining existing local criminal justice funding levels.