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**SUBSTITUTE SENATE BILL 5695**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Barr, Anderson, McMullen, Matson and Johnson).

Read first time March 5, 1991.

1       AN ACT Relating to prosecuting attorneys; amending RCW 36.17.020;  
2 and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       NEW SECTION.   **Sec. 1.**   The legislature recognizes that the  
5 incidence of crime is increasing in Washington state and finds that (1)  
6 an adequate salary for the prosecuting attorney is indispensable to  
7 attracting and retaining qualified attorneys in public service, (2)  
8 this is in the state interest given the nature of the duties required  
9 of the prosecutor in RCW 36.27.020, and (3) state legislation and  
10 fiscal assistance is needed to obtain this result in light of: (a)  
11 Unprecedented resignations from the office to seek judicial office or  
12 other employment; (b) a dearth of qualified candidates seeking offices  
13 held by incumbents; and (c) recent actions of the Washington citizens'  
14 commission on salaries for elected officials that have resulted in

1 district court judges receiving salaries significantly higher than  
2 full-time prosecutors.

3 **Sec. 2.** RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 are each amended  
4 to read as follows:

5 (1) (~~The salaries of the following county officers of class A~~  
6 ~~counties and counties of the first, second, third, fourth, fifth,~~  
7 ~~sixth, seventh, eighth and ninth classes, as determined by the last~~  
8 ~~preceding federal census, or as may be determined under the provisions~~  
9 ~~of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum~~  
10 ~~respectively as follows:~~

11 ~~Class A counties: Auditor, sixteen thousand dollars; clerk,~~  
12 ~~sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff,~~  
13 ~~seventeen thousand seven hundred dollars; assessor, sixteen thousand~~  
14 ~~dollars; prosecuting attorney, twenty two thousand five hundred~~  
15 ~~dollars; members of board of county commissioners, seventeen thousand~~  
16 ~~seven hundred dollars; coroner, fifteen thousand dollars;~~

17 ~~Counties of the first class: Auditor, fourteen thousand five~~  
18 ~~hundred dollars; clerk, fourteen thousand five hundred dollars;~~  
19 ~~treasurer, fourteen thousand five hundred dollars; sheriff, sixteen~~  
20 ~~thousand dollars; assessor, fourteen thousand five hundred dollars;~~  
21 ~~prosecuting attorney, twenty two thousand five hundred dollars; members~~  
22 ~~of board of county commissioners, sixteen thousand dollars; coroner,~~  
23 ~~eight thousand dollars;~~

24 ~~Counties of the second class: Auditor, thirteen thousand five~~  
25 ~~hundred dollars; clerk, thirteen thousand five hundred dollars;~~  
26 ~~treasurer, thirteen thousand five hundred dollars; sheriff, thirteen~~  
27 ~~thousand five hundred fifty dollars; assessor, thirteen thousand five~~  
28 ~~hundred dollars; prosecuting attorney, twenty one thousand five hundred~~

1 dollars; members of board of county commissioners, thirteen thousand  
2 five hundred dollars; coroner, five thousand dollars;

3 Counties of the third class: Auditor, twelve thousand five hundred  
4 dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve  
5 thousand five hundred dollars; assessor, twelve thousand five hundred  
6 dollars; sheriff, twelve thousand five hundred dollars; prosecuting  
7 attorney, twenty one thousand five hundred dollars; members of the  
8 board of county commissioners, twelve thousand five hundred dollars;  
9 coroner, three thousand six hundred dollars;

10 Counties of the fourth class: Auditor, eleven thousand dollars;  
11 clerk, eleven thousand dollars; treasurer, eleven thousand dollars;  
12 assessor, eleven thousand dollars; sheriff, eleven thousand dollars;  
13 prosecuting attorney, in such a county in which there is no state  
14 university, thirteen thousand dollars; prosecuting attorney, in such a  
15 county in which there is a state university or college, fifteen  
16 thousand dollars; members of the board of county commissioners, ten  
17 thousand dollars;

18 Counties of the fifth class: Auditor, nine thousand one hundred  
19 fifty dollars; clerk, nine thousand one hundred fifty dollars;  
20 treasurer, nine thousand one hundred fifty dollars; sheriff, ten  
21 thousand two hundred dollars; assessor, nine thousand one hundred fifty  
22 dollars; prosecuting attorney, twelve thousand dollars; members of the  
23 board of county commissioners, eight thousand five hundred dollars;

24 Counties of the sixth class: Auditor, nine thousand one hundred  
25 fifty dollars; clerk, nine thousand one hundred fifty dollars;  
26 treasurer, nine thousand one hundred fifty dollars; assessor, nine  
27 thousand one hundred fifty dollars; sheriff, ten thousand two hundred  
28 dollars; prosecuting attorney, nine thousand dollars; members of the  
29 board of county commissioners, six thousand four hundred dollars;

1        ~~Counties of the seventh class: Auditor, eight thousand three~~  
2 ~~hundred dollars; clerk, eight thousand three hundred dollars;~~  
3 ~~treasurer, eight thousand three hundred dollars; assessor, eight~~  
4 ~~thousand three hundred dollars; sheriff, nine thousand five hundred~~  
5 ~~dollars; prosecuting attorney, nine thousand dollars; members of the~~  
6 ~~board of county commissioners, five thousand nine hundred fifty~~  
7 ~~dollars;~~

8        ~~Counties of the eighth class: Auditor, eight thousand three~~  
9 ~~hundred dollars; clerk, eight thousand three hundred dollars;~~  
10 ~~treasurer, eight thousand three hundred dollars; assessor, eight~~  
11 ~~thousand three hundred dollars; sheriff, nine thousand five hundred~~  
12 ~~dollars; prosecuting attorney, nine thousand dollars; members of board~~  
13 ~~of county commissioners, five thousand nine hundred fifty dollars;~~

14        ~~Counties of the ninth class: Auditor clerk, seven thousand four~~  
15 ~~hundred fifty dollars; sheriff, eight thousand five hundred dollars;~~  
16 ~~treasurer assessor, seven thousand four hundred fifty dollars;~~  
17 ~~prosecuting attorney, nine thousand dollars; members of the board of~~  
18 ~~county commissioners, five thousand five hundred dollars.~~

19        ~~(2) The salaries of the following county officers in counties with~~  
20 ~~a population over five hundred thousand shall be per annum respectively~~  
21 ~~as follows: Auditor, clerk, treasurer, sheriff, members of board of~~  
22 ~~county commissioners, coroners, eighteen thousand dollars; assessor,~~  
23 ~~nineteen thousand dollars; and prosecuting attorney, twenty seven~~  
24 ~~thousand five hundred dollars.~~

25        ~~Beginning January 1, 1974:))~~

26        ~~The salaries of the following county officers of class AA and~~  
27 ~~counties and counties of the first, second, third, fourth, fifth,~~  
28 ~~sixth, seventh, eighth and ninth classes, as determined by the last~~  
29 ~~preceding federal census, or as may be determined under the provisions~~

1 of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum  
2 respectively as follows:

3 Class AA counties: Prosecuting attorney, (~~((thirty thousand three~~  
4 ~~hundred dollars))~~) not less than the amount specified in subsection (2)  
5 of this section;

6 Class A counties: Auditor, seventeen thousand six hundred dollars;  
7 clerk, seventeen thousand six hundred dollars; treasurer, seventeen  
8 thousand six hundred dollars; sheriff, nineteen thousand five hundred  
9 dollars; assessor, seventeen thousand six hundred dollars; prosecuting  
10 attorney, (~~((twenty four thousand eight hundred dollars))~~) not less than  
11 the amount specified in subsection (2) of this section; members of  
12 board of county commissioners, nineteen thousand five hundred dollars;  
13 coroner, sixteen thousand five hundred dollars;

14 Counties of the first class: Auditor, sixteen thousand dollars;  
15 clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars;  
16 sheriff, seventeen thousand six hundred dollars; assessor, sixteen  
17 thousand dollars; prosecuting attorney, (~~((twenty four thousand eight~~  
18 ~~hundred dollars))~~) not less than the amount specified in subsection (2)  
19 of this section; members of board of county commissioners, seventeen  
20 thousand six hundred dollars; coroner, eight thousand eight hundred  
21 dollars;

22 Counties of the second class: Auditor, fourteen thousand nine  
23 hundred dollars; clerk, fourteen thousand nine hundred dollars;  
24 treasurer, fourteen thousand nine hundred dollars; assessor, fourteen  
25 thousand nine hundred dollars; sheriff, fourteen thousand nine hundred  
26 dollars; prosecuting attorney, (~~((twenty three thousand seven hundred~~  
27 ~~dollars))~~) not less than the amount specified in subsection (2) of this  
28 section; members of the board of county commissioners, fourteen  
29 thousand nine hundred dollars; coroner, five thousand five hundred  
30 dollars;

1 Counties of the third class: Auditor, thirteen thousand eight  
2 hundred dollars; clerk, thirteen thousand eight hundred dollars;  
3 treasurer, thirteen thousand eight hundred dollars; assessor, thirteen  
4 thousand eight hundred dollars; sheriff, thirteen thousand eight  
5 hundred dollars; prosecuting attorney, (~~twenty-three thousand seven~~  
6 ~~hundred dollars~~) not less than the amount specified in subsection (2)  
7 of this section; members of the board of county commissioners, thirteen  
8 thousand eight hundred dollars; coroner, four thousand dollars;

9 Counties of the fourth class: Auditor, twelve thousand one hundred  
10 dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve  
11 thousand one hundred dollars; sheriff, twelve thousand one hundred  
12 dollars; assessor, twelve thousand one hundred dollars; prosecuting  
13 attorney (~~in such a county in which there is no state university or~~  
14 ~~college, fourteen thousand three hundred dollars; in such a county in~~  
15 ~~which there is a state university or college, sixteen thousand five~~  
16 ~~hundred dollars~~), not less than the amount specified in subsection (2)  
17 of this section; members of the board of county commissioners, eleven  
18 thousand dollars;

19 Counties of the fifth class: Auditor, ten thousand one hundred  
20 dollars; clerk, ten thousand one hundred dollars; treasurer, ten  
21 thousand one hundred dollars; assessor, ten thousand one hundred  
22 dollars; sheriff, eleven thousand two hundred dollars; prosecuting  
23 attorney, (~~thirteen thousand two hundred dollars~~) not less than the  
24 amount specified in subsection (2) of this section; members of the  
25 board of county commissioners, nine thousand four hundred dollars;

26 Counties of the sixth class: Auditor, ten thousand one hundred  
27 dollars; clerk, ten thousand one hundred dollars; treasurer, ten  
28 thousand one hundred dollars; assessor, ten thousand one hundred  
29 dollars; sheriff, eleven thousand two hundred dollars; prosecuting  
30 attorney, (~~nine thousand nine hundred dollars~~) not less than the

1 amount specified in subsection (2) of this section; members of the  
2 board of county commissioners, seven thousand dollars;

3 Counties of the seventh class: Auditor, nine thousand one hundred  
4 dollars; clerk, nine thousand one hundred dollars; treasurer, nine  
5 thousand one hundred dollars; assessor, nine thousand one hundred  
6 dollars; sheriff, ten thousand five hundred dollars; prosecuting  
7 attorney, (~~nine thousand nine hundred dollars~~) not less than the  
8 amount specified in subsection (2) of this section; members of board of  
9 county commissioners, six thousand five hundred dollars;

10 Counties of the eighth class: Auditor, nine thousand one hundred  
11 dollars; clerk, nine thousand one hundred dollars; treasurer, nine  
12 thousand one hundred dollars; sheriff, ten thousand five hundred  
13 dollars; assessor, nine thousand one hundred dollars; prosecuting  
14 attorney, (~~nine thousand nine hundred dollars~~) not less than the  
15 amount specified in subsection (2) of this section; members of the  
16 board of county commissioners, six thousand five hundred dollars;

17 Counties of the ninth class: Auditor-clerk, eight thousand two  
18 hundred dollars; treasurer-assessor, eight thousand two hundred  
19 dollars; sheriff, nine thousand four hundred dollars; prosecuting  
20 attorney, (~~nine thousand nine hundred dollars~~) not less than the  
21 amount specified in subsection (2) of this section; members of the  
22 board of county commissioners, six thousand one hundred dollars.

23 The county legislative authority of such county is authorized to  
24 increase or decrease the salary of such office but may not decrease the  
25 salary of the prosecuting attorney below the amount specified in  
26 subsection (2) of this section: PROVIDED, That the legislative  
27 authority of the county shall not reduce the salary of any official  
28 below the amount which such official was receiving on January 1, 1973.

29 (2) The salary of the prosecuting attorney in all counties shall be  
30 no less than the amount prescribed for superior court judges in RCW

1 43.03.012. The salary of a part-time prosecuting attorney shall be no  
2 less than such percentage of the salary for a full-time judge of the  
3 superior court that the prosecuting attorney certifies, at the end of  
4 each month, is the same as the percentage of hours he or she has worked  
5 as the prosecuting attorney compared to the hours that would be worked  
6 for that month by a full-time prosecuting attorney, based on a forty-  
7 hour work week.

8 One-half of the salary of each prosecuting attorney shall be paid  
9 by the state. During the biennium ending June 30, 1993, the state  
10 shall reimburse each county for all of the additional salary  
11 obligations and other costs incurred in the implementation of this  
12 subsection (2) above the amounts each county was responsible for prior  
13 to the effective date of this act.

14 NEW SECTION. Sec. 3. The Washington association of prosecuting  
15 attorneys shall report to the Washington state legislature by December  
16 1, 1994, as to the changes achieved by the signing into law of this act  
17 as measured by the decrease in voluntary departure from office of  
18 prosecuting attorneys and the increase in the number of attorneys  
19 seeking election to the office of prosecuting attorney.