

HOUSE BILL REPORT

HB 1826

As Reported By House Committee On:
Local Government

Title: An act relating to criminal justice.

Brief Description: Providing for criminal justice.

Sponsors: Representatives H. Myers, Jones, R. Meyers, King, Morris, Bray, G. Fisher, Appelwick, Horn, Basich and J. Kohl.

Brief History:

Reported by House Committee on:
Local Government, March 2, 1993, DPS.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: Legislation was enacted in 1990, funding criminal justice activities of counties, cities, and towns and creating the Task Force on City and County Finances.

State motor vehicle excise tax receipts are distributed to counties, cities, and towns for criminal justice purposes under several distribution formulas. Counties receive 5.9686 percent of the state motor vehicle excise tax receipts for distribution under this program. Cities and towns receive 2.3874 percent of the state motor vehicle excise tax receipts for distribution under this program. Distributions under these programs cease on January 1, 1994.

Distributions to counties are made under a single formula based upon population, crime rate, and the annual number of criminal cases filed in superior court.

Two separate distributions are made to cities and towns. Half of the total amount is distributed to cities and towns on the basis of population without consideration of crime

rates. The other half of the total moneys is distributed to cities and towns with high crime rates primarily on a per capita basis under two separate formulas, one for cities and towns with extremely high crime rates and the other for cities and towns with high crime rates.

As determined by various population and geographic factors, a few counties were authorized to impose a 0.1 percent sales and use tax for criminal justice purposes, if a ballot proposition authorizing the tax was approved by county voters. Distributions of these tax receipts are made to the county and to cities and towns within the county to be used for criminal justice purposes. The authority to impose this additional tax ceases on January 1, 1994.

The Task Force on City and County Finances was established consisting of 12 members, five of whom were members of the Senate, five of whom were members of the House of Representatives, and two of whom were nonvoting members appointed by the governor. The task force was to examine and make recommendations to the Legislature on the need for additional fiscal assistance to counties, cities, and towns and the adequacy of county, city, and town revenues. The task force has presented its recommendations to the Legislature.

Summary of Substitute Bill: The recommendations of the Task Force on City and County Finances are partially implemented.

1. Criminal Justice Moneys

The program for distributing state motor vehicle excise tax receipts to counties, and the two programs for distributing state motor vehicle excise tax receipts to cities and towns for criminal justice purposes are continued by deleting the January 1, 1994, termination dates.

However, after January 1, 1994, a county, city, or town may not receive distributions under these programs unless:

- o A local law and justice council has been established in the county;
- o The county, city, or town has timely reported its latest annual financial report to the state auditor;
- o If the county or city operates a jail, it has timely reported certain information to the Office of Financial Management for the preceding year; and
- o A city or town reports its B&O and utility tax rates and tax receipts by April 30 of each year.

The information that each jail is required to file with the Office of Financial Management annually is expanded to include information on whether the crime for which each felon was incarcerated was violent or nonviolent, the prosecutor's work load, whether indigent defense was involved, the extent to which diversion in lieu of serving time in jail was used, and the extent to which the felon was held in custody before conviction.

The ability of counties to impose the additional 0.1 percent sales and use tax for criminal justice purposes is continued and altered by deleting the January 1, 1994, termination date and permitting any county to impose the tax. The requirement that voters must approve a ballot proposition authorizing this tax to be imposed is retained.

The state motor vehicle excise tax moneys that are distributed for criminal justice purposes, and the additional sales and use taxes that are imposed for criminal justice purposes, may be expended for domestic violence services.

The emergency or extraordinary criminal justice event account is established and 1 percent of the state motor vehicle excise tax receipts that were to be distributed to counties, cities, and towns for criminal justice purposes is transferred into that account. A county with a population of less than 70,000, and a city or town with a population of less than 1,500, are eligible for distributions under this account for emergency or extraordinary criminal justice events that cause the county, city, or town disproportionate difficulty in providing adequate law enforcement, mitigating court congestion, or relieving jail overcrowding. For a city or town to be eligible for a distribution, it must demonstrate that it has taken reasonable efforts to cooperate and coordinate resources with the county sheriff and other cities and towns.

The juvenile early intervention account is established and 2 percent of the state motor vehicle excise tax receipts that were to be distributed to counties, cities, and towns is transferred into this account. Moneys in this account are distributed to counties, cities, and towns for innovative juvenile early intervention programs.

2. Municipal courts

Every full-time municipal court judge shall be elected at municipal general elections to four year terms of office.

The minimum salary of a full-time municipal court judge is 50 percent of the salary of a superior court judge. A part-

time municipal court judge receives a pro rata amount of this salary.

3. Local ordinances

The punishment for any county, city, or town criminal ordinance shall be the same as the punishment provided in state law for the same crime. A county, city, or town may not provide for a civil violation of an act that is a state crime.

Substitute Bill Compared to Original Bill: Language was deleted precluding cities and towns from creating new municipal courts. Language was added about minimum salaries for municipal court judges. Full-time municipal court judges must be elected. Local ordinances may not provide for crimes with different punishment than state laws. Cities and towns must report B&O tax and utility tax rates and receipts as a condition of receiving Motor Vehicle Excise Tax (MVET) distributions after January 1, 1994.

Fiscal Note: Requested March 2, 1993.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This extends all of the distributions. Counties and cities really need this money for criminal justice purposes. Many innovative crime prevention programs have been established with this money.

Testimony Against: None.

Witnesses: (pro): Donald Eide, Aukeen District Court; Judge Kip Stilz, District and Municipal Court Judges Association; Mayor Karen Vialle, city of Tacoma; Sheriff Jim Scharf, Snohomish County; Police Chief Stann Suss, city of Mount Vernon; Sheriff Bill Norton, San Juan County; Robert Drewel, Snohomish County Executive; Gary Lowe, Washington State Association of Counties; Rodney Herling, Washington Association for Juvenile Court Administrators; Dick Zais, city of Yakima; and Chuck Mize, city of Bellevue.