

SENATE BILL REPORT

2E2SSB 5521

AS PASSED SENATE, MAY 5, 1993

Brief Description: Concerning criminal justice programs.

SPONSORS: Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Staff: Eugene Green (786-7405)

Hearing Dates: February 4, 1993; February 26, 1993

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5521 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Jesernig, Moyer, Pelz, Quigley, Snyder, West, and Williams.

Staff: Cindi Holmstrom (786-7715)

Hearing Dates: March 4, 1993; April 7, 1993

BACKGROUND:

In 1990, the Legislature passed the Local Criminal Justice Fiscal Assistance Act. The act was passed in response to concerns expressed by counties and cities as to the adequacy of their resources to provide for a variety of efficient criminal justice activities. A one-time general fund distribution was given to counties based on each county's size, crime rate and criminal case filings. A one-time general fund distribution was also given to cities: one-half based on crime rates; one-half based on population. For the period July 1, 1990 to January 1, 1994, the act distributes 5.9686 percent of the state Motor Vehicle Excise Tax (MVET) to counties based on population, crime rate, and number of criminal cases filed in the county superior court. For the 1991-1993 biennium, the county distribution is estimated at \$58.3 million. For the period July 1, 1990 to January 1, 1994, the act provides for two distributions of the state MVET to cities. The first distribution is 1.1937 percent of the

MVET based on crime rates in excess of 125 percent of the statewide average. The second city distribution is also 1.1937 percent of the state MVET based on population. For the 1991-1993 biennium, the city distributions are estimated at \$23.3 million. All three of these distributions must be used exclusively for criminal justice programs.

Seven counties are authorized to impose a temporary one-tenth of 1 percent sales tax. King, Snohomish, Spokane, Thurston and Yakima counties have imposed this tax. The revenues from this tax are distributed to the county and the cities within the county essentially ratably based on population. This tax must be approved by the voters and its authorization expires on January 1, 1994. This tax must be used exclusively for criminal justice programs.

A county legislative authority may establish a local law and justice council, whose membership is determined, in part, by statute. The local law and justice council must develop a local law and justice plan for the county. The general intent of the plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan must also include a section on jail management.

The state must reimburse criminal defendants, through the sundry claims procedure, for legal costs and lost wages when the defendant is acquitted on the basis of self defense.

SUMMARY:

Sixty million dollars will be distributed for local criminal justice purposes from motor vehicle excise tax revenue beginning on January 1, 1994. Of this amount, \$42.9 million will be distributed to counties and \$17.1 million will be distributed to cities.

The distribution formulas for counties and high crime rate cities are based on the same formula as for the current MVET distributions.

The city distribution based on population is eliminated and a new city distribution is provided. The new city distribution is divided into the following allocations:

- 1) 20 percent based on violent crime rates;
- 2) 16 percent based on population;

The remaining city allocations are based on funding requests to the Department of Community Development (DCD). Criteria for distribution will be established by an advisory committee consisting of a representative from DCD, representatives from the Association of Washington Cities, and representatives from the Association of Washington Sheriffs and Police Chiefs. These allocations will be distributed for the following programs:

- 3) 14 percent to cities with innovative law enforcement strategies;
- 4) 20 percent to at risk children programs and for child abuse victim response programs;
- 5) 20 percent to reduce the level of domestic violence and for counseling for domestic violence victims; and
- 6) 10 percent to cities who contract with other governmental entities for law enforcement services.

Any undistributed funds are used to reimburse local law enforcement agencies with fewer than 10 employees for manpower replacement costs when their employees attend training at the Criminal Justice Training Commission.

Total MVET distributions are capped at \$60 million during the 1993-95 biennium for local criminal justice purposes. For the 1995-97 biennium, the distributions are allowed to grow at the same rate as the MVET revenue. After fiscal year 1998, the distributions will grow with the implicit price deflator.

The definition of criminal justice purposes is expanded to include domestic violence programs.

Authorization for the one-tenth of 1 percent sales tax for criminal justice programs is made permanent and is extended to all counties. The sales tax is non-voter approved, but is subject to referendum.

A local law and justice council is made mandatory in every county. The local law and justice plan for the county shall include maximization of personnel and facilities in order to accomplish local efficiencies.

The requirement that the state reimburse criminal defendants, through the sundry claims process, for legal costs and lost wages when the defendant is acquitted on the basis of self defense is eliminated.

Appropriation: \$60,000,000

Revenue: yes

Fiscal Note: available

Effective Date: The bill contains an emergency clause and takes effect July 1, 1993, except Section 4 takes effect immediately; Sections 1 through 3, 5, and 7 take effect January 1, 1994.

TESTIMONY FOR (Government Operations):

Counties and cities badly need a continuance of these funds. The money has made an impact and will continue to be well spent.

TESTIMONY AGAINST (Government Operations): None

TESTIFIED (Government Operations): PRO: Sheriff Montgomery, King Co.; Chief Hamilton, Chehalis; Jim Lynch, Mayor, Wenatchee; Al Ogden, Mayor, Cheney; Mike McCarty; Margaret Casey, WA Assn. of Juvenile Ct. Adm.; Jay Weber, Gary Lowe, WSAC; Siri Wood, WACO; Elaine Willman, Comm. Dev. Dir., City of Toppenish

TESTIMONY FOR (Ways & Means):

Continuation of funding for local criminal justice assistance is necessary to keep our commitment to public safety.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): Senator Valoria Loveland, sponsor; Norm Maleng, King County Prosecutor (pro); Jim Montgomery, King County Sheriff (pro); Jim Scharff, Snohomish County Sheriff (pro); Ron Sims, King County Council (pro)