

1 **SHB 1818** - H F AMD

2 By Representative Eric Robertson

3 Strike everything after the enacting clause and insert the  
4 following:

5 "Sec. I. RCW 43.43.670 and 1980 c 69 s 2 are each amended  
6 to read as follows:

7 There is created in the Washington state patrol a crime  
8 laboratory system which is authorized to:

9 (1) Provide laboratory services for the purpose of analyzing  
10 and scientifically handling any physical evidence relating to any  
11 crime.

12 (2) Provide training assistance for local law enforcement  
13 personnel.

14 The crime laboratory system shall assign priority to a  
15 request for services with due regard to whether the case involves  
16 criminal activity against persons. The Washington state  
17 ~~((advisory)) forensic investigations council ((on criminal  
18 justice services))~~ shall assist the crime laboratory system in  
19 devising policies to promote the most efficient use of laboratory  
20 resources consistent with this section. The forensic  
21 investigations council shall be actively involved in the  
22 preparation of the crime laboratory budget and shall approve the  
23 crime laboratory budget prior to its formal submission by the  
24 state patrol to the office of financial management pursuant to  
25 RCW 43.88.030.

26  
27 **Sec. II.** RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are  
28 each amended to read as follows:

29 The purposes of this act are declared by the legislature to  
30 be as follows:

1           (1) To preserve and enhance the state crime laboratory,  
2 which is an essential part of the criminal justice system in the  
3 state of Washington;

4           (2) To fund the death investigation system and to make  
5 related state and local institutions more efficient;

6           (~~(2)~~) (3) To preserve and enhance the state toxicology  
7 laboratory which is an essential part of the criminal justice and  
8 death investigation systems in the state of Washington;

9           (~~(3)~~) (4) To provide resources necessary for the  
10 performance, by qualified pathologists, of autopsies which are  
11 also essential to the criminal justice and death investigation  
12 systems of this state and its counties;

13           (~~(4)~~) (5) To improve the performance of death  
14 investigations and the criminal justice system through the formal  
15 training of county coroners and county medical examiners;

16           (~~(5)~~) (6) To establish and maintain a dental  
17 identification system; and

18           (~~(6)~~) (7) To provide flexibility so that any county may  
19 establish a county morgue when it serves the public interest.  
20

21           **Sec. III.** RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are  
22 each amended to read as follows:

23           As used in this chapter, the following terms have the  
24 meanings indicated unless the context clearly requires otherwise.

25           (1) "Council" means the Washington state (~~(death)~~) forensic  
26 investigations council.

27           (2) "Crime laboratory" means the Washington state patrol  
28 crime laboratory system created in RCW 43.43.670.

29           (3) "Toxicology laboratory" means the Washington state  
30 toxicology laboratory.

31  
32           **Sec. IV.** RCW 43.103.030 and 1991 c 176 s 2 are each amended  
33 to read as follows:

34           There is created the Washington state (~~(death)~~) forensic  
35 investigations council. The council shall oversee the state  
36 toxicology laboratory and, together with the president of the

1 University of Washington or the president's designee, control the  
2 laboratory's operation. The council may also study and recommend  
3 cost-efficient improvements to the death investigation system in  
4 Washington and report its findings to the legislature.

5 Further, the council shall, jointly with the chairperson of  
6 the pathology department of the University of Washington's School  
7 of Medicine, or the chairperson's designee, oversee the state  
8 forensic pathology fellowship program, determine the budget for  
9 the program and set the fellow's annual salary, and take those  
10 steps necessary to administer the program.

11 The forensic investigations council shall be actively  
12 involved in the preparation of the crime laboratory and  
13 toxicology laboratory budgets and shall approve the crime  
14 laboratory and toxicology laboratory budgets prior to their  
15 formal submission to the office of financial management pursuant  
16 to RCW 43.88.030.

17  
18 **Sec. V.** RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each  
19 amended to read as follows:

20 The council shall consist of ~~((nine))~~ ten members who shall  
21 be selected as follows: One county coroner; one county  
22 prosecutor; ~~((one county prosecutor who also serves as ex officio~~  
23 ~~county coroner;))~~ one county medical examiner; one county  
24 sheriff; one chief of police; ~~((one representative))~~ the chief of  
25 the state patrol; ~~((one))~~ two members of a county legislative  
26 authority; and ~~((one pathologist who is currently in private~~  
27 ~~practice))~~ two members of a city legislative authority.

28 ~~((All members shall be appointed to the council by the~~  
29 ~~governor.))~~ The governor shall appoint members to the council  
30 from among the nominees submitted for each position as follows:  
31 The Washington association of county officials shall submit two  
32 nominees each for the coroner position and the medical examiner  
33 position; the Washington state association of counties shall  
34 submit two nominees each for the two county legislative authority  
35 positions; the association of Washington cities shall submit two  
36 nominees each for the two city legislative authority positions;

1 the Washington association of prosecuting attorneys shall submit  
2 two nominees for the county prosecutor position; and the  
3 Washington association of sheriffs and police chiefs shall submit  
4 two nominees each for the county sheriff position and the chief  
5 of police position.

6  
7 **Sec. VI.** RCW 43.103.050 and 1983 1st ex.s. c 16 s 5 are  
8 each amended to read as follows:

9 All members of the council are appointed for terms of four  
10 years, commencing on July 1 and expiring on June 30. However, of  
11 the members appointed to the ~~((initial))~~ council, ~~((five))~~ four  
12 shall be appointed for two-year terms and ~~((four))~~ five shall be  
13 appointed for four-year terms. A person chosen to fill a vacancy  
14 created other than by the natural expiration of a member's term  
15 shall be nominated and appointed as provided in RCW 43.103.040  
16 for the unexpired term of the member he or she is to succeed.  
17 Any member may be reappointed for additional terms.

18  
19 **Sec. VII.** RCW 43.103.070 and 1983 1st ex.s. c 16 s 7 are  
20 each amended to read as follows:

21 The council shall elect a ~~((chairman))~~ chair and a vice  
22 ~~((chairman))~~ chair from among its members. ~~((Five))~~ The chair  
23 shall not vote except in case of a tie vote. Six members of the  
24 council shall constitute a quorum. The governor shall summon the  
25 council to its first meeting. Otherwise, meetings may be called  
26 by the ~~((chairman))~~ chair and shall be called by him or her upon  
27 the written request of five members of the council. Conference  
28 calls by telephone are a proper form of meeting.

29  
30 **Sec. VIII.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are  
31 each amended to read as follows:

32 The council ~~((has the following powers))~~ may:

33 (1) ~~((To))~~ Meet at such times and places as may be  
34 designated by a majority vote of the council members or, if a  
35 majority cannot agree, by the ~~((chairman))~~ chair;

1 (2) ~~((To))~~ Adopt rules governing the council and the conduct  
2 of its meetings;

3 (3) ~~((To))~~ Require reports from the state toxicologist on  
4 matters pertaining to the toxicology laboratory;

5 (4) ~~((To review and, if necessary, require changes in the~~  
6 ~~budget request of the toxicology laboratory))~~ Require reports  
7 from the chief of the Washington state patrol on matters  
8 pertaining to the crime laboratory;

9 (5) Be actively involved in the preparation of the crime  
10 laboratory and toxicology laboratory budgets and shall approve  
11 the crime laboratory and toxicology laboratory budgets prior to  
12 their formal submission to the office of financial management  
13 pursuant to RCW 43.88.030; and

14 ~~((5) To))~~ (6) Do anything, necessary or convenient, which  
15 enables the council to perform its duties and to exercise its  
16 powers.

17  
18 **Sec. IX.** RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each  
19 amended to read as follows:

20 There is established an account in the state treasury  
21 referred to as the "death investigations' account" which shall  
22 exist for the purpose of receiving, holding, investing, and  
23 disbursing funds appropriated or provided in RCW 70.58.107 and  
24 any moneys appropriated or otherwise provided thereafter.

25 Moneys in the death investigations' account shall be  
26 disbursed by the state treasurer once every year on December 31  
27 and at any other time determined by the treasurer. The treasurer  
28 shall make disbursements to: The state toxicology laboratory,  
29 counties for the cost of autopsies, the University of Washington  
30 to fund the state forensic pathology fellowship program, the  
31 state patrol for providing partial funding for the state dental  
32 identification system, the criminal justice training commission  
33 for training county coroners, medical examiners and their staff,  
34 and the state ~~((death))~~ forensic investigations council.

35 The University of Washington and the Washington state  
36 ~~((death))~~ forensic investigations council shall jointly determine

1 the yearly amount for the state forensic pathology fellowship  
2 program established by RCW 28B.20.426.

3  
4 **Sec. X.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to  
5 read as follows:

6 There shall be established ~~((at))~~ in conjunction with the  
7 University of Washington Medical School a state toxicological  
8 laboratory under the direction of the state toxicologist whose  
9 duty it will be to perform all necessary toxicologic procedures  
10 requested by all coroners, medical examiners, and prosecuting  
11 attorneys. Annually the president of the University of  
12 Washington, with the consent of the state ~~((death))~~ forensic  
13 investigations council, shall appoint a competent toxicologist as  
14 state toxicologist who shall serve a one year term. The state  
15 toxicologist may be reappointed to as many additional one year  
16 terms as the president of the university and the ~~((death))~~  
17 forensic investigations council deem proper. ~~((The facilities of~~  
18 ~~the police school of the Washington State University and the~~  
19 ~~services of its professional staff shall be made available to~~  
20 ~~coroners, medical examiners, and prosecuting attorneys in their~~  
21 ~~investigations under this chapter.))~~ This laboratory shall be  
22 funded by disbursement from the class H license fees as provided  
23 in RCW 66.08.180.

24  
25 **Sec. XI.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each  
26 amended to read as follows:

27 (1) The county criminal justice assistance account is  
28 created in the state treasury.

29 (2) The moneys deposited in the county criminal justice  
30 assistance account for distribution under this section, less any  
31 moneys appropriated for purposes under RCW 82.44.110, shall be  
32 distributed at such times as distributions are made under RCW  
33 82.44.150 and on the relative basis of each county's funding  
34 factor as determined under this subsection.

35 (a) A county's funding factor is the sum of:

1 (i) The population of the county, divided by one thousand,  
2 and multiplied by two-tenths;

3 (ii) The crime rate of the county, multiplied by three-  
4 tenths; and

5 (iii) The annual number of criminal cases filed in the  
6 county superior court, for each one thousand in population,  
7 multiplied by five-tenths.

8 (b) Under this section and RCW 82.14.320 and 82.14.330:

9 (i) The population of the county or city shall be as last  
10 determined by the office of financial management;

11 (ii) The crime rate of the county or city is the annual  
12 occurrence of specified criminal offenses, as calculated in the  
13 most recent annual report on crime in Washington state as  
14 published by the Washington association of sheriffs and police  
15 chiefs, for each one thousand in population;

16 (iii) The annual number of criminal cases filed in the  
17 county superior court shall be determined by the most recent  
18 annual report of the courts of Washington, as published by the  
19 office of the administrator for the courts.

20 (iv) Distributions and eligibility for distributions in the  
21 1989-91 biennium shall be based on 1988 figures for both the  
22 crime rate as described under (ii) of this subsection and the  
23 annual number of criminal cases that are filed as described under  
24 (iii) of this subsection. Future distributions shall be based on  
25 the most recent figures for both the crime rate as described  
26 under (ii) of this subsection and the annual number of criminal  
27 cases that are filed as described under (iii) of this subsection.

28 (3) Moneys distributed under this section shall be expended  
29 exclusively for criminal justice purposes and shall not be used  
30 to replace or supplant existing funding. Criminal justice  
31 purposes are defined as activities that substantially assist the  
32 criminal justice system, which may include circumstances where  
33 ancillary benefit to the civil justice system occurs, and which  
34 includes domestic violence services such as those provided by  
35 domestic violence programs, community advocates, and legal  
36 advocates, as defined in RCW 70.123.020. Existing funding for

1 purposes of this subsection is defined as calendar year 1989  
2 actual operating expenditures for criminal justice purposes.  
3 Calendar year 1989 actual operating expenditures for criminal  
4 justice purposes exclude the following: Expenditures for  
5 extraordinary events not likely to reoccur, changes in contract  
6 provisions for criminal justice services, beyond the control of  
7 the local jurisdiction receiving the services, and major  
8 nonrecurring capital expenditures.

9  
10 **Sec. XII.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each  
11 amended to read as follows:

12 (1) The municipal criminal justice assistance account is  
13 created in the state treasury.

14 (2) No city may receive a distribution under this section  
15 from the municipal criminal justice assistance account unless:

16 (a) The city has a crime rate in excess of one hundred  
17 twenty-five percent of the state-wide average as calculated in  
18 the most recent annual report on crime in Washington state as  
19 published by the Washington association of sheriffs and police  
20 chiefs;

21 (b) The city has levied the tax authorized in RCW  
22 82.14.030(2) at the maximum rate or the tax authorized in RCW  
23 82.46.010(3) at the maximum rate; and

24 (c) The city has a per capita yield from the tax imposed  
25 under RCW 82.14.030(1) at the maximum rate of less than one  
26 hundred fifty percent of the state-wide average per capita yield  
27 for all cities from such local sales and use tax.

28 (3) The moneys deposited in the municipal criminal justice  
29 assistance account for distribution under this section, less any  
30 moneys appropriated for purposes under RCW 82.44.110, shall be  
31 distributed at such times as distributions are made under RCW  
32 82.44.150. The distributions shall be made as follows:

33 (a) Unless reduced by this subsection, thirty percent of the  
34 moneys shall be distributed ratably based on population as last  
35 determined by the office of financial management to those cities  
36 eligible under subsection (2) of this section that have a crime



1 rate determined under subsection (2)(a) of this section which is  
2 greater than one hundred seventy-five percent of the state-wide  
3 average crime rate. No city may receive more than fifty percent  
4 of any moneys distributed under this subsection (a) but, if a  
5 city distribution is reduced as a result of exceeding the fifty  
6 percent limitation, the amount not distributed shall be  
7 distributed under (b) of this subsection.

8 (b) The remainder of the moneys, including any moneys not  
9 distributed in subsection (2)(a) of this section, shall be  
10 distributed to all cities eligible under subsection (2) of this  
11 section ratably based on population as last determined by the  
12 office of financial management.

13 (4) No city may receive more than thirty percent of all  
14 moneys distributed under subsection (3) of this section.

15 (5) Notwithstanding other provisions of this section, the  
16 distributions to any city that substantially decriminalizes or  
17 repeals its criminal code after July 1, 1990, and that does not  
18 reimburse the county for costs associated with criminal cases  
19 under RCW 3.50.800 or 3.50.805(2), shall be made to the county in  
20 which the city is located.

21 (6) Moneys distributed under this section shall be expended  
22 exclusively for criminal justice purposes and shall not be used  
23 to replace or supplant existing funding. Criminal justice  
24 purposes are defined as activities that substantially assist the  
25 criminal justice system, which may include circumstances where  
26 ancillary benefit to the civil justice system occurs, and which  
27 includes domestic violence services such as those provided by  
28 domestic violence programs, community advocates, and legal  
29 advocates, as defined in RCW 70.123.020. Existing funding for  
30 purposes of this subsection is defined as calendar year 1989  
31 actual operating expenditures for criminal justice purposes.  
32 Calendar year 1989 actual operating expenditures for criminal  
33 justice purposes exclude the following: Expenditures for  
34 extraordinary events not likely to reoccur, changes in contract  
35 provisions for criminal justice services, beyond the control of

1 the local jurisdiction receiving the services, and major  
2 nonrecurring capital expenditures.

3  
4 **Sec. XIII.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c  
5 492 s 253 are each reenacted and amended to read as follows:

6 The county auditor shall regularly, when remitting license  
7 fee receipts, pay over and account to the director of licensing  
8 for the excise taxes collected under the provisions of this  
9 chapter. The director shall forthwith transmit the excise taxes  
10 to the state treasurer.

11 (1) The state treasurer shall deposit the excise taxes  
12 collected under RCW 82.44.020(1) as follows:

13 (a) 1.60 percent into the motor vehicle fund to defray  
14 administrative and other expenses incurred by the department in  
15 the collection of the excise tax.

16 (b) 8.15 percent into the Puget Sound capital construction  
17 account in the motor vehicle fund.

18 (c) 4.07 percent into the Puget Sound ferry operations  
19 account in the motor vehicle fund.

20 (d) 5.88 percent into the general fund to be distributed  
21 under RCW 82.44.155.

22 (e) 4.75 percent into the municipal sales and use tax  
23 equalization account in the general fund created in RCW  
24 82.14.210.

25 (f) 1.60 percent into the county sales and use tax  
26 equalization account in the general fund created in RCW  
27 82.14.200.

28 (g) 62.6440 percent into the general fund through June 30,  
29 1995, and 57.6440 percent into the general fund beginning July 1,  
30 1995.

31 (h) 5 percent into the transportation fund created in RCW  
32 82.44.180 beginning July 1, 1995.

33 (i) 5.9686 percent into the county criminal justice  
34 assistance account created in RCW 82.14.310.

35 (j) 1.1937 percent into the municipal criminal justice  
36 assistance account for distribution under RCW 82.14.320.

1 (k) 1.1937 percent into the municipal criminal justice  
2 assistance account for distribution under RCW 82.14.330.

3 (l) 2.95 percent into the general fund to be distributed by  
4 the state treasurer to county health departments to be used  
5 exclusively for public health. The state treasurer shall  
6 distribute these funds proportionately among the counties based  
7 on population as determined by the most recent United States  
8 census.

9 Notwithstanding (i) through (k) of this subsection, no more  
10 than sixty million dollars shall be deposited into the accounts  
11 specified in (i) through (k) of this subsection for the period  
12 January 1, 1994, through June 30, 1995. Not more than five  
13 percent of the funds deposited to these accounts shall be  
14 available for appropriations for enhancements to the state patrol  
15 crime laboratory system and the continuing costs related to these  
16 enhancements. For the fiscal year ending June 30, 1998, and for  
17 each fiscal year thereafter, the amounts deposited into the  
18 accounts specified in (i) through (k) of this subsection shall  
19 not increase by more than the amounts deposited into those  
20 accounts in the previous fiscal year increased by the implicit  
21 price deflator for the previous fiscal year. Any revenues in  
22 excess of this amount shall be deposited into the general fund.

23 Motor vehicle excise tax funds shall not supplant existing  
24 funds from the state general fund.

25 (2) The state treasurer shall deposit the excise taxes  
26 collected under RCW 82.44.020(2) into the transportation fund.

1           (3) The state treasurer shall deposit the excise tax imposed  
2 by RCW 82.44.020(3) into the air pollution control account  
3 created by RCW 70.94.015."  
4

5           **EFFECT:** Revises forensic investigation administration. The  
6 Death Investigations Council is renamed the Investigating  
7 Council. It replaces the Advisory Council on Criminal Justice  
8 Services as the assisting entity of the Washington State Patrol  
9 crime laboratory. The crime laboratory is made its primary  
10 priority. It is given the authority to approve the crime  
11 laboratory budget and the state Toxicologist Laboratory budget  
12 before submission to the Office of Financial Management.  
13

--- END ---