
SUBSTITUTE SENATE BILL 5977

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Loveland, Haugen, Long, Smith and Winsley)

Read first time 03/01/95.

1 AN ACT Relating to forensic investigations; amending RCW 43.43.670,
2 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070,
3 43.103.090, 43.79.445, 68.50.107, 82.14.310, and 82.14.320; and
4 reenacting and amending RCW 82.44.110.

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

6 **Sec. 1.** RCW 43.43.670 and 1980 c 69 s 2 are each amended to read
7 as follows:

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

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

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

14 The crime laboratory system shall assign priority to a request for
15 services with due regard to whether the case involves criminal activity
16 against persons. The Washington state ((~~advisory~~)) forensic
17 investigations council ((~~on criminal justice services~~)) shall assist
18 the crime laboratory system in devising policies to promote the most
19 efficient use of laboratory resources consistent with this section.

1 The forensic investigations council shall be actively involved in the
2 preparation of the crime laboratory budget and shall approve the crime
3 laboratory budget prior to its formal submission by the state patrol to
4 the office of financial management pursuant to RCW 43.88.030.

5 **Sec. 2.** RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are each
6 amended to read as follows:

7 The purposes of this act are declared by the legislature to be as
8 follows:

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

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

14 ~~((+2))~~ (3) To preserve and enhance the state toxicology laboratory
15 which is an essential part of the criminal justice and death
16 investigation systems in the state of Washington;

17 ~~((+3))~~ (4) To provide resources necessary for the performance, by
18 qualified pathologists, of autopsies which are also essential to the
19 criminal justice and death investigation systems of this state and its
20 counties;

21 ~~((+4))~~ (5) To improve the performance of death investigations and
22 the criminal justice system through the formal training of county
23 coroners and county medical examiners;

24 ~~((+5))~~ (6) To establish and maintain a dental identification
25 system; and

26 ~~((+6))~~ (7) To provide flexibility so that any county may establish
27 a county morgue when it serves the public interest.

28 **Sec. 3.** RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are each
29 amended to read as follows:

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

32 (1) "Council" means the Washington state ~~((death))~~ forensic
33 investigations council.

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

36 (3) "Toxicology laboratory" means the Washington state toxicology
37 laboratory.

1 **Sec. 4.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read
2 as follows:

3 There is created the Washington state ~~((death))~~ forensic
4 investigations council. The council shall oversee the state toxicology
5 laboratory and, together with the president of the University of
6 Washington or the president's designee, control the laboratory's
7 operation. The council may also study and recommend cost-efficient
8 improvements to the death investigation system in Washington and report
9 its findings to the legislature.

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

16 The forensic investigations council shall be actively involved in
17 the preparation of the crime laboratory and toxicology laboratory
18 budgets and shall approve the crime laboratory and toxicology
19 laboratory budgets prior to their formal submission to the office of
20 financial management pursuant to RCW 43.88.030.

21 **Sec. 5.** RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each
22 amended to read as follows:

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

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

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

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

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

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

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

26 **Sec. 8.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each
27 amended to read as follows:

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

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

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

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

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

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

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

12 **Sec. 9.** RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each amended to
13 read as follows:

14 There is established an account in the state treasury referred to
15 as the "death investigations' account" which shall exist for the
16 purpose of receiving, holding, investing, and disbursing funds
17 appropriated or provided in RCW 70.58.107 and any moneys appropriated
18 or otherwise provided thereafter.

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

29 The University of Washington and the Washington state (~~death~~)
30 forensic investigations council shall jointly determine the yearly
31 amount for the state forensic pathology fellowship program established
32 by RCW 28B.20.426.

33 **Sec. 10.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read
34 as follows:

35 There shall be established (~~at~~) in conjunction with the
36 University of Washington Medical School a state toxicological
37 laboratory under the direction of the state toxicologist whose duty it

1 will be to perform all necessary toxicologic procedures requested by
2 all coroners, medical examiners, and prosecuting attorneys. Annually
3 the president of the University of Washington, with the consent of the
4 state (~~death~~) forensic investigations council, shall appoint a
5 competent toxicologist as state toxicologist who shall serve a one year
6 term. The state toxicologist may be reappointed to as many additional
7 one year terms as the president of the university and the (~~death~~)
8 forensic investigations council deem proper. (~~The facilities of the~~
9 ~~police school of the Washington State University and the services of~~
10 ~~its professional staff shall be made available to coroners, medical~~
11 ~~examiners, and prosecuting attorneys in their investigations under this~~
12 ~~chapter.~~) This laboratory shall be funded by disbursement from the
13 class H license fees as provided in RCW 66.08.180.

14 **Sec. 11.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to
15 read as follows:

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

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

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

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

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

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

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

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

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

1 (iii) The annual number of criminal cases filed in the county
2 superior court shall be determined by the most recent annual report of
3 the courts of Washington, as published by the office of the
4 administrator for the courts.

5 (iv) Distributions and eligibility for distributions in the 1989-91
6 biennium shall be based on 1988 figures for both the crime rate as
7 described under (ii) of this subsection and the annual number of
8 criminal cases that are filed as described under (iii) of this
9 subsection. Future distributions shall be based on the most recent
10 figures for both the crime rate as described under (ii) of this
11 subsection and the annual number of criminal cases that are filed as
12 described under (iii) of this subsection.

13 (3) Moneys distributed under this section shall be expended
14 exclusively for criminal justice purposes and shall not be used to
15 replace or supplant existing funding. Criminal justice purposes are
16 defined as activities that substantially assist the criminal justice
17 system, which may include circumstances where ancillary benefit to the
18 civil justice system occurs, and which includes domestic violence
19 services such as those provided by domestic violence programs,
20 community advocates, and legal advocates, as defined in RCW 70.123.020.
21 Existing funding for purposes of this subsection is defined as calendar
22 year 1989 actual operating expenditures for criminal justice purposes.
23 Calendar year 1989 actual operating expenditures for criminal justice
24 purposes exclude the following: Expenditures for extraordinary events
25 not likely to reoccur, changes in contract provisions for criminal
26 justice services, beyond the control of the local jurisdiction
27 receiving the services, and major nonrecurring capital expenditures.

28 **Sec. 12.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
29 read as follows:

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

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

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

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

4 (c) The city has a per capita yield from the tax imposed under RCW
5 82.14.030(1) at the maximum rate of less than one hundred fifty percent
6 of the state-wide average per capita yield for all cities from such
7 local sales and use tax.

8 (3) The moneys deposited in the municipal criminal justice
9 assistance account for distribution under this section, less any moneys
10 appropriated for purposes under RCW 82.44.110, shall be distributed at
11 such times as distributions are made under RCW 82.44.150. The
12 distributions shall be made as follows:

13 (a) Unless reduced by this subsection, thirty percent of the moneys
14 shall be distributed ratably based on population as last determined by
15 the office of financial management to those cities eligible under
16 subsection (2) of this section that have a crime rate determined under
17 subsection (2)(a) of this section which is greater than one hundred
18 seventy-five percent of the state-wide average crime rate. No city may
19 receive more than fifty percent of any moneys distributed under this
20 subsection (a) but, if a city distribution is reduced as a result of
21 exceeding the fifty percent limitation, the amount not distributed
22 shall be distributed under (b) of this subsection.

23 (b) The remainder of the moneys, including any moneys not
24 distributed in subsection (2)(a) of this section, shall be distributed
25 to all cities eligible under subsection (2) of this section ratably
26 based on population as last determined by the office of financial
27 management.

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

30 (5) Notwithstanding other provisions of this section, the
31 distributions to any city that substantially decriminalizes or repeals
32 its criminal code after July 1, 1990, and that does not reimburse the
33 county for costs associated with criminal cases under RCW 3.50.800 or
34 3.50.805(2), shall be made to the county in which the city is located.

35 (6) Moneys distributed under this section shall be expended
36 exclusively for criminal justice purposes and shall not be used to
37 replace or supplant existing funding. Criminal justice purposes are
38 defined as activities that substantially assist the criminal justice
39 system, which may include circumstances where ancillary benefit to the

1 civil justice system occurs, and which includes domestic violence
2 services such as those provided by domestic violence programs,
3 community advocates, and legal advocates, as defined in RCW 70.123.020.
4 Existing funding for purposes of this subsection is defined as calendar
5 year 1989 actual operating expenditures for criminal justice purposes.
6 Calendar year 1989 actual operating expenditures for criminal justice
7 purposes exclude the following: Expenditures for extraordinary events
8 not likely to reoccur, changes in contract provisions for criminal
9 justice services, beyond the control of the local jurisdiction
10 receiving the services, and major nonrecurring capital expenditures.

11 **Sec. 13.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s
12 253 are each reenacted and amended to read as follows:

13 The county auditor shall regularly, when remitting license fee
14 receipts, pay over and account to the director of licensing for the
15 excise taxes collected under the provisions of this chapter. The
16 director shall forthwith transmit the excise taxes to the state
17 treasurer.

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

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

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

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

27 (d) 5.88 percent into the general fund to be distributed under RCW
28 82.44.155.

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

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

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

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

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

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

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

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

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

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

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

27 (3) The state treasurer shall deposit the excise tax imposed by RCW
28 82.44.020(3) into the air pollution control account created by RCW
29 70.94.015.

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