

HOUSE BILL REPORT

HB 2929

As Reported By House Committee On:

Law & Justice

Appropriations

Title: An act relating to financial assistance to cities, towns, and counties for the investigation of extraordinary crimes.

Brief Description: Providing financial assistance to local governments for investigating extraordinary crimes.

Sponsors: Representatives Sterk, Sheahan, Costa, O'Brien, Conway and Gombosky.

Brief History:

Committee Activity:

Law & Justice: 2/4/98, 2/5/98 [DPS];

Appropriations: 2/9/98 [DP2S(w/o sub LJ)].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Trudes Hutcheson (786-7384).

Background: When a person is convicted of a crime, the court may impose a sentence consisting of a period of confinement or a monetary fine, or both. Under certain circumstances, a court may also impose other legal financial obligations, such as costs and restitution, as part of the sentence.

Under the Sentencing Reform Act, which applies only to felony convictions, the court may either designate the legal financial obligation on the judgment and sentence or on a subsequent order. If restitution is ordered, the court must determine the amount due at the sentencing hearing or within 180 days. The court may continue the restitution hearing beyond 180 days for good cause. The court must set an amount that the defendant is required to pay monthly to satisfy the obligation. The payments are made

to the county clerk who, after restitution is satisfied, distributes the payment proportionately among all other fines.

The Legislature established the Washington State Criminal Justice Training Commission for the purpose of providing programs and standards for the training of criminal justice personnel. The commission is authorized to accept, receive, disburse, and administer funds from any source for the purpose of carrying out the statutory provisions governing the commission. Services provided by the state through the commission are intended for the benefit of the state's criminal justice agencies.

The Washington Association of Sheriffs and Police Chiefs (WASPC) was established in 1963. By statute, the WASPC is considered a combination of units of local government. Among other things, the WASPC contracts with the state to provide certain services, such as data collection services and home electronic monitoring services.

Summary of Substitute Bill: The extraordinary criminal investigations assistance account is created in the state treasury and funded by fines collected from defendants convicted of felonies, misdemeanors, and gross misdemeanors. Money in the account may be spent only after appropriation.

A court must impose a \$20 fine from a convicted felon for each felony committed. A court must impose a \$10 fine from defendants convicted of gross misdemeanors and misdemeanors for each offense committed. The court must remit the money to the State Treasurer for deposit into the extraordinary criminal investigations assistance account. The fine cannot be waived or reduced.

Money from the account must be used to reimburse the extraordinary salary costs incurred by local law enforcement in the investigation of extraordinary crimes. Cities, towns, and counties may submit claims to the Criminal Justice Training Commission, but the claims must be limited to the costs of law enforcement officer salaries. The commission must forward all claims to the Washington Association of Sheriffs and Police Chiefs (WASPC). The WASPC reviews the claims and recommends to the commission how much, if any, should be paid on the claims.

The WASPC must hold a public meeting to establish procedures and criteria for paying claims. Procedures must include the time frame for evaluating claims, documentation required in a claim, and processing and prioritizing of claims when funds in the account are insufficient. The WASPC must also identify the types of extraordinary criminal investigations for which a claim may be made. The WASPC's criteria for reimbursement must take into consideration the nature of the crime, cost of investigation, size of the jurisdiction, and ability of the jurisdiction to pay.

The commission must disburse reimbursements in the amount recommended by the WASPC. The commission may withhold recommended reimbursements only if: (a)

there are insufficient funds in the account; (b) the commission believes the claim is fraudulent; or (c) the commission believes the claim was not reviewed according to the WASPC criteria.

Substitute Bill Compared to Original Bill: The substitute bill deletes the requirement that the court collect the fine for the account before imposing other fines. The substitute bill requires the courts to first satisfy victim restitution and then satisfy the fine for the account. The original bill had an effective date of January 1, 1999.

Appropriation: None.

Fiscal Note: Requested on January 29, 1998.

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

Testimony For: Investigating extraordinary crimes often depletes the funds of small law enforcement agencies. Whether an agency gets reimbursed would be determined by a committee of law enforcement officers' peers who are familiar with what it takes to investigate extraordinary crimes like serial killings.

Testimony Against: Any money collected from the defendant should go to the victim's restitution first. This helps law enforcement but does not benefit counties, cities, or courts that also have increased costs when extraordinary crimes are committed. The money should be shared across the board to all entities involved. The fund would be unreliable because money for it must come from fines imposed on convicted defendants.

Testified: Larry V. Erickson, Washington Association of Sheriffs and Police Chiefs (pro); Suzanne Brown, Washington Coalition of Crime Victim Advocates (concerns); Randal Fritzler, District and Muni Court Judges Association (concerns); Judge Gordon Godfrey, Superior Court Judges Association (concerns); and Michael Shaw, Association of Counties (concerns).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Law & Justice. Signed by 31 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser;

Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Law & Justice: The provisions of the bill as it passed Law & Justice were stricken. A new provision was added which would allow the Attorney General, subject to available funds, to reimburse local law enforcement agencies for the costs of investigating extraordinary crimes.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 10, 1998.

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

Testimony For: None.

Testimony Against: None.

Testified: None.