

SENATE BILL REPORT

SB 6067

As of March 24, 1997

Title: An act relating to restricting public reimbursement of criminal defendants.

Brief Description: Restricting public reimbursement of criminal defendants.

Sponsors: Senators West, McDonald and Oke.

Brief History:

Committee Activity: Ways & Means: 3/26/97.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Steve Jones (786-7440)

Background: Under a 1977 statute, the state reimburses persons who are acquitted of criminal charges if the acquittal is by reason of self-defense. The reimbursement includes legal fees, court costs, other expenses, and lost wages. The determination of self-defense is made in the same proceeding as the criminal trial, with a determination that the defendant's claim of self-defense was sustained by a preponderance of the evidence. Once a finding of self-defense is made, the judge determines the amount of the award and enters a judgment against the state. These judgments are paid by the state through the Sundry Claims process (whereby the Legislature appropriates the funds to the defendant).

Criminal charges are typically brought by county prosecuting attorneys by filing charges in superior or district court. Nonfelony charges can also be brought by city attorneys in municipal courts. A 1996 decision of the state Supreme Court held that municipal court defendants could apply for reimbursement through the Sundry Claims process, although municipal courts lack jurisdiction to enter enforceable judgements against the state.

In limited circumstances, criminal prosecutions can be brought by the Attorney General upon the request of the county prosecuting attorney, the Governor, or the committee overseeing the state's Organized Crime Intelligence Unit.

Since 1989, the Legislature has appropriated approximately \$1.5 million (general fund) for self-defense reimbursements through the Sundry Claims process.

Summary of Bill: In criminal cases prosecuted by the Attorney General, self-defense reimbursements are paid by the state through the Sundry Claims process. In prosecutions brought by county or municipal attorneys, reimbursement is paid the county or city, respectively, if authorized by county or city ordinance.

Appropriation: None.

Fiscal Note: Not requested.

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