
SUBSTITUTE HOUSE BILL 2929

State of Washington 55th Legislature 1998 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Sterk, Sheahan, Costa, O'Brien, Conway and Gombosky)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to financial assistance to cities, towns, and
2 counties for the investigation of extraordinary crimes; amending RCW
3 43.84.092 and 9.94A.386; reenacting and amending RCW 9.94A.145; adding
4 new sections to chapter 43.101 RCW; adding a new section to chapter
5 9.92 RCW; and adding a new section to chapter 3.62 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW
8 to read as follows:

9 The extraordinary criminal investigations assistance account is
10 created in the state treasury. Moneys in the account may be spent only
11 after appropriation. Expenditures from the account may be used only to
12 reimburse the extraordinary salary costs incurred by local law
13 enforcement in the investigations of extraordinary crimes and for the
14 administrative costs of processing claims.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
16 to read as follows:

17 Cities, towns, and counties may submit claims to the commission for
18 reimbursement from the extraordinary criminal investigations assistance

1 account. The claims shall be limited to the costs of law enforcement
2 officer salaries incurred in the investigation of a case. All claims
3 submitted to the commission shall be forwarded to the Washington
4 association of sheriffs and police chiefs. The association shall
5 review the claim using the procedures and criteria adopted under
6 section 3 of this act. The association shall make a recommendation to
7 the commission on how much, if any, should be paid on the claim.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW
9 to read as follows:

10 The Washington association of sheriffs and police chiefs shall, at
11 a public meeting, adopt procedures and criteria for reimbursement
12 awards under section 2 of this act. The procedures shall include, at
13 a minimum, how long claims are to take to be evaluated, documentation
14 required as part of the claim, and how claims are to be processed or
15 prioritized when claims exceed available revenue. The criteria shall
16 identify the types of extraordinary criminal investigations eligible
17 for reimbursement and shall also include, at a minimum, the following
18 factors: Nature of the crime; cost of the investigation; size of the
19 jurisdiction or jurisdictions; and ability of the jurisdiction or
20 jurisdictions to pay. Upon adoption, the procedures and criteria shall
21 be transmitted to the commission. The criteria and procedures, and any
22 amendments thereto, are public records within the meaning of chapter
23 42.17 RCW. A revision to the criteria or process must also be adopted
24 by the association in a public meeting and forwarded to the commission.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
26 to read as follows:

27 Subject to available moneys and to appropriation, the commission
28 may reimburse investigative costs from the extraordinary criminal
29 investigations assistance account. Reimbursements may be made only in
30 the amount recommended by the Washington association of sheriffs and
31 police chiefs. Reimbursement may not exceed the costs of law
32 enforcement salaries incurred in the investigation of the case.
33 Reimbursement may not be made for overhead equipment, officer training,
34 officer benefits, consultants, outside experts, or any expense other
35 than the salaries of the investigating officers. The commission may
36 withhold recommended reimbursements only if the account lacks
37 sufficient moneys, if the commission has cause to believe the claim or

1 claim amount is fraudulent, or if the commission believes the claim was
2 not reviewed in accordance with the published criteria and procedures.

3 **Sec. 5.** RCW 43.84.092 and 1997 c 218 s 5 are each amended to read
4 as follows:

5 (1) All earnings of investments of surplus balances in the state
6 treasury shall be deposited to the treasury income account, which
7 account is hereby established in the state treasury.

8 (2) The treasury income account shall be utilized to pay or receive
9 funds associated with federal programs as required by the federal cash
10 management improvement act of 1990. The treasury income account is
11 subject in all respects to chapter 43.88 RCW, but no appropriation is
12 required for refunds or allocations of interest earnings required by
13 the cash management improvement act. Refunds of interest to the
14 federal treasury required under the cash management improvement act
15 fall under RCW 43.88.180 and shall not require appropriation. The
16 office of financial management shall determine the amounts due to or
17 from the federal government pursuant to the cash management improvement
18 act. The office of financial management may direct transfers of funds
19 between accounts as deemed necessary to implement the provisions of the
20 cash management improvement act, and this subsection. Refunds or
21 allocations shall occur prior to the distributions of earnings set
22 forth in subsection (4) of this section.

23 (3) Except for the provisions of RCW 43.84.160, the treasury income
24 account may be utilized for the payment of purchased banking services
25 on behalf of treasury funds including, but not limited to, depository,
26 safekeeping, and disbursement functions for the state treasury and
27 affected state agencies. The treasury income account is subject in all
28 respects to chapter 43.88 RCW, but no appropriation is required for
29 payments to financial institutions. Payments shall occur prior to
30 distribution of earnings set forth in subsection (4) of this section.

31 (4) Monthly, the state treasurer shall distribute the earnings
32 credited to the treasury income account. The state treasurer shall
33 credit the general fund with all the earnings credited to the treasury
34 income account except:

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and fund's
37 average daily balance for the period: The capitol building
38 construction account, the Cedar River channel construction and

1 operation account, the Central Washington University capital projects
2 account, the charitable, educational, penal and reformatory
3 institutions account, the common school construction fund, the county
4 criminal justice assistance account, the county sales and use tax
5 equalization account, the data processing building construction
6 account, the deferred compensation administrative account, the deferred
7 compensation principal account, the department of retirement systems
8 expense account, the drinking water assistance account, the Eastern
9 Washington University capital projects account, the education
10 construction fund, the emergency reserve fund, the extraordinary
11 criminal investigations assistance fund, the federal forest revolving
12 account, the health services account, the public health services
13 account, the health system capacity account, the personal health
14 services account, the highway infrastructure account, the industrial
15 insurance premium refund account, the judges' retirement account, the
16 judicial retirement administrative account, the judicial retirement
17 principal account, the local leasehold excise tax account, the local
18 real estate excise tax account, the local sales and use tax account,
19 the medical aid account, the mobile home park relocation fund, the
20 municipal criminal justice assistance account, the municipal sales and
21 use tax equalization account, the natural resources deposit account,
22 the perpetual surveillance and maintenance account, the public
23 employees' retirement system plan I account, the public employees'
24 retirement system plan II account, the Puyallup tribal settlement
25 account, the resource management cost account, the site closure
26 account, the special wildlife account, the state employees' insurance
27 account, the state employees' insurance reserve account, the state
28 investment board expense account, the state investment board commingled
29 trust fund accounts, the supplemental pension account, the teachers'
30 retirement system plan I account, the teachers' retirement system plan
31 II account, the transportation infrastructure account, the tuition
32 recovery trust fund, the University of Washington bond retirement fund,
33 the University of Washington building account, the volunteer fire
34 fighters' relief and pension principal account, the volunteer fire
35 fighters' relief and pension administrative account, the Washington
36 judicial retirement system account, the Washington law enforcement
37 officers' and fire fighters' system plan I retirement account, the
38 Washington law enforcement officers' and fire fighters' system plan II
39 retirement account, the Washington state patrol retirement account, the

1 Washington State University building account, the Washington State
2 University bond retirement fund, the water pollution control revolving
3 fund, and the Western Washington University capital projects account.
4 Earnings derived from investing balances of the agricultural permanent
5 fund, the normal school permanent fund, the permanent common school
6 fund, the scientific permanent fund, and the state university permanent
7 fund shall be allocated to their respective beneficiary accounts. All
8 earnings to be distributed under this subsection (4)(a) shall first be
9 reduced by the allocation to the state treasurer's service fund
10 pursuant to RCW 43.08.190.

11 (b) The following accounts and funds shall receive eighty percent
12 of their proportionate share of earnings based upon each account's or
13 fund's average daily balance for the period: The aeronautics account,
14 the aircraft search and rescue account, the central Puget Sound public
15 transportation account, the city hardship assistance account, the
16 county arterial preservation account, the department of licensing
17 services account, the economic development account, the essential rail
18 assistance account, the essential rail banking account, the ferry bond
19 retirement fund, the gasohol exemption holding account, the grade
20 crossing protective fund, the high capacity transportation account, the
21 highway bond retirement fund, the highway construction stabilization
22 account, the highway safety account, the marine operating fund, the
23 motor vehicle fund, the motorcycle safety education account, the
24 pilotage account, the public transportation systems account, the Puget
25 Sound capital construction account, the Puget Sound ferry operations
26 account, the recreational vehicle account, the rural arterial trust
27 account, the safety and education account, the small city account, the
28 special category C account, the state patrol highway account, the
29 transfer relief account, the transportation capital facilities account,
30 the transportation equipment fund, the transportation fund, the
31 transportation improvement account, the transportation revolving loan
32 account, and the urban arterial trust account.

33 (5) In conformance with Article II, section 37 of the state
34 Constitution, no treasury accounts or funds shall be allocated earnings
35 without the specific affirmative directive of this section.

36 **Sec. 6.** RCW 9.94A.386 and 1984 c 209 s 23 are each amended to read
37 as follows:

1 On all sentences under this chapter the court shall impose a
2 twenty-dollar fine for each felony committed. Revenue from this fine
3 shall be forwarded to the state treasurer for deposit in the
4 extraordinary criminal investigations assistance account. This fine
5 shall not be waived or reduced under any circumstances. The court may
6 impose additional fines according to the following ranges:

7	Class A felonies	\$0 - 50,000
8	Class B felonies	\$0 - 20,000
9	Class C felonies	\$0 - 10,000

10 The court shall apply any amounts received by or on behalf of the
11 defendant first to satisfy any court-ordered victim restitution, and
12 then to satisfy any fine imposed for the extraordinary criminal
13 investigations assistance account.

14 NEW SECTION. Sec. 7. A new section is added to chapter 9.92 RCW
15 to read as follows:

16 When sentencing any offender for any misdemeanor or gross
17 misdemeanor, the court shall impose a ten-dollar fine for each
18 misdemeanor or gross misdemeanor committed. Revenue from this fine
19 shall be forwarded to the state treasurer for deposit in the
20 extraordinary criminal investigations assistance account. The fine
21 shall not be waived or reduced under any circumstances. The court
22 shall remit any amounts received by or on behalf of the defendant first
23 to satisfy any court-ordered victim restitution, and then to satisfy
24 any fine imposed for the extraordinary criminal investigations
25 assistance account.

26 NEW SECTION. Sec. 8. A new section is added to chapter 3.62 RCW
27 to read as follows:

28 When sentencing any offender for any misdemeanor or gross
29 misdemeanor, all courts organized under Title 3 or 35 RCW shall impose
30 a ten-dollar fine for each misdemeanor or gross misdemeanor committed.
31 Revenue from this fine shall be forwarded to the state treasurer for
32 deposit in the extraordinary criminal investigations assistance
33 account. The court shall apply any amounts received by or on behalf of
34 the defendant first to satisfy any court-ordered victim restitution,
35 and then to satisfy the fine imposed under this section.

1 **Sec. 9.** RCW 9.94A.145 and 1997 c 121 s 5 and 1997 c 52 s 3 are
2 each reenacted and amended to read as follows:

3 (1) Whenever a person is convicted of a felony, the court may order
4 the payment of a legal financial obligation as part of the sentence.
5 The court must on either the judgment and sentence or on a subsequent
6 order to pay, designate the total amount of a legal financial
7 obligation and segregate this amount among the separate assessments
8 made for restitution, costs, fines, and other assessments required by
9 law. On the same order, the court is also to set a sum that the
10 offender is required to pay on a monthly basis towards satisfying the
11 legal financial obligation. If the court fails to set the offender
12 monthly payment amount, the department shall set the amount. Upon
13 receipt of an offender's monthly payment, after restitution (~~(is)~~) and
14 the fine imposed for the extraordinary criminal investigations
15 assistance account are satisfied, the county clerk shall distribute the
16 payment proportionally among all other fines, costs, and assessments
17 imposed, unless otherwise ordered by the court.

18 (2) If the court determines that the offender, at the time of
19 sentencing, has the means to pay for the cost of incarceration, the
20 court may require the offender to pay for the cost of incarceration at
21 a rate of fifty dollars per day of incarceration. Payment of other
22 court-ordered financial obligations, including all legal financial
23 obligations and costs of supervision shall take precedence over the
24 payment of the cost of incarceration ordered by the court. All funds
25 recovered from offenders for the cost of incarceration in the county
26 jail shall be remitted to the county and the costs of incarceration in
27 a prison shall be remitted to the department of corrections.

28 (3) The court may add to the judgment and sentence or subsequent
29 order to pay a statement that a notice of payroll deduction is to be
30 immediately issued. If the court chooses not to order the immediate
31 issuance of a notice of payroll deduction at sentencing, the court
32 shall add to the judgment and sentence or subsequent order to pay a
33 statement that a notice of payroll deduction may be issued or other
34 income-withholding action may be taken, without further notice to the
35 offender if a monthly court-ordered legal financial obligation payment
36 is not paid when due, and an amount equal to or greater than the amount
37 payable for one month is owed.

38 If a judgment and sentence or subsequent order to pay does not
39 include the statement that a notice of payroll deduction may be issued

1 or other income-withholding action may be taken if a monthly legal
2 financial obligation payment is past due, the department may serve a
3 notice on the offender stating such requirements and authorizations.
4 Service shall be by personal service or any form of mail requiring a
5 return receipt.

6 (4) All legal financial obligations that are ordered as a result of
7 a conviction for a felony, may also be enforced in the same manner as
8 a judgment in a civil action by the party or entity to whom the legal
9 financial obligation is owed. Restitution collected through civil
10 enforcement must be paid through the registry of the court and must be
11 distributed proportionately according to each victim's loss when there
12 is more than one victim. The judgment and sentence shall identify the
13 party or entity to whom restitution is owed so that the state, party,
14 or entity may enforce the judgment. If restitution is ordered pursuant
15 to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and
16 the victim's child born from the rape, the Washington state child
17 support registry shall be identified as the party to whom payments must
18 be made. Restitution obligations arising from the rape of a child in
19 the first, second, or third degree that result in the pregnancy of the
20 victim may be enforced for the time periods provided under RCW
21 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations
22 may be enforced at any time during the ten-year period following the
23 offender's release from total confinement or within ten years of entry
24 of the judgment and sentence, whichever period is longer. Prior to the
25 expiration of the initial ten-year period, the superior court may
26 extend the criminal judgment an additional ten years for payment of
27 legal financial obligations including crime victims' assessments. If
28 jurisdiction under the criminal judgment is extended, the department is
29 not responsible for supervision of the offender during the subsequent
30 period. Independent of the department, the party or entity to whom the
31 legal financial obligation is owed shall have the authority to utilize
32 any other remedies available to the party or entity to collect the
33 legal financial obligation.

34 (5) In order to assist the court in setting a monthly sum that the
35 offender must pay during the period of supervision, the offender is
36 required to report to the department for purposes of preparing a
37 recommendation to the court. When reporting, the offender is required,
38 under oath, to truthfully and honestly respond to all questions
39 concerning present, past, and future earning capabilities and the

1 location and nature of all property or financial assets. The offender
2 is further required to bring any and all documents as requested by the
3 department.

4 (6) After completing the investigation, the department shall make
5 a report to the court on the amount of the monthly payment that the
6 offender should be required to make towards a satisfied legal financial
7 obligation.

8 (7) During the period of supervision, the department may make a
9 recommendation to the court that the offender's monthly payment
10 schedule be modified so as to reflect a change in financial
11 circumstances. If the department sets the monthly payment amount, the
12 department may modify the monthly payment amount without the matter
13 being returned to the court. Also, during the period of supervision,
14 the offender may be required at the request of the department to report
15 to the department for the purposes of reviewing the appropriateness of
16 the collection schedule for the legal financial obligation. During
17 this reporting, the offender is required under oath to truthfully and
18 honestly respond to all questions concerning earning capabilities and
19 the location and nature of all property or financial assets. Also, the
20 offender is required to bring any and all documents as requested by the
21 department in order to prepare the collection schedule.

22 (8) After the judgment and sentence or payment order is entered,
23 the department shall for any period of supervision be authorized to
24 collect the legal financial obligation from the offender. Any amount
25 collected by the department shall be remitted daily to the county clerk
26 for the purposes of disbursements. The department is authorized to
27 accept credit cards as payment for a legal financial obligation, and
28 any costs incurred related to accepting credit card payments shall be
29 the responsibility of the offender.

30 (9) The department or any obligee of the legal financial obligation
31 may seek a mandatory wage assignment for the purposes of obtaining
32 satisfaction for the legal financial obligation pursuant to RCW
33 9.94A.2001.

34 (10) The requirement that the offender pay a monthly sum towards a
35 legal financial obligation constitutes a condition or requirement of a
36 sentence and the offender is subject to the penalties as provided in
37 RCW 9.94A.200 for noncompliance.

38 (11) The county clerk shall provide the department with
39 individualized monthly billings for each offender with an unsatisfied

1 legal financial obligation and shall provide the department with notice
2 of payments by such offenders no less frequently than weekly.

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