

HOUSE BILL ANALYSIS

HB 1026

Title: An act relating to court funding and improvements.

Brief Description: Providing an additional funding source for courts.

Sponsors: Representatives Sheahan, Constantine and Bush; by request of Board for Judicial Administration.

Brief Summary of Bill

- Allows counties to participate in a court funding program in which the state will pay for the cost of trial court judges salaries.
- Increases or adjusts various fees and accounts to pay for a variety of court-related programs.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

Background:

The trial court system in Washington consists of the superior courts and the district and municipal courts. The superior courts are courts of general jurisdiction and, among other things, handle all felony criminal cases. The district and municipal courts are courts of limited jurisdiction and handle misdemeanor criminal cases and infractions. Both levels of courts handle a variety of civil cases. The superior courts have original jurisdiction over some specific types of cases (for example, those involving probate, marriage, or title to real estate) and have original jurisdiction over civil cases in which more than \$35,000 is in dispute.

The administration and funding of the trial court system is complex. Under the state constitution, the state is required to pay one-half of the salary of each superior court judge. The remainder of the judicial salaries and all of the other costs of superior courts are the responsibility of the counties. Generally, the funding of the district courts is the responsibility of the counties, and the funding of the municipal courts is the responsibility of the cities. However, some city municipal courts are "departments" of county district courts, some cities have less than "full-service" municipal courts, and some cities have no municipal courts. As a consequence, in

many instances the funding of a district court is in effect a shared proposition between a city and county.

The funding sources for trial courts are varied. These sources include local general funds, portions of fines, fees, and forfeitures paid by parties in criminal or infraction cases, and filing fees in civil and criminal actions. In addition, the state contributes in a variety of ways to funding local courts and court-related programs.

The state supreme court has by court rule created the Board for Judicial Administration (BJA). The BJA consists of representatives from the state supreme court, the court of appeals, the superior courts and the district courts. The board is charged with developing statewide policy on the administration of the court system. The BJA created a Commission on Justice, Efficiency and Accountability which has met during the past year in part to review the operation and funding of the state's trial courts.

The BJA is recommending various changes in the funding of trial courts and court-related programs.

Summary of Bill:

The Court Improvement and Funding Act of 1999 allows a county to agree to a funding plan in which the state will pay the participating county for all of the salaries and benefits of district court judges and will reimburse the county for the one-half of superior court judges' salaries and benefits currently paid by counties. The act makes various other changes in funding mechanisms for courts and court-related programs.

County Participation:

The state will appropriate to a participating county the costs of trial court judges and court commissioners. In order to participate, the county legislative authority and the trial court judges must submit a resolution to the Office of the Administrator for the Courts (OAC).

Court Improvement Account:

An appropriated account is created to fund court improvement in counties that participate in the act. Funding for the account comes from filing fee increases that participating counties must impose. (See below.)

Public Safety and Education Account (PSEA):

Changes are made with respect to programs that may be funded out of the PSEA. The PSEA may no longer be used to fund the OAC. The authority to use PSEA

funding for various programs, which would have ended June 30, 1999, is made permanent. These programs include indigent defense, criminal litigation by the attorney general, treatment alternatives to street crimes, crime victims advocacy, justice information network planning, sexual assault treatment, school security, criminal justice data collection, and state patrol criminal justice activities. Indigent juvenile dependency defense and jury improvements are also added to the list of programs that the PSEA may fund.

Changes are also made with respect to funding sources for the PSEA. The percentage of local court revenue from fines, fees, and forfeitures that goes to the PSEA is increased, and portions of a PSEA surcharge on criminal fines is also increased. (See below.)

Extraordinary Criminal Justice Assistance Account:

An appropriated account is created to fund the costs of aggravated murder cases. The account is to be funded out of the state general fund and the PSEA. Expenditures from the account are to be authorized by the director of the Department of Community, Trade, and Economic Development (DCTED).

Fees, Fines, and Forfeitures Split between State and Local Governments:

The distribution of money taken in by district and municipal courts is changed. The state will receive 48 percent (instead of 32 percent) of the money from fines, fees, and forfeitures. The state's portion of this money continues to go to the PSEA. (See above.)

Filing Fees:

Counties that participate in the act are required to increase filing fees in superior and district courts. The fee increases are \$30 in superior court (from \$110 to \$140) and \$14 in district court (from \$31 to \$45). The \$30 and \$14 amounts go to the court improvement account. (See above.)

Criminal Fines and Traffic Infraction Fines:

The PSEA assessment on all district court criminal and infraction fines, except for drunk driving fines, is increased from 90 percent to 100 percent of the fine. The PSEA assessment on drunk driving cases remains at 60 percent.

The supreme court is requested to increase all traffic infraction fines by \$5.

County Law Libraries Funding:

Upon a showing of need, a county may impose additional filing fees in superior and district court to support the county law library. In superior court, the surcharge may be up to \$15 on each probate or civil filing. In district court, the surcharge may be up to \$6 on each civil filing.

Supplemental Retirement:

District court judges who are members of the Public Employees Retirement System are allowed to participate in the supplemental retirement program administered by the OAC for judges of the supreme court, court of appeals, and superior court.

OAC Duties:

The OAC is directed to submit an annual report to the Legislature on the cost to counties of providing constitutionally mandated trial court services.

Appropriations:

The following appropriations are made:

- (1) *\$16.8 million from the PSEA to the DCTED for civil representation of indigent persons;*
- (2) *\$2.5 million from the PSEA to the extraordinary criminal justice assistance account for aggravated murder cases;*
- (3) *\$5 million from the PSEA to the Office of Public Defense for juvenile dependency actions;*
- (4) *\$2.9 million from the PSEA to the Criminal Justice Training Commission for training law enforcement personnel;*
- (5) *\$10.8 million from the court improvement account for the OAC for court improvements;*
- (6) *\$12 million from the general fund for the basic operations of the OAC;*
and
- (7) *\$40 million from the general fund for the salary and benefits for trial court judges.*

Fiscal Note: Requested January 6, 1999.

Effective Date: *Ninety days after adjournment of the session in which bill is passed, except that provisions of the bill relating to increased remittance by counties to the PSEA, and increases in the PSEA surcharge for fines, fees, and penalties (sections 4,5,6,7,9, and 11) take effect October 1, 1999.*

Office of Program Research