

SENATE BILL REPORT

HB 1599

As Reported By Senate Committee On:
Ways & Means, April 5, 1999

Title: An act relating to court funding.

Brief Description: Creating an account to reimburse counties for extraordinary costs in the criminal justice system.

Sponsors: Representatives McMorris, Doumit, Clements, Constantine, Sheahan, Grant, G. Chandler, Linville, Rockefeller, D. Schmidt, Kessler and Schoesler.

Brief History:

Committee Activity: Ways & Means: 3/30/99, 4/5/99 [DP].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Staff: Bryon Moore (786-7726)

Background: Each county in Washington operates a superior court with jurisdiction to adjudicate civil and criminal cases. Counties elect superior court judges and prosecuting attorneys, establish systems for sheriffs to provide law enforcement and investigate crimes and maintain programs for indigent defense.

The Department of Community, Trade, and Economic Development (CTED) is responsible for promoting state and local economic development efforts. CTED also assists local governments with a variety of activities, including growth management, housing, and community service issues.

The Public Safety and Education Account is maintained in the state treasury to fund and promote various programs, including but not limited to traffic safety education, criminal justice training, crime victims' compensation and civil representation of indigent persons. The Public Safety and Education Account is funded from a variety of sources, including specified court fees and fines and certain revenues from forfeitures and penalties.

Summary of Bill: An account is created and a mechanism established to reimburse counties for certain costs associated with adjudication of aggravated murder cases.

The Extraordinary Criminal Justice Account is created to reimburse counties for specified extraordinary costs related to adjudication of aggravated murder cases. Expenditures from

the account may be used only to reimburse counties for extraordinary costs associated with the prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases. Funds may be appropriated to the account from the Public Safety and Education Account or the general fund for this purpose.

A county is eligible to seek reimbursement if its total costs for investigating and adjudicating aggravated murder cases is at least 12 percent of its most recent county law and justice budget. The law and justice budget is defined for this purpose as the combined total of county appropriations for the sheriff's office, prosecutor's office, indigent defense providers, jail and superior court.

Eligible counties may submit reimbursement claims to CTED, which is required to develop procedures for processing and prioritizing reimbursement claims. CTED's claims prioritization is to be based on factors such as disproportionate fiscal impact relative to the county budget, efficient use of resources, and the extraordinary and/or unanticipated nature of costs.

By January 1 of each year, CTED must submit to the appropriate fiscal committees of the Legislature a prioritized list of submitted claims recommended for funding. The Legislature may remove claims from the list but may not change the order of priority of claims on the list. CTED may not obligate funds from the account until the Legislature has appropriated funds for a specific list of claims.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill would create a mechanism to address extraordinary criminal justice costs at the local level. The budget percentage limitations, the priority list requirements and legislative review in this bill provide safeguards. This is an important bill to local governments, especially rural ones. One big case can break a budget. Many county commissioners live in fear of having to deal with aggravated murder cases. They are unexpected and unplanned events which create a major burden on county revenues.

Testimony Against: None.

Testified: Representative Cathy McMorris, prime sponsor; Michael Shaw, Washington Association of Counties; Jim Potts, Rural Counties.