
HOUSE BILL 2249

State of Washington

56th Legislature

1999 Regular Session

By Representatives H. Sommers, Ruderman, Kenney, Haigh and Rockefeller;
by request of Office of Financial Management

Read first time 02/26/1999. Referred to Committee on Appropriations.

1 AN ACT Relating to the impact of extraordinary criminal justice
2 expenses on counties and cities; amending RCW 82.14.310, 82.14.320, and
3 82.14.330; and adding new sections to chapter 82.14 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.14 RCW
6 to read as follows:

7 The extraordinary county criminal justice assistance account is
8 created in the state treasury. Funds from the account may be expended,
9 without appropriation, by direction of the governor, to reimburse
10 counties for the extraordinary costs associated with the investigation,
11 prosecution, indigent defense, jury impanelment, expert witnesses,
12 interpreters, incarceration, and other adjudication costs of specific
13 criminal cases which the governor determines, based on recommendations
14 by the Washington state association of counties, constitute
15 extraordinary burdens on the counties affected. In making the
16 determinations and recommendations, the governor and the association
17 shall consider, but are not limited to considering, such factors as
18 disproportionate fiscal impact relative to the county budget, efficient
19 use of resources, and whether the costs are extraordinary and could not

1 be reasonably accommodated and anticipated in the normal budget
2 process. Funds not expended from the account at the end of each fiscal
3 year shall be transferred to the county criminal justice assistance
4 account for distribution under RCW 82.14.310(2).

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.14 RCW
6 to read as follows:

7 The extraordinary municipal criminal justice assistance account is
8 created in the state treasury. Funds from the account may be expended,
9 without appropriation, by direction of the governor, to reimburse
10 cities for the extraordinary costs associated with the investigation of
11 specific criminal cases which the governor determines, based on
12 recommendations by the association of Washington cities, constitute
13 extraordinary burdens on the cities affected. In making the
14 determinations and recommendations, the governor and the association
15 shall consider, but are not limited to considering, such factors as
16 disproportionate fiscal impact relative to the city budget, efficient
17 use of resources, and whether the costs are extraordinary and could not
18 be reasonably accommodated and anticipated in the normal budget
19 process. Funds not expended from the account at the end of each fiscal
20 year shall be transferred to the municipal criminal justice assistance
21 account, one-half for distribution under RCW 82.14.320(3) and one-half
22 for distribution under RCW 82.14.330.

23 **Sec. 3.** RCW 82.14.310 and 1998 c 321 s 11 (Referendum Bill No. 49)
24 are each amended to read as follows:

25 (1) The county criminal justice assistance account is created in
26 the state treasury. Beginning in fiscal year 2000, the state treasurer
27 shall transfer into the county criminal justice assistance account from
28 the general fund the sum of (~~twenty-three~~) twenty million two hundred
29 thousand dollars, and into the extraordinary county criminal justice
30 assistance account the sum of three million dollars, each sum divided
31 into four equal deposits occurring on July 1, October 1, January 1, and
32 April 1. For each fiscal year thereafter, the state treasurer shall
33 increase the total transfer by the fiscal growth factor, as defined in
34 RCW 43.135.025, forecast for that fiscal year by the office of
35 financial management in November of the preceding year.

36 (2) The moneys deposited in the county criminal justice assistance
37 account for distribution under this section, less any moneys

1 appropriated for purposes under subsection (4) of this section, shall
2 be distributed at such times as distributions are made under RCW
3 82.44.150 and on the relative basis of each county's funding factor as
4 determined under this subsection.

5 (a) A county's funding factor is the sum of:

6 (i) The population of the county, divided by one thousand, and
7 multiplied by two-tenths;

8 (ii) The crime rate of the county, multiplied by three-tenths; and

9 (iii) The annual number of criminal cases filed in the county
10 superior court, for each one thousand in population, multiplied by
11 five-tenths.

12 (b) Under this section and RCW 82.14.320 and 82.14.330:

13 (i) The population of the county or city shall be as last
14 determined by the office of financial management;

15 (ii) The crime rate of the county or city is the annual occurrence
16 of specified criminal offenses, as calculated in the most recent annual
17 report on crime in Washington state as published by the Washington
18 association of sheriffs and police chiefs, for each one thousand in
19 population;

20 (iii) The annual number of criminal cases filed in the county
21 superior court shall be determined by the most recent annual report of
22 the courts of Washington, as published by the office of the
23 administrator for the courts;

24 (iv) Distributions and eligibility for distributions in the 1989-91
25 biennium shall be based on 1988 figures for both the crime rate as
26 described under (ii) of this subsection and the annual number of
27 criminal cases that are filed as described under (iii) of this
28 subsection. Future distributions shall be based on the most recent
29 figures for both the crime rate as described under (ii) of this
30 subsection and the annual number of criminal cases that are filed as
31 described under (iii) of this subsection.

32 (3) Moneys distributed under this section shall be expended
33 exclusively for criminal justice purposes and shall not be used to
34 replace or supplant existing funding. Criminal justice purposes are
35 defined as activities that substantially assist the criminal justice
36 system, which may include circumstances where ancillary benefit to the
37 civil justice system occurs, and which includes domestic violence
38 services such as those provided by domestic violence programs,
39 community advocates, and legal advocates, as defined in RCW 70.123.020.

1 Existing funding for purposes of this subsection is defined as calendar
2 year 1989 actual operating expenditures for criminal justice purposes.
3 Calendar year 1989 actual operating expenditures for criminal justice
4 purposes exclude the following: Expenditures for extraordinary events
5 not likely to reoccur, changes in contract provisions for criminal
6 justice services, beyond the control of the local jurisdiction
7 receiving the services, and major nonrecurring capital expenditures.

8 (4) Not more than five percent of the funds deposited to the county
9 criminal justice assistance account shall be available for
10 appropriations for enhancements to the state patrol crime laboratory
11 system and the continuing costs related to these enhancements. Funds
12 appropriated from this account for such enhancements shall not supplant
13 existing funds from the state general fund.

14 **Sec. 4.** RCW 82.14.320 and 1998 c 321 s 12 (Referendum Bill No. 49)
15 are each amended to read as follows:

16 (1) The municipal criminal justice assistance account is created in
17 the state treasury. Beginning in fiscal year 2000, the state treasurer
18 shall transfer into the municipal criminal justice assistance account
19 for distribution under this section from the general fund the sum of
20 four million (~~six hundred thousand~~) dollars, and into the
21 extraordinary municipal criminal justice assistance account the sum of
22 six hundred thousand dollars, each sum divided into four equal deposits
23 occurring on July 1, October 1, January 1, and April 1. For each
24 fiscal year thereafter, the state treasurer shall increase the total
25 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
26 forecast for that fiscal year by the office of financial management in
27 November of the preceding year.

28 (2) No city may receive a distribution under this section from the
29 municipal criminal justice assistance account unless:

30 (a) The city has a crime rate in excess of one hundred twenty-five
31 percent of the state-wide average as calculated in the most recent
32 annual report on crime in Washington state as published by the
33 Washington association of sheriffs and police chiefs;

34 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
35 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
36 maximum rate; and

37 (c) The city has a per capita yield from the tax imposed under RCW
38 82.14.030(1) at the maximum rate of less than one hundred fifty percent

1 of the state-wide average per capita yield for all cities from such
2 local sales and use tax.

3 (3) The moneys deposited in the municipal criminal justice
4 assistance account for distribution under this section, less any moneys
5 appropriated for purposes under subsection (7) of this section, shall
6 be distributed at such times as distributions are made under RCW
7 82.44.150. The distributions shall be made as follows:

8 (a) Unless reduced by this subsection, thirty percent of the moneys
9 shall be distributed ratably based on population as last determined by
10 the office of financial management to those cities eligible under
11 subsection (2) of this section that have a crime rate determined under
12 subsection (2)(a) of this section which is greater than one hundred
13 seventy-five percent of the state-wide average crime rate. No city may
14 receive more than fifty percent of any moneys distributed under this
15 subsection (a) but, if a city distribution is reduced as a result of
16 exceeding the fifty percent limitation, the amount not distributed
17 shall be distributed under (b) of this subsection.

18 (b) The remainder of the moneys, including any moneys not
19 distributed in subsection (2)(a) of this section, shall be distributed
20 to all cities eligible under subsection (2) of this section ratably
21 based on population as last determined by the office of financial
22 management.

23 (4) No city may receive more than thirty percent of all moneys
24 distributed under subsection (3) of this section.

25 (5) Notwithstanding other provisions of this section, the
26 distributions to any city that substantially decriminalizes or repeals
27 its criminal code after July 1, 1990, and that does not reimburse the
28 county for costs associated with criminal cases under RCW 3.50.800 or
29 3.50.805(2), shall be made to the county in which the city is located.

30 (6) Moneys distributed under this section shall be expended
31 exclusively for criminal justice purposes and shall not be used to
32 replace or supplant existing funding. Criminal justice purposes are
33 defined as activities that substantially assist the criminal justice
34 system, which may include circumstances where ancillary benefit to the
35 civil justice system occurs, and which includes domestic violence
36 services such as those provided by domestic violence programs,
37 community advocates, and legal advocates, as defined in RCW 70.123.020,
38 and publications and public educational efforts designed to provide
39 information and assistance to parents in dealing with runaway or at-

1 risk youth. Existing funding for purposes of this subsection is
2 defined as calendar year 1989 actual operating expenditures for
3 criminal justice purposes. Calendar year 1989 actual operating
4 expenditures for criminal justice purposes exclude the following:
5 Expenditures for extraordinary events not likely to reoccur, changes in
6 contract provisions for criminal justice services, beyond the control
7 of the local jurisdiction receiving the services, and major
8 nonrecurring capital expenditures.

9 (7) Not more than five percent of the funds deposited to the
10 municipal criminal justice assistance account shall be available for
11 appropriations for enhancements to the state patrol crime laboratory
12 system and the continuing costs related to these enhancements. Funds
13 appropriated from this account for such enhancements shall not supplant
14 existing funds from the state general fund.

15 **Sec. 5.** RCW 82.14.330 and 1998 c 321 s 13 (Referendum Bill No. 49)
16 are each amended to read as follows:

17 (1) Beginning in fiscal year 2000, the state treasurer shall
18 transfer into the municipal criminal justice assistance account for
19 distribution under this section from the general fund the sum of four
20 million (~~six hundred thousand~~) dollars, and into the extraordinary
21 municipal criminal justice assistance account the sum of six hundred
22 thousand dollars, each sum divided into four equal deposits occurring
23 on July 1, October 1, January 1, and April 1. For each fiscal year
24 thereafter, the state treasurer shall increase the total transfer by
25 the fiscal growth factor, as defined in RCW 43.135.025, forecast for
26 that fiscal year by the office of financial management in November of
27 the preceding year. The moneys deposited in the municipal criminal
28 justice assistance account for distribution under this section, less
29 any moneys appropriated for purposes under subsection (4) of this
30 section, shall be distributed to the cities of the state as follows:

31 (a) Twenty percent appropriated for distribution shall be
32 distributed to cities with a three-year average violent crime rate for
33 each one thousand in population in excess of one hundred fifty percent
34 of the state-wide three-year average violent crime rate for each one
35 thousand in population. The three-year average violent crime rate
36 shall be calculated using the violent crime rates for each of the
37 preceding three years from the annual reports on crime in Washington
38 state as published by the Washington association of sheriffs and police

1 chiefs. Moneys shall be distributed under this subsection (1)(a)
2 ratably based on population as last determined by the office of
3 financial management, but no city may receive more than one dollar per
4 capita. Moneys remaining undistributed under this subsection at the
5 end of each calendar year shall be distributed to the criminal justice
6 training commission to reimburse participating city law enforcement
7 agencies with ten or fewer full-time commissioned patrol officers the
8 cost of temporary replacement of each officer who is enrolled in basic
9 law enforcement training, as provided in RCW 43.101.200.

10 (b) Sixteen percent shall be distributed to cities ratably based on
11 population as last determined by the office of financial management,
12 but no city may receive less than one thousand dollars.

13 The moneys deposited in the municipal criminal justice assistance
14 account for distribution under this subsection shall be distributed at
15 such times as distributions are made under RCW 82.44.150.

16 Moneys distributed under this subsection shall be expended
17 exclusively for criminal justice purposes and shall not be used to
18 replace or supplant existing funding. Criminal justice purposes are
19 defined as activities that substantially assist the criminal justice
20 system, which may include circumstances where ancillary benefit to the
21 civil justice system occurs, and which includes domestic violence
22 services such as those provided by domestic violence programs,
23 community advocates, and legal advocates, as defined in RCW 70.123.020.
24 Existing funding for purposes of this subsection is defined as calendar
25 year 1989 actual operating expenditures for criminal justice purposes.
26 Calendar year 1989 actual operating expenditures for criminal justice
27 purposes exclude the following: Expenditures for extraordinary events
28 not likely to reoccur, changes in contract provisions for criminal
29 justice services, beyond the control of the local jurisdiction
30 receiving the services, and major nonrecurring capital expenditures.

31 (2) In addition to the distributions under subsection (1) of this
32 section:

33 (a) Fourteen percent shall be distributed to cities that have
34 initiated innovative law enforcement strategies, including alternative
35 sentencing and crime prevention programs. No city may receive more
36 than one dollar per capita under this subsection (2)(a).

37 (b) Twenty percent shall be distributed to cities that have
38 initiated programs to help at-risk children or child abuse victim

1 response programs. No city may receive more than fifty cents per
2 capita under this subsection (2)(b).

3 (c) Twenty percent shall be distributed to cities that have
4 initiated programs designed to reduce the level of domestic violence
5 within their jurisdictions or to provide counseling for domestic
6 violence victims. No city may receive more than fifty cents per capita
7 under this subsection (2)(c).

8 (d) Ten percent shall be distributed to cities that contract with
9 another governmental agency for a majority of the city's law
10 enforcement services.

11 Moneys distributed under this subsection shall be distributed to
12 those cities that submit funding requests under this subsection to the
13 department of community, trade, and economic development based on
14 criteria developed under RCW 82.14.335. Allocation of funds shall be
15 in proportion to the population of qualified jurisdictions, but the
16 distribution to a city shall not exceed the amount of funds requested.
17 Cities shall submit requests for program funding to the department of
18 community, trade, and economic development by November 1 of each year
19 for funding the following year. The department shall certify to the
20 state treasurer the cities eligible for funding under this subsection
21 and the amount of each allocation.

22 The moneys deposited in the municipal criminal justice assistance
23 account for distribution under this subsection, less any moneys
24 appropriated for purposes under subsection (4) of this section, shall
25 be distributed at the times as distributions are made under RCW
26 82.44.150. Moneys remaining undistributed under this subsection at the
27 end of each calendar year shall be distributed to the criminal justice
28 training commission to reimburse participating city law enforcement
29 agencies with ten or fewer full-time commissioned patrol officers the
30 cost of temporary replacement of each officer who is enrolled in basic
31 law enforcement training, as provided in RCW 43.101.200.

32 If a city is found by the state auditor to have expended funds
33 received under this subsection in a manner that does not comply with
34 the criteria under which the moneys were received, the city shall be
35 ineligible to receive future distributions under this subsection until
36 the use of the moneys are justified to the satisfaction of the director
37 or are repaid to the state general fund. The director may allow
38 noncomplying use of moneys received under this subsection upon a
39 showing of hardship or other emergent need.

1 (3) Notwithstanding other provisions of this section, the
2 distributions to any city that substantially decriminalizes or repeals
3 its criminal code after July 1, 1990, and that does not reimburse the
4 county for costs associated with criminal cases under RCW 3.50.800 or
5 3.50.805(2), shall be made to the county in which the city is located.

6 (4) Not more than five percent of the funds deposited to the
7 municipal criminal justice assistance account shall be available for
8 appropriations for enhancements to the state patrol crime laboratory
9 system and the continuing costs related to these enhancements. Funds
10 appropriated from this account for such enhancements shall not supplant
11 existing funds from the state general fund.

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