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HOUSE BILL 2972

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State of Washington

56th Legislature

2000 Regular Session

By Representative Doumit

Read first time 01/25/2000. Referred to Committee on Appropriations.

1 AN ACT Relating to criminal justice costs; and amending RCW  
2 39.34.180.

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

4 **Sec. 1.** RCW 39.34.180 and 1996 c 308 s 1 are each amended to read  
5 as follows:

6 (1) Each county, city, and town is responsible for the prosecution,  
7 adjudication, sentencing, and incarceration of misdemeanor and gross  
8 misdemeanor offenses committed by adults in their respective  
9 jurisdictions, and referred from their respective law enforcement  
10 agencies, whether filed under state law or city ordinance, and must  
11 carry out these responsibilities through the use of their own courts,  
12 staff, and facilities, or by entering into contracts or interlocal  
13 agreements under this chapter to provide these services. The state  
14 shall pay all costs for the prosecution, adjudication, sentencing, and  
15 incarceration of all offenses referred to each county by any state  
16 agency, including but not limited to the state patrol and the  
17 department of fish and wildlife. Nothing in this section is intended  
18 to alter the statutory responsibilities of each county for the  
19 prosecution, adjudication, sentencing, and incarceration for not more

1 than one year of felony offenders, nor shall this section apply to any  
2 offense initially filed by the prosecuting attorney as a felony offense  
3 or an attempt to commit a felony offense.

4 (2) The following principles must be followed in negotiating  
5 interlocal agreements or contracts: Cities and counties must consider  
6 (a) anticipated costs of services; and (b) anticipated and potential  
7 revenues to fund the services, including fines and fees, criminal  
8 justice funding, and state-authorized sales tax funding levied for  
9 criminal justice purposes.

10 (3) If an agreement as to the levels of compensation within an  
11 interlocal agreement or contract for gross misdemeanor and misdemeanor  
12 services cannot be reached between a city and county, then either party  
13 may invoke binding arbitration on the compensation issued by notice to  
14 the other party. In the case of establishing initial compensation, the  
15 notice shall request arbitration within thirty days. In the case of  
16 nonrenewal of an existing contract or interlocal agreement, the notice  
17 must be given one hundred twenty days prior to the expiration of the  
18 existing contract or agreement and the existing contract or agreement  
19 remains in effect until a new agreement is reached or until an  
20 arbitration award on the matter of fees is made. The city and county  
21 each select one arbitrator, and the initial two arbitrators pick a  
22 third arbitrator.

23 (4) For cities or towns that have not adopted, in whole or in part,  
24 criminal code or ordinance provisions related to misdemeanor and gross  
25 misdemeanor crimes as defined by state law, this section shall have no  
26 application until July 1, 1998.

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