
HOUSE BILL 3152

State of Washington

56th Legislature

2000 Regular Session

By Representatives Huff and Alexander

Read first time 02/28/2000. Referred to Committee on Appropriations.

1 AN ACT Relating to distributions of moneys for criminal justice
2 purposes; amending RCW 82.14.310, 82.14.320, and 82.14.330; providing
3 an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 82.14.310 and 1999 c 309 s 920 are each amended to
6 read as follows:

7 (1) The county criminal justice assistance account is created in
8 the state treasury. Beginning in fiscal year 2000, the state treasurer
9 shall transfer into the county criminal justice assistance account from
10 the general fund the sum of twenty-three million two hundred thousand
11 dollars divided into four equal deposits occurring on July 1, October
12 1, January 1, and April 1. For each fiscal year thereafter, the state
13 treasurer shall increase the total transfer by the fiscal growth
14 factor, as defined in RCW 43.135.025, forecast for that fiscal year by
15 the office of financial management in November of the preceding year.
16 It is the intent of the legislature that additional and sufficient
17 moneys, increasing by the fiscal growth factor, will be appropriated
18 during each fiscal biennium for the purpose of criminal justice
19 assistance to counties.

1 (2) The moneys deposited in the county criminal justice assistance
2 account for distribution under this section, less any moneys
3 appropriated for purposes under subsection (4) of this section, shall
4 be distributed (~~(at such times as distributions are made under RCW~~
5 ~~82.44.150))~~ on the first day of the months of January, April, July, and
6 October of each year and on the relative basis of each county's funding
7 factor as determined under this subsection.

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

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

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

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

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

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

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

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

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

35 (3) Moneys distributed under this section shall be expended
36 exclusively for criminal justice purposes and shall not be used to
37 replace or supplant existing funding. Criminal justice purposes are
38 defined as activities that substantially assist the criminal justice
39 system, which may include circumstances where ancillary benefit to the

1 civil or juvenile justice system occurs, and which includes (a)
2 domestic violence services such as those provided by domestic violence
3 programs, community advocates, and legal advocates, as defined in RCW
4 70.123.020, and (b) during the 1999-2001 fiscal biennium, juvenile
5 dispositional hearings relating to petitions for at-risk youth,
6 truancy, and children in need of services. Existing funding for
7 purposes of this subsection is defined as calendar year 1989 actual
8 operating expenditures for criminal justice purposes. Calendar year
9 1989 actual operating expenditures for criminal justice purposes
10 exclude the following: Expenditures for extraordinary events not
11 likely to reoccur, changes in contract provisions for criminal justice
12 services, beyond the control of the local jurisdiction receiving the
13 services, and major nonrecurring capital expenditures.

14 (4) Not more than five percent of the funds deposited to the county
15 criminal justice assistance account shall be available for
16 appropriations for enhancements to the state patrol crime laboratory
17 system and the continuing costs related to these enhancements. Funds
18 appropriated from this account for such enhancements shall not supplant
19 existing funds from the state general fund.

20 **Sec. 2.** RCW 82.14.320 and 1998 c 321 s 12 (Referendum Bill No. 49)
21 are each amended to read as follows:

22 (1) The municipal criminal justice assistance account is created in
23 the state treasury. Beginning in fiscal year 2000, the state treasurer
24 shall transfer into the municipal criminal justice assistance account
25 for distribution under this section from the general fund the sum of
26 four million six hundred thousand dollars divided into four equal
27 deposits occurring on July 1, October 1, January 1, and April 1. For
28 each fiscal year thereafter, the state treasurer shall increase the
29 total transfer by the fiscal growth factor, as defined in RCW
30 43.135.025, forecast for that fiscal year by the office of financial
31 management in November of the preceding year. It is the intent of the
32 legislature that additional and sufficient moneys, increasing by the
33 fiscal growth factor, will be appropriated during each fiscal biennium
34 for the purpose of criminal justice assistance to cities.

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

37 (a) The city has a crime rate in excess of one hundred twenty-five
38 percent of the state-wide average as calculated in the most recent

1 annual report on crime in Washington state as published by the
2 Washington association of sheriffs and police chiefs;

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

6 (c) The city has a per capita yield from the tax imposed under RCW
7 82.14.030(1) at the maximum rate of less than one hundred fifty percent
8 of the state-wide average per capita yield for all cities from such
9 local sales and use tax.

10 (3) The moneys deposited in the municipal criminal justice
11 assistance account for distribution under this section, less any moneys
12 appropriated for purposes under subsection (7) of this section, shall
13 be distributed (~~((at such times as distributions are made under RCW~~
14 ~~82.44.150))~~ on the first day of the months of January, April, July, and
15 October of each year. The distributions shall be made as follows:

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

26 (b) The remainder of the moneys, including any moneys not
27 distributed in subsection (2)(a) of this section, shall be distributed
28 to all cities eligible under subsection (2) of this section ratably
29 based on population as last determined by the office of financial
30 management.

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

33 (5) Notwithstanding other provisions of this section, the
34 distributions to any city that substantially decriminalizes or repeals
35 its criminal code after July 1, 1990, and that does not reimburse the
36 county for costs associated with criminal cases under RCW 3.50.800 or
37 3.50.805(2), shall be made to the county in which the city is located.

38 (6) Moneys distributed under this section shall be expended
39 exclusively for criminal justice purposes and shall not be used to

1 replace or supplant existing funding. Criminal justice purposes are
2 defined as activities that substantially assist the criminal justice
3 system, which may include circumstances where ancillary benefit to the
4 civil justice system occurs, and which includes domestic violence
5 services such as those provided by domestic violence programs,
6 community advocates, and legal advocates, as defined in RCW 70.123.020,
7 and publications and public educational efforts designed to provide
8 information and assistance to parents in dealing with runaway or at-
9 risk youth. Existing funding for purposes of this subsection is
10 defined as calendar year 1989 actual operating expenditures for
11 criminal justice purposes. Calendar year 1989 actual operating
12 expenditures for criminal justice purposes exclude the following:
13 Expenditures for extraordinary events not likely to reoccur, changes in
14 contract provisions for criminal justice services, beyond the control
15 of the local jurisdiction receiving the services, and major
16 nonrecurring capital expenditures.

17 (7) Not more than five percent of the funds deposited to the
18 municipal criminal justice assistance account shall be available for
19 appropriations for enhancements to the state patrol crime laboratory
20 system and the continuing costs related to these enhancements. Funds
21 appropriated from this account for such enhancements shall not supplant
22 existing funds from the state general fund.

23 **Sec. 3.** RCW 82.14.330 and 1998 c 321 s 13 (Referendum Bill No. 49)
24 are each amended to read as follows:

25 (1) Beginning in fiscal year 2000, the state treasurer shall
26 transfer into the municipal criminal justice assistance account for
27 distribution under this section from the general fund the sum of four
28 million six hundred thousand dollars divided into four equal deposits
29 occurring on July 1, October 1, January 1, and April 1. For each
30 fiscal year thereafter, the state treasurer shall increase the total
31 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
32 forecast for that fiscal year by the office of financial management in
33 November of the preceding year. It is the intent of the legislature
34 that additional and sufficient moneys, increasing by the fiscal growth
35 factor, will be appropriated during each fiscal biennium for the
36 purpose of criminal justice assistance to cities. The moneys deposited
37 in the municipal criminal justice assistance account for distribution
38 under this section, less any moneys appropriated for purposes under

1 subsection (4) of this section, shall be distributed to the cities of
2 the state as follows:

3 (a) (~~Twenty~~) One and nine-tenths percent appropriated for
4 distribution shall be distributed to cities with a three-year average
5 violent crime rate for each one thousand in population in excess of one
6 hundred fifty percent of the state-wide three-year average violent
7 crime rate for each one thousand in population. The three-year average
8 violent crime rate shall be calculated using the violent crime rates
9 for each of the preceding three years from the annual reports on crime
10 in Washington state as published by the Washington association of
11 sheriffs and police chiefs. Moneys shall be distributed under this
12 subsection (1)(a) ratably based on population as last determined by the
13 office of financial management, but no city may receive more than one
14 dollar per capita. Moneys remaining undistributed under this
15 subsection at the end of each calendar year shall be distributed to the
16 criminal justice training commission to reimburse participating city
17 law enforcement agencies with ten or fewer full-time commissioned
18 patrol officers the cost of temporary replacement of each officer who
19 is enrolled in basic law enforcement training, as provided in RCW
20 43.101.200.

21 (b) (~~Sixteen~~) Ninety-two and one-tenth percent shall be
22 distributed to cities ratably based on population as last determined by
23 the office of financial management, but no city may receive less than
24 one thousand dollars.

25 The moneys deposited in the municipal criminal justice assistance
26 account for distribution under this subsection shall be distributed
27 (~~at such times as distributions are made under RCW 82.44.150~~) on the
28 first day of the months of January, April, July, and October of each
29 year.

30 Moneys distributed under this subsection 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 Existing funding for purposes of this subsection is defined as calendar
39 year 1989 actual operating expenditures for criminal justice purposes.

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

6 (2) In addition to the distributions under subsection (1) of this
7 section:

8 (a) (~~Fourteen~~) One and three-tenths percent shall be distributed
9 to cities that have initiated innovative law enforcement strategies,
10 including alternative sentencing and crime prevention programs. No
11 city may receive more than one dollar per capita under this subsection
12 (2)(a).

13 (b) (~~Twenty~~) One and nine-tenths percent shall be distributed to
14 cities that have initiated programs to help at-risk children or child
15 abuse victim response programs. No city may receive more than fifty
16 cents per capita under this subsection (2)(b).

17 (c) (~~Twenty~~) One and nine-tenths percent shall be distributed to
18 cities that have initiated programs designed to reduce the level of
19 domestic violence within their jurisdictions or to provide counseling
20 for domestic violence victims. No city may receive more than fifty
21 cents per capita under this subsection (2)(c).

22 (d) (~~Ten~~) Nine-tenths percent shall be distributed to cities that
23 contract with another governmental agency for a majority of the city's
24 law enforcement services.

25 Moneys distributed under this subsection shall be distributed to
26 those cities that submit funding requests under this subsection to the
27 department of community, trade, and economic development based on
28 criteria developed under RCW 82.14.335. Allocation of funds shall be
29 in proportion to the population of qualified jurisdictions, but the
30 distribution to a city shall not exceed the amount of funds requested.
31 Cities shall submit requests for program funding to the department of
32 community, trade, and economic development by November 1 of each year
33 for funding the following year. The department shall certify to the
34 state treasurer the cities eligible for funding under this subsection
35 and the amount of each allocation.

36 The moneys deposited in the municipal criminal justice assistance
37 account for distribution under this subsection, less any moneys
38 appropriated for purposes under subsection (4) of this section, shall
39 be distributed at the times as distributions are made under (~~RCW~~

1 82.44.150)) subsection (1) of this section. Moneys remaining
2 undistributed under this subsection at the end of each calendar year
3 shall be distributed to the criminal justice training commission to
4 reimburse participating city law enforcement agencies with ten or fewer
5 full-time commissioned patrol officers the cost of temporary
6 replacement of each officer who is enrolled in basic law enforcement
7 training, as provided in RCW 43.101.200.

8 If a city is found by the state auditor to have expended funds
9 received under this subsection in a manner that does not comply with
10 the criteria under which the moneys were received, the city shall be
11 ineligible to receive future distributions under this subsection until
12 the use of the moneys are justified to the satisfaction of the director
13 or are repaid to the state general fund. The director may allow
14 noncomplying use of moneys received under this subsection upon a
15 showing of hardship or other emergent need.

16 (3) Notwithstanding other provisions of this section, the
17 distributions to any city that substantially decriminalizes or repeals
18 its criminal code after July 1, 1990, and that does not reimburse the
19 county for costs associated with criminal cases under RCW 3.50.800 or
20 3.50.805(2), shall be made to the county in which the city is located.

21 (4) Not more than five percent of the funds deposited to the
22 municipal criminal justice assistance account shall be available for
23 appropriations for enhancements to the state patrol crime laboratory
24 system and the continuing costs related to these enhancements. Funds
25 appropriated from this account for such enhancements shall not supplant
26 existing funds from the state general fund.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 April 1, 2000.

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