
HOUSE BILL 1882

State of Washington

57th Legislature

2001 Regular Session

By Representative Delvin

Read first time 02/07/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to the Washington association of constables and
2 police chiefs; amending RCW 36.28A.010, 36.28A.020, 36.28A.030,
3 36.28A.040, 36.28A.050, 4.24.5501, 9.94A.060, 9.94A.207, 10.99.030,
4 13.60.120, 28B.10.569, 35.21.334, 36.110.030, 38.52.530, 40.14.070,
5 41.72.020, 43.43.490, 43.43.655, 43.43.858, 43.101.224, 43.101.270,
6 43.101.315, 43.103.040, 43.330.190, 72.09.300, 74.14B.010, 82.14.310,
7 82.14.320, 82.14.330, and 82.14.335; and reenacting and amending RCW
8 42.17.310.

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

10 **Sec. 1.** RCW 36.28A.010 and 1975 1st ex.s. c 172 s 1 are each
11 amended to read as follows:

12 The Washington association of (~~sheriffs~~) constables and police
13 chiefs is hereby declared to be a combination of units of local
14 government: PROVIDED, That such association shall not be considered an
15 "employer" within the meaning of RCW 41.26.030(2) or 41.40.010(4):
16 PROVIDED FURTHER, That no compensation received as an employee of the
17 association shall be considered salary for purposes of the provisions
18 of any retirement system created pursuant to the general laws of this
19 state: PROVIDED FURTHER, That such association shall not qualify for

1 inclusion under the unallocated two mills of the property tax of any
2 political subdivision: PROVIDED FURTHER, That the association shall
3 not have the authority to assess any excess levy or bond measure.

4 **Sec. 2.** RCW 36.28A.020 and 1991 c 363 s 56 are each amended to
5 read as follows:

6 The Washington association of (~~sheriffs~~) constables and police
7 chiefs may, upon request of a county's legislative authority, assist
8 the county in developing and implementing its local law and justice
9 plan. In doing so, the association shall consult with the office of
10 financial management and the department of corrections.

11 **Sec. 3.** RCW 36.28A.030 and 1993 c 127 s 4 are each amended to read
12 as follows:

13 (1) The Washington association of (~~sheriffs~~) constables and
14 police chiefs shall establish and maintain a central repository for the
15 collection and classification of information regarding violations of
16 RCW 9A.36.080. Upon establishing such a repository, the association
17 shall develop a procedure to monitor, record, and classify information
18 relating to violations of RCW 9A.36.080 and any other crimes of bigotry
19 or bias apparently directed against other persons because the people
20 committing the crimes perceived that their victims were of a particular
21 race, color, religion, ancestry, national origin, gender, sexual
22 orientation, or had a mental, physical, or sensory handicap.

23 (2) All local law enforcement agencies shall report monthly to the
24 association concerning all violations of RCW 9A.36.080 and any other
25 crimes of bigotry or bias in such form and in such manner as prescribed
26 by rules adopted by the association. Agency participation in the
27 association's reporting programs, with regard to the specific data
28 requirements associated with violations of RCW 9A.36.080 and any other
29 crimes of bigotry or bias, shall be deemed to meet agency reporting
30 requirements. The association must summarize the information received
31 and file an annual report with the governor and the senate law and
32 justice committee and the house of representatives judiciary committee.

33 (3) The association shall disseminate the information according to
34 the provisions of chapters 10.97 and 10.98 RCW, and all other
35 confidentiality requirements imposed by federal or Washington law.

1 **Sec. 4.** RCW 36.28A.040 and 2000 c 3 s 1 are each amended to read
2 as follows:

3 (1) No later than December 31, 2001, the Washington association of
4 (~~sheriffs~~) constables and police chiefs shall implement and operate
5 an electronic statewide city and county jail booking and reporting
6 system. The system shall serve as a central repository and instant
7 information source for offender information and jail statistical data.
8 The system shall be placed on the Washington state justice information
9 network and be capable of communicating electronically with every
10 Washington state city and county jail and with all other Washington
11 state criminal justice agencies as defined in RCW 10.97.030.

12 (2) After the Washington association of (~~sheriffs~~) constables and
13 police chiefs has implemented an electronic jail booking system as
14 described in subsection (1) of this section, if a city or county jail
15 or law enforcement agency receives state or federal funding to cover
16 the entire cost of implementing or reconfiguring an electronic jail
17 booking system, the city or county jail or law enforcement agency shall
18 implement or reconfigure an electronic jail booking system that is in
19 compliance with the jail booking system standards developed pursuant to
20 subsection (4) of this section.

21 (3) After the Washington association of (~~sheriffs~~) constables and
22 police chiefs has implemented an electronic jail booking system as
23 described in subsection (1) of this section, city or county jails, or
24 law enforcement agencies that operate electronic jail booking systems,
25 but choose not to accept state or federal money to implement or
26 reconfigure electronic jail booking systems, shall electronically
27 forward jail booking information to the Washington association of
28 (~~sheriffs~~) constables and police chiefs. At a minimum the
29 information forwarded shall include the name of the offender, vital
30 statistics, the date the offender was arrested, the offenses arrested
31 for, and if available, the mug shot. The electronic format in which
32 the information is sent shall be at the discretion of the city or
33 county jail, or law enforcement agency forwarding the information.
34 City and county jails or law enforcement agencies that forward jail
35 booking information under this subsection are not required to comply
36 with the standards developed under subsection (4)(b) of this section.

37 (4) The Washington association of (~~sheriffs~~) constables and
38 police chiefs shall appoint, convene, and manage a statewide jail
39 booking and reporting system standards committee. The committee shall

1 include representatives from the Washington association of (~~sheriffs~~)
2 constables and police chiefs correction committee, the information
3 service board's justice information committee, the judicial information
4 system, at least two individuals who serve as jailers in a city or
5 county jail, and other individuals that the Washington association of
6 (~~sheriffs~~) constables and police chiefs places on the committee. The
7 committee shall have the authority to:

8 (a) Develop and amend as needed standards for the statewide jail
9 booking and reporting system and for the information that must be
10 contained within the system. At a minimum, the system shall contain:

11 (i) The offenses the individual has been charged with;

12 (ii) Descriptive and personal information about each offender
13 booked into a city or county jail. At a minimum, this information
14 shall contain the offender's name, vital statistics, address, and
15 mugshot;

16 (iii) Information about the offender while in jail, which could be
17 used to protect criminal justice officials that have future contact
18 with the offender, such as medical conditions, acts of violence, and
19 other behavior problems;

20 (iv) Statistical data indicating the current capacity of each jail
21 and the quantity and category of offenses charged; and

22 (v) The ability to communicate directly and immediately with the
23 city and county jails and other criminal justice entities;

24 (b) Develop and amend as needed operational standards for city and
25 county jail booking systems, which at a minimum shall include the type
26 of information collected and transmitted, and the technical
27 requirements needed for the city and county jail booking system to
28 communicate with the statewide jail booking and reporting system;

29 (c) Develop and amend as needed standards for allocating grants to
30 city and county jails or law enforcement agencies that will be
31 implementing or reconfiguring electronic jail booking systems.

32 (5) By January 1, 2001, the standards committee shall complete the
33 initial standards described in subsection (4) of this section, and the
34 standards shall be placed into a report and provided to all Washington
35 state city and county jails, all other criminal justice agencies as
36 defined in RCW 10.97.030, the chair of the Washington state senate
37 human services and corrections committee, and the chair of the
38 Washington state house of representatives criminal justice and
39 corrections committee.

1 **Sec. 5.** RCW 36.28A.050 and 2000 c 3 s 2 are each amended to read
2 as follows:

3 (1) The Washington association of (~~sheriffs~~) constables and
4 police chiefs shall establish and manage a local jail booking system
5 grant fund. All federal or state money collected to offset the costs
6 associated with RCW 36.28A.040(2) shall be processed through the grant
7 fund established by this section. The statewide jail booking and
8 reporting system standards committee established under RCW
9 36.28A.040(4) shall distribute the grants in accordance with any
10 standards it develops.

11 (2) The Washington association of (~~sheriffs~~) constables and
12 police chiefs shall pursue federal funding to be placed into the local
13 jail booking system grant fund.

14 **Sec. 6.** RCW 4.24.5501 and 1997 c 364 s 6 are each amended to read
15 as follows:

16 (1) By December 1, 1997, the Washington association of (~~sheriffs~~)
17 constables and police chiefs shall develop a model policy for law
18 enforcement agencies to follow when they disclose information about sex
19 offenders to the public under RCW 4.24.550. The model policy shall be
20 designed to further the objectives of providing adequate notice to the
21 community concerning sex offenders who are or will be residing in the
22 community and of assisting community members in developing constructive
23 plans to prepare themselves and their children for residing near
24 released sex offenders.

25 (2) In developing the policy, the association shall consult with
26 representatives of the following agencies and professions: (a) The
27 department of corrections; (b) the department of social and health
28 services; (c) the indeterminate sentence review board; (d) the
29 Washington state council of police officers; (e) local correctional
30 agencies; (f) the Washington association of prosecuting attorneys; (g)
31 the Washington public defender association; (h) the Washington
32 association for the treatment of sexual abusers; and (i) victim
33 advocates.

34 (3) The model policy shall, at a minimum, include recommendations
35 to address the following issues: (a) Procedures for local agencies or
36 officials to accomplish the notifications required under RCW
37 4.24.550(8); (b) contents and form of community notification documents,
38 including procedures for ensuring the accuracy of factual information

1 contained in the notification documents, and ways of protecting the
2 privacy of victims of the offenders' crimes; (c) methods of
3 distributing community notification documents; (d) methods of providing
4 follow-up notifications to community residents at specified intervals
5 and of disclosing information about offenders to law enforcement
6 agencies in other jurisdictions if necessary to protect the public; (e)
7 methods of educating community residents at public meetings on how they
8 can use the information in the notification document in a reasonable
9 manner to enhance their individual and collective safety; (f)
10 procedures for educating community members regarding the right of sex
11 offenders not to be the subject of harassment or criminal acts as a
12 result of the notification process; and (g) other matters the
13 Washington association of (~~sheriffs~~) constables and police chiefs
14 deems necessary to ensure the effective and fair administration of RCW
15 4.24.550.

16 **Sec. 7.** RCW 9.94A.060 and 1996 c 232 s 3 are each amended to read
17 as follows:

18 (1) The commission consists of twenty voting members, one of whom
19 the governor shall designate as chairperson. With the exception of ex
20 officio voting members, the voting members of the commission shall be
21 appointed by the governor, subject to confirmation by the senate.

22 (2) The voting membership consists of the following:

23 (a) The head of the state agency having general responsibility for
24 adult correction programs, as an ex officio member;

25 (b) The director of financial management or designee, as an ex
26 officio member;

27 (c) Until the indeterminate sentence review board ceases to exist
28 pursuant to RCW 9.95.0011, the chair of the board, as an ex officio
29 member;

30 (d) The head of the state agency, or the agency head's designee,
31 having responsibility for juvenile corrections programs, as an ex
32 officio member;

33 (e) Two prosecuting attorneys;

34 (f) Two attorneys with particular expertise in defense work;

35 (g) Four persons who are superior court judges;

36 (h) One person who is the chief law enforcement officer of a county
37 or city;

1 (i) Four members of the public who are not prosecutors, defense
2 attorneys, judges, or law enforcement officers, one of whom is a victim
3 of crime or a crime victims' advocate;

4 (j) One person who is an elected official of a county government,
5 other than a prosecuting attorney or sheriff;

6 (k) One person who is an elected official of a city government;

7 (l) One person who is an administrator of juvenile court services.

8 In making the appointments, the governor shall endeavor to assure
9 that the commission membership includes adequate representation and
10 expertise relating to both the adult criminal justice system and the
11 juvenile justice system. In making the appointments, the governor
12 shall seek the recommendations of Washington prosecutors in respect to
13 the prosecuting attorney members, of the Washington state bar
14 association in respect to the defense attorney members, of the
15 association of superior court judges in respect to the members who are
16 judges, of the Washington association of (~~sheriffs~~) constables and
17 police chiefs in respect to the member who is a law enforcement
18 officer, of the Washington state association of counties in respect to
19 the member who is a county official, of the association of Washington
20 cities in respect to the member who is a city official, of the office
21 of crime victims advocacy and other organizations of crime victims in
22 respect to the member who is a victim of crime or a crime victims'
23 advocate, and of the Washington association of juvenile court
24 administrators in respect to the member who is an administrator of
25 juvenile court services.

26 (3)(a) All voting members of the commission, except ex officio
27 voting members, shall serve terms of three years and until their
28 successors are appointed and confirmed.

29 (b) The governor shall stagger the terms of the members appointed
30 under subsection (2)(j), (k), and (l) of this section by appointing one
31 of them for a term of one year, one for a term of two years, and one
32 for a term of three years.

33 (4) The speaker of the house of representatives and the president
34 of the senate may each appoint two nonvoting members to the commission,
35 one from each of the two largest caucuses in each house. The members
36 so appointed shall serve two-year terms, or until they cease to be
37 members of the house from which they were appointed, whichever occurs
38 first.

1 (5) The members of the commission shall be reimbursed for travel
2 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
3 members shall be reimbursed by their respective houses as provided
4 under RCW 44.04.120, as now existing or hereafter amended. Members
5 shall be compensated in accordance with RCW 43.03.250.

6 **Sec. 8.** RCW 9.94A.207 and 1999 c 196 s 9 are each amended to read
7 as follows:

8 (1) The secretary may issue warrants for the arrest of any offender
9 who violates a condition of community placement or community custody.
10 The arrest warrants shall authorize any law enforcement or peace
11 officer or community corrections officer of this state or any other
12 state where such offender may be located, to arrest the offender and
13 place him or her in total confinement pending disposition of the
14 alleged violation. The department shall compensate the local
15 jurisdiction at the office of financial management's adjudicated rate,
16 in accordance with RCW 70.48.440. A community corrections officer, if
17 he or she has reasonable cause to believe an offender in community
18 placement or community custody has violated a condition of community
19 placement or community custody, may suspend the person's community
20 placement or community custody status and arrest or cause the arrest
21 and detention in total confinement of the offender, pending the
22 determination of the secretary as to whether the violation has
23 occurred. The community corrections officer shall report to the
24 secretary all facts and circumstances and the reasons for the action of
25 suspending community placement or community custody status. A
26 violation of a condition of community placement or community custody
27 shall be deemed a violation of the sentence for purposes of RCW
28 9.94A.195. The authority granted to community corrections officers
29 under this section shall be in addition to that set forth in RCW
30 9.94A.195.

31 (2) Inmates, as defined in RCW 72.09.015, who have been transferred
32 to community custody and who are detained in a local correctional
33 facility are the financial responsibility of the department of
34 corrections, except as provided in subsection (3) of this section. The
35 community custody inmate shall be removed from the local correctional
36 facility, except as provided in subsection (3) of this section, not
37 later than eight days, excluding weekends and holidays, following

1 admittance to the local correctional facility and notification that the
2 inmate is available for movement to a state correctional institution.

3 (3) The department may negotiate with local correctional
4 authorities for an additional period of detention; however, sex
5 offenders sanctioned for community custody violations under RCW
6 9.94A.205(2) to a term of confinement shall remain in the local
7 correctional facility for the complete term of the sanction. For
8 confinement sanctions imposed under RCW 9.94A.205(2)(a), the local
9 correctional facility shall be financially responsible. For
10 confinement sanctions imposed under RCW 9.94A.205(2)(b), the department
11 of corrections shall be financially responsible for that portion of the
12 sanction served during the time in which the sex offender is on
13 community custody in lieu of earned release, and the local correctional
14 facility shall be financially responsible for that portion of the
15 sanction served by the sex offender after the time in which the sex
16 offender is on community custody in lieu of earned release. The
17 department, in consultation with the Washington association of
18 ((~~sheriffs~~)) constables and police chiefs and those counties in which
19 the sheriff does not operate a correctional facility, shall establish
20 a methodology for determining the department's local correctional
21 facilities bed utilization rate, for each county in calendar year 1998,
22 for offenders being held for violations of conditions of community
23 custody, community placement, or community supervision. For
24 confinement sanctions imposed under RCW 9.94A.205(2) (c) or (d), the
25 local correctional facility shall continue to be financially
26 responsible to the extent of the calendar year 1998 bed utilization
27 rate. If the department's use of bed space in local correctional
28 facilities of any county for confinement sanctions imposed on offenders
29 sentenced to a term of community custody under RCW 9.94A.205(2) (c) or
30 (d) exceeds the 1998 bed utilization rate for the county, the
31 department shall compensate the county for the excess use at the per
32 diem rate equal to the lowest rate charged by the county under its
33 contract with a municipal government during the year in which the use
34 occurs.

35 **Sec. 9.** RCW 10.99.030 and 1996 c 248 s 6 are each amended to read
36 as follows:

37 (1) All training relating to the handling of domestic violence
38 complaints by law enforcement officers shall stress enforcement of

1 criminal laws in domestic situations, availability of community
2 resources, and protection of the victim. Law enforcement agencies and
3 community organizations with expertise in the issue of domestic
4 violence shall cooperate in all aspects of such training.

5 (2) The criminal justice training commission shall implement by
6 January 1, 1997, a course of instruction for the training of law
7 enforcement officers in Washington in the handling of domestic violence
8 complaints. The basic law enforcement curriculum of the criminal
9 justice training commission shall include at least twenty hours of
10 basic training instruction on the law enforcement response to domestic
11 violence. The course of instruction, the learning and performance
12 objectives, and the standards for the training shall be developed by
13 the commission and focus on enforcing the criminal laws, safety of the
14 victim, and holding the perpetrator accountable for the violence. The
15 curriculum shall include training on the extent and prevalence of
16 domestic violence, the importance of criminal justice intervention,
17 techniques for responding to incidents that minimize the likelihood of
18 officer injury and that promote victim safety, investigation and
19 interviewing skills, evidence gathering and report writing, assistance
20 to and services for victims and children, verification and enforcement
21 of court orders, liability, and any additional provisions that are
22 necessary to carry out the intention of this subsection.

23 (3) The criminal justice training commission shall develop and
24 update annually an in-service training program to familiarize law
25 enforcement officers with the domestic violence laws. The program
26 shall include techniques for handling incidents of domestic violence
27 that minimize the likelihood of injury to the officer and that promote
28 the safety of all parties. The commission shall make the training
29 program available to all law enforcement agencies in the state.

30 (4) Development of the training in subsections (2) and (3) of this
31 section shall be conducted in conjunction with agencies having a
32 primary responsibility for serving victims of domestic violence with
33 emergency shelter and other services, and representatives to the
34 statewide organization providing training and education to these
35 organizations and to the general public.

36 (5) The primary duty of peace officers, when responding to a
37 domestic violence situation, is to enforce the laws allegedly violated
38 and to protect the complaining party.

1 (6)(a) When a peace officer responds to a domestic violence call
2 and has probable cause to believe that a crime has been committed, the
3 peace officer shall exercise arrest powers with reference to the
4 criteria in RCW 10.31.100. The officer shall notify the victim of the
5 victim's right to initiate a criminal proceeding in all cases where the
6 officer has not exercised arrest powers or decided to initiate criminal
7 proceedings by citation or otherwise. The parties in such cases shall
8 also be advised of the importance of preserving evidence.

9 (b) A peace officer responding to a domestic violence call shall
10 take a complete offense report including the officer's disposition of
11 the case.

12 (7) When a peace officer responds to a domestic violence call, the
13 officer shall advise victims of all reasonable means to prevent further
14 abuse, including advising each person of the availability of a shelter
15 or other services in the community, and giving each person immediate
16 notice of the legal rights and remedies available. The notice shall
17 include handing each person a copy of the following statement:

18 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
19 city or county prosecuting attorney to file a criminal
20 complaint. You also have the right to file a petition in
21 superior, district, or municipal court requesting an order for
22 protection from domestic abuse which could include any of the
23 following: (a) An order restraining your abuser from further
24 acts of abuse; (b) an order directing your abuser to leave your
25 household; (c) an order preventing your abuser from entering
26 your residence, school, business, or place of employment; (d)
27 an order awarding you or the other parent custody of or
28 visitation with your minor child or children; and (e) an order
29 restraining your abuser from molesting or interfering with
30 minor children in your custody. The forms you need to obtain
31 a protection order are available in any municipal, district, or
32 superior court.

33 Information about shelters and alternatives to domestic
34 violence is available from a statewide twenty-four-hour toll-
35 free hot line at (include appropriate phone number). The
36 battered women's shelter and other resources in your area are
37 (include local information)"

1 (8) The peace officer may offer, arrange, or facilitate
2 transportation for the victim to a hospital for treatment of injuries
3 or to a place of safety or shelter.

4 (9) The law enforcement agency shall forward the offense report to
5 the appropriate prosecutor within ten days of making such report if
6 there is probable cause to believe that an offense has been committed,
7 unless the case is under active investigation.

8 (10) Each law enforcement agency shall make as soon as practicable
9 a written record and shall maintain records of all incidents of
10 domestic violence reported to it.

11 (11) Records kept pursuant to subsections (6) and (10) of this
12 section shall be made identifiable by means of a departmental code for
13 domestic violence.

14 (12) Commencing January 1, 1994, records of incidents of domestic
15 violence shall be submitted, in accordance with procedures described in
16 this subsection, to the Washington association of (~~sheriffs~~)
17 constables and police chiefs by all law enforcement agencies. The
18 Washington criminal justice training commission shall amend its
19 contract for collection of statewide crime data with the Washington
20 association of (~~sheriffs~~) constables and police chiefs:

21 (a) To include a table, in the annual report of crime in Washington
22 produced by the Washington association of (~~sheriffs~~) constables and
23 police chiefs pursuant to the contract, showing the total number of
24 actual offenses and the number and percent of the offenses that are
25 domestic violence incidents for the following crimes: (i) Criminal
26 homicide, with subtotals for murder and nonnegligent homicide and
27 manslaughter by negligence; (ii) forcible rape, with subtotals for rape
28 by force and attempted forcible rape; (iii) robbery, with subtotals for
29 firearm, knife or cutting instrument, or other dangerous weapon, and
30 strongarm robbery; (iv) assault, with subtotals for firearm, knife or
31 cutting instrument, other dangerous weapon, hands, feet, aggravated,
32 and other nonaggravated assaults; (v) burglary, with subtotals for
33 forcible entry, nonforcible unlawful entry, and attempted forcible
34 entry; (vi) larceny theft, except motor vehicle theft; (vii) motor
35 vehicle theft, with subtotals for autos, trucks and buses, and other
36 vehicles; (viii) arson; and (ix) violations of the provisions of a
37 protection order or no-contact order restraining the person from going
38 onto the grounds of or entering a residence, workplace, school, or day
39 care, provided that specific appropriations are subsequently made for

1 the collection and compilation of data regarding violations of
2 protection orders or no-contact orders;

3 (b) To require that the table shall continue to be prepared and
4 contained in the annual report of crime in Washington until that time
5 as comparable or more detailed information about domestic violence
6 incidents is available through the Washington state incident based
7 reporting system and the information is prepared and contained in the
8 annual report of crime in Washington; and

9 (c) To require that, in consultation with interested persons, the
10 Washington association of (~~sheriffs~~) constables and police chiefs
11 prepare and disseminate procedures to all law enforcement agencies in
12 the state as to how the agencies shall code and report domestic
13 violence incidents to the Washington association of (~~sheriffs~~)
14 constables and police chiefs.

15 **Sec. 10.** RCW 13.60.120 and 1999 c 168 s 3 are each amended to read
16 as follows:

17 The advisory board on missing and exploited children is established
18 to advise the chief of the Washington state patrol on the objectives,
19 conduct, management, and coordination of the various activities of the
20 task force on missing and exploited children.

21 (1) The chief of the state patrol shall appoint five members to the
22 advisory board: (a) One member shall be a county prosecuting attorney
23 or a representative and shall be appointed in consultation with the
24 elected county prosecutors; (b) two members shall be a municipal police
25 chief and a county sheriff, or their representatives, and shall be
26 appointed in consultation with the association of (~~sheriffs~~)
27 constables and police chiefs under RCW 36.28A.010; (c) one member shall
28 be a representative of the state patrol; and (d) one member shall be a
29 representative of parents of missing or exploited children.

30 (2) A sixth member of the board shall represent and be appointed by
31 the attorney general.

32 (3) To improve interagency communication and coordination, the
33 chief of the state patrol shall invite representatives of federal law
34 enforcement agencies and state social service agencies to participate
35 in the advisory board.

36 (4) The members of the board shall be qualified on the basis of
37 knowledge and experience as may contribute to the effective performance
38 of the board's duties. The board shall elect its own chair from among

1 its members. Meetings of the board may be convened at the call of the
2 chair or by a majority of the members.

3 (5) The term of each member of the board shall be two years and
4 shall be conditioned upon the member retaining the official position
5 from which the member was appointed.

6 **Sec. 11.** RCW 28B.10.569 and 1990 c 288 s 7 are each amended to
7 read as follows:

8 (1) Each institution of higher education with a commissioned police
9 force shall report to the Washington association of (~~sheriffs~~)
10 constables and police chiefs or its successor agency, on a monthly
11 basis, crime statistics for the Washington state uniform crime report,
12 in the format required by the Washington association of (~~sheriffs~~)
13 constables and police chiefs, or its successor agency. Institutions of
14 higher education which do not have commissioned police forces shall
15 report crime statistics through appropriate local law enforcement
16 agencies.

17 (2) Each institution of higher education shall publish and
18 distribute a report which shall be updated annually and which shall
19 include the crime statistics as reported under subsection (1) of this
20 section for the most recent three-year period. Upon request, the
21 institution shall provide the report to every person who submits an
22 application for admission to either a main or branch campus, and to
23 each new employee at the time of employment. In its acknowledgement of
24 receipt of the formal application for admission, the institution shall
25 notify the applicant of the availability of such information. The
26 information also shall be provided on an annual basis to all students
27 and employees. Institutions with more than one campus shall provide
28 the required information on a campus-by-campus basis.

29 (3) Each institution of higher education shall provide to every new
30 student and new employee, and upon request to other interested persons,
31 information which follows the general categories for safety policies
32 and procedures outlined in this section. Such categories shall, at a
33 minimum, include campus enrollments, campus nonstudent work force
34 profile, the number and duties of campus security personnel,
35 arrangements with state and local police, and policies on controlled
36 substances. Information for the most recent academic year also shall
37 include a description of any programs offered by an institution's
38 student affairs or services department, and by student government

1 organizations regarding crime prevention and counseling, including a
2 directory of available services and appropriate telephone numbers and
3 physical locations of these services. In addition, institutions
4 maintaining student housing facilities shall include information
5 detailing security policies and programs.

6 Institutions with a main campus and one or more branch campuses
7 shall provide the information on a campus-by-campus basis.

8 In the case of community colleges, colleges shall provide such
9 information to the main campuses only and shall provide reasonable
10 alternative information at any off-campus centers and other affiliated
11 college sites enrolling less than one hundred students.

12 (4) Each institution shall establish a task force which shall
13 annually examine campus security and safety issues. The task force
14 shall review the report published and distributed pursuant to this
15 section in order to ensure the accuracy and effectiveness of the
16 report, and make any suggestions for improvement. This task force
17 shall include representation from the institution's administration,
18 faculty, staff, recognized student organization, and police or security
19 organization.

20 **Sec. 12.** RCW 35.21.334 and 1987 c 339 s 5 are each amended to read
21 as follows:

22 Before making an appointment in the office of chief of police or
23 marshal, the appointing agency shall complete a thorough background
24 investigation of the candidate. The Washington association of
25 (~~sheriffs~~) constables and police chiefs shall develop advisory
26 procedures which may be used by the appointing authority in completing
27 its background investigation of candidates for the office of chief of
28 police or marshal.

29 **Sec. 13.** RCW 36.110.030 and 1995 c 399 s 45 are each amended to
30 read as follows:

31 A statewide jail industries board of directors is established. The
32 board shall consist of the following members:

33 (1) One sheriff and one police chief, to be selected by the
34 Washington association of (~~sheriffs~~) constables and police chiefs;

35 (2) One county commissioner or one county councilmember to be
36 selected by the Washington state association of counties;

- 1 (3) One city official to be selected by the association of
2 Washington cities;
- 3 (4) Two jail administrators to be selected by the Washington state
4 jail association, one of whom shall be from a county or a city with an
5 established jail industries program;
- 6 (5) One prosecuting attorney to be selected by the Washington
7 association of prosecuting attorneys;
- 8 (6) One administrator from a city or county corrections department
9 to be selected by the Washington correctional association;
- 10 (7) One county clerk to be selected by the Washington association
11 of county clerks;
- 12 (8) Three representatives from labor to be selected by the
13 governor. The representatives may be chosen from a list of nominations
14 provided by statewide labor organizations representing a cross-section
15 of trade organizations;
- 16 (9) Three representatives from business to be selected by the
17 governor. The representatives may be chosen from a list of nominations
18 provided by statewide business organizations representing a cross-
19 section of businesses, industries, and all sizes of employers;
- 20 (10) The governor's representative from the employment security
21 department;
- 22 (11) One member representing crime victims, to be selected by the
23 governor;
- 24 (12) One member representing on-line law enforcement officers, to
25 be selected by the governor;
- 26 (13) One member from the department of community, trade, and
27 economic development to be selected by the governor;
- 28 (14) One member representing higher education, vocational
29 education, or adult basic education to be selected by the governor; and
- 30 (15) The governor's representative from the correctional industries
31 division of the state department of corrections shall be an ex officio
32 member for the purpose of coordination and cooperation between prison
33 and jail industries and to further a positive relationship between
34 state and local government offender programs.

35 **Sec. 14.** RCW 38.52.530 and 2000 c 34 s 1 are each amended to read
36 as follows:

37 The enhanced 911 advisory committee is created to advise and assist
38 the state enhanced 911 coordinator in coordinating and facilitating the

1 implementation and operation of enhanced 911 throughout the state. The
2 director shall appoint members of the committee who represent diverse
3 geographical areas of the state and include state residents who are
4 members of the national emergency number association, the associated
5 public communications officers Washington chapter, the Washington state
6 fire chiefs association, the Washington association of (~~sheriffs~~)
7 constables and police chiefs, the Washington state council of fire
8 fighters, the Washington state council of police officers, the
9 Washington ambulance association, the state fire protection policy
10 board, the Washington fire commissioners association, the Washington
11 state patrol, the association of Washington cities, the Washington
12 state association of counties, the utilities and transportation
13 commission or commission staff, and representatives of large and small
14 local exchange telephone companies. This section expires December 31,
15 2006.

16 **Sec. 15.** RCW 40.14.070 and 1999 c 326 s 2 are each amended to read
17 as follows:

18 (1)(a) County, municipal, and other local government agencies may
19 request authority to destroy noncurrent public records having no
20 further administrative or legal value by submitting to the division of
21 archives and records management lists of such records on forms prepared
22 by the division. The archivist, a representative appointed by the
23 state auditor, and a representative appointed by the attorney general
24 shall constitute a committee, known as the local records committee,
25 which shall review such lists and which may veto the destruction of any
26 or all items contained therein.

27 (b) A local government agency, as an alternative to submitting
28 lists, may elect to establish a records control program based on
29 recurring disposition schedules recommended by the agency to the local
30 records committee. The schedules are to be submitted on forms provided
31 by the division of archives and records management to the local records
32 committee, which may either veto, approve, or amend the schedule.
33 Approval of such schedule or amended schedule shall be by unanimous
34 vote of the local records committee. Upon such approval, the schedule
35 shall constitute authority for the local government agency to destroy
36 the records listed thereon, after the required retention period, on a
37 recurring basis until the schedule is either amended or revised by the
38 committee.

1 (2)(a) Except as otherwise provided by law, no public records shall
2 be destroyed until approved for destruction by the local records
3 committee. Official public records shall not be destroyed unless:

4 (i) The records are six or more years old;

5 (ii) The department of origin of the records has made a
6 satisfactory showing to the state records committee that the retention
7 of the records for a minimum of six years is both unnecessary and
8 uneconomical, particularly where lesser federal retention periods for
9 records generated by the state under federal programs have been
10 established; or

11 (iii) The originals of official public records less than six years
12 old have been copied or reproduced by any photographic, photostatic,
13 microfilm, miniature photographic, or other process approved by the
14 state archivist which accurately reproduces or forms a durable medium
15 for so reproducing the original.

16 An automatic reduction of retention periods from seven to six years
17 for official public records on record retention schedules existing on
18 June 10, 1982, shall not be made, but the same shall be reviewed
19 individually by the local records committee for approval or disapproval
20 of the change to a retention period of six years.

21 The state archivist may furnish appropriate information,
22 suggestions, and guidelines to local government agencies for their
23 assistance in the preparation of lists and schedules or any other
24 matter relating to the retention, preservation, or destruction of
25 records under this chapter. The local records committee may adopt
26 appropriate regulations establishing procedures to be followed in such
27 matters.

28 Records of county, municipal, or other local government agencies,
29 designated by the archivist as of primarily historical interest, may be
30 transferred to a recognized depository agency.

31 (b) Records of investigative reports prepared by any state, county,
32 municipal, or other law enforcement agency pertaining to sex offenders
33 contained in chapter 9A.44 RCW or sexually violent offenses as defined
34 in RCW 71.09.020 that are not required in the current operation of the
35 law enforcement agency or for pending judicial proceedings shall,
36 following the expiration of the applicable schedule of the law
37 enforcement agency's retention of the records, be transferred to the
38 Washington association of (~~sheriffs~~) constables and police chiefs for
39 permanent electronic retention and retrieval. Upon electronic

1 retention of any document, the association shall be permitted to
2 destroy the paper copy of the document.

3 (c) Any record transferred to the Washington association of
4 (~~sheriffs~~) constables and police chiefs pursuant to (b) of this
5 subsection shall be deemed to no longer constitute a public record
6 pursuant to RCW 42.17.020 and shall be exempt from public disclosure.
7 Such records shall be disseminated only to criminal justice agencies as
8 defined in RCW 10.97.030 for the purpose of determining if a sex
9 offender met the criteria of a sexually violent predator as defined in
10 chapter 71.09 RCW.

11 **Sec. 16.** RCW 41.72.020 and 1994 c 89 s 2 are each amended to read
12 as follows:

13 There is created the state law enforcement medal of honor committee
14 for nominating candidates for the award of the state law enforcement
15 medal of honor. The committee membership consists of a representative
16 from the governor's office, the Washington state law enforcement
17 association, the Washington state council of police officers, the
18 Washington association of (~~sheriffs~~) constables and police chiefs,
19 and the Washington state troopers association. The attorney general
20 shall serve as chair of the committee and shall designate a secretary
21 for the committee. The committee shall meet not less than semiannually
22 to consider candidates for nomination. The committee shall adopt rules
23 establishing the qualifications for the state law enforcement medal of
24 honor, the protocol governing the decoration, and the appurtenances
25 necessary to the implementation of this chapter.

26 **Sec. 17.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000
27 c 6 s 5 are each reenacted and amended to read as follows:

28 (1) The following are exempt from public inspection and copying:

29 (a) Personal information in any files maintained for students in
30 public schools, patients or clients of public institutions or public
31 health agencies, or welfare recipients.

32 (b) Personal information in files maintained for employees,
33 appointees, or elected officials of any public agency to the extent
34 that disclosure would violate their right to privacy.

35 (c) Information required of any taxpayer in connection with the
36 assessment or collection of any tax if the disclosure of the
37 information to other persons would (i) be prohibited to such persons by

1 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
2 taxpayer's right to privacy or result in unfair competitive
3 disadvantage to the taxpayer.

4 (d) Specific intelligence information and specific investigative
5 records compiled by investigative, law enforcement, and penology
6 agencies, and state agencies vested with the responsibility to
7 discipline members of any profession, the nondisclosure of which is
8 essential to effective law enforcement or for the protection of any
9 person's right to privacy.

10 (e) Information revealing the identity of persons who are witnesses
11 to or victims of crime or who file complaints with investigative, law
12 enforcement, or penology agencies, other than the public disclosure
13 commission, if disclosure would endanger any person's life, physical
14 safety, or property. If at the time a complaint is filed the
15 complainant, victim or witness indicates a desire for disclosure or
16 nondisclosure, such desire shall govern. However, all complaints filed
17 with the public disclosure commission about any elected official or
18 candidate for public office must be made in writing and signed by the
19 complainant under oath.

20 (f) Test questions, scoring keys, and other examination data used
21 to administer a license, employment, or academic examination.

22 (g) Except as provided by chapter 8.26 RCW, the contents of real
23 estate appraisals, made for or by any agency relative to the
24 acquisition or sale of property, until the project or prospective sale
25 is abandoned or until such time as all of the property has been
26 acquired or the property to which the sale appraisal relates is sold,
27 but in no event shall disclosure be denied for more than three years
28 after the appraisal.

29 (h) Valuable formulae, designs, drawings, computer source code or
30 object code, and research data obtained by any agency within five years
31 of the request for disclosure when disclosure would produce private
32 gain and public loss.

33 (i) Preliminary drafts, notes, recommendations, and intra-agency
34 memorandums in which opinions are expressed or policies formulated or
35 recommended except that a specific record shall not be exempt when
36 publicly cited by an agency in connection with any agency action.

37 (j) Records which are relevant to a controversy to which an agency
38 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the
2 superior courts.

3 (k) Records, maps, or other information identifying the location of
4 archaeological sites in order to avoid the looting or depredation of
5 such sites.

6 (l) Any library record, the primary purpose of which is to maintain
7 control of library materials, or to gain access to information, which
8 discloses or could be used to disclose the identity of a library user.

9 (m) Financial information supplied by or on behalf of a person,
10 firm, or corporation for the purpose of qualifying to submit a bid or
11 proposal for (i) a ferry system construction or repair contract as
12 required by RCW 47.60.680 through 47.60.750 or (ii) highway
13 construction or improvement as required by RCW 47.28.070.

14 (n) Railroad company contracts filed prior to July 28, 1991, with
15 the utilities and transportation commission under RCW 81.34.070, except
16 that the summaries of the contracts are open to public inspection and
17 copying as otherwise provided by this chapter.

18 (o) Financial and commercial information and records supplied by
19 private persons pertaining to export services provided pursuant to
20 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
21 export projects pursuant to RCW 43.23.035.

22 (p) Financial disclosures filed by private vocational schools under
23 chapters 28B.85 and 28C.10 RCW.

24 (q) Records filed with the utilities and transportation commission
25 or attorney general under RCW 80.04.095 that a court has determined are
26 confidential under RCW 80.04.095.

27 (r) Financial and commercial information and records supplied by
28 businesses or individuals during application for loans or program
29 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
30 or during application for economic development loans or program
31 services provided by any local agency.

32 (s) Membership lists or lists of members or owners of interests of
33 units in timeshare projects, subdivisions, camping resorts,
34 condominiums, land developments, or common-interest communities
35 affiliated with such projects, regulated by the department of
36 licensing, in the files or possession of the department.

37 (t) All applications for public employment, including the names of
38 applicants, resumes, and other related materials submitted with respect
39 to an applicant.

1 (u) The residential addresses and residential telephone numbers of
2 employees or volunteers of a public agency which are held by the agency
3 in personnel records, employment or volunteer rosters, or mailing lists
4 of employees or volunteers.

5 (v) The residential addresses and residential telephone numbers of
6 the customers of a public utility contained in the records or lists
7 held by the public utility of which they are customers, except that
8 this information may be released to the division of child support or
9 the agency or firm providing child support enforcement for another
10 state under Title IV-D of the federal social security act, for the
11 establishment, enforcement, or modification of a support order.

12 (w)(i) The federal social security number of individuals governed
13 under chapter 18.130 RCW maintained in the files of the department of
14 health, except this exemption does not apply to requests made directly
15 to the department from federal, state, and local agencies of
16 government, and national and state licensing, credentialing,
17 investigatory, disciplinary, and examination organizations; (ii) the
18 current residential address and current residential telephone number of
19 a health care provider governed under chapter 18.130 RCW maintained in
20 the files of the department, if the provider requests that this
21 information be withheld from public inspection and copying, and
22 provides to the department an accurate alternate or business address
23 and business telephone number. On or after January 1, 1995, the
24 current residential address and residential telephone number of a
25 health care provider governed under RCW 18.130.040 maintained in the
26 files of the department shall automatically be withheld from public
27 inspection and copying unless the provider specifically requests the
28 information be released, and except as provided for under RCW
29 42.17.260(9).

30 (x) Information obtained by the board of pharmacy as provided in
31 RCW 69.45.090.

32 (y) Information obtained by the board of pharmacy or the department
33 of health and its representatives as provided in RCW 69.41.044,
34 69.41.280, and 18.64.420.

35 (z) Financial information, business plans, examination reports, and
36 any information produced or obtained in evaluating or examining a
37 business and industrial development corporation organized or seeking
38 certification under chapter 31.24 RCW.

1 (aa) Financial and commercial information supplied to the state
2 investment board by any person when the information relates to the
3 investment of public trust or retirement funds and when disclosure
4 would result in loss to such funds or in private loss to the providers
5 of this information.

6 (bb) Financial and valuable trade information under RCW 51.36.120.

7 (cc) Client records maintained by an agency that is a domestic
8 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
9 crisis center as defined in RCW 70.125.030.

10 (dd) Information that identifies a person who, while an agency
11 employee: (i) Seeks advice, under an informal process established by
12 the employing agency, in order to ascertain his or her rights in
13 connection with a possible unfair practice under chapter 49.60 RCW
14 against the person; and (ii) requests his or her identity or any
15 identifying information not be disclosed.

16 (ee) Investigative records compiled by an employing agency
17 conducting a current investigation of a possible unfair practice under
18 chapter 49.60 RCW or of a possible violation of other federal, state,
19 or local laws prohibiting discrimination in employment.

20 (ff) Business related information protected from public inspection
21 and copying under RCW 15.86.110.

22 (gg) Financial, commercial, operations, and technical and research
23 information and data submitted to or obtained by the clean Washington
24 center in applications for, or delivery of, program services under
25 chapter 70.95H RCW.

26 (hh) Information and documents created specifically for, and
27 collected and maintained by a quality improvement committee pursuant to
28 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
29 4.24.250, regardless of which agency is in possession of the
30 information and documents.

31 (ii) Personal information in files maintained in a data base
32 created under RCW 43.07.360.

33 (jj) Financial and commercial information requested by the public
34 stadium authority from any person or organization that leases or uses
35 the stadium and exhibition center as defined in RCW 36.102.010.

36 (kk) Names of individuals residing in emergency or transitional
37 housing that are furnished to the department of revenue or a county
38 assessor in order to substantiate a claim for property tax exemption
39 under RCW 84.36.043.

1 (ll) The names, residential addresses, residential telephone
2 numbers, and other individually identifiable records held by an agency
3 in relation to a vanpool, carpool, or other ride-sharing program or
4 service. However, these records may be disclosed to other persons who
5 apply for ride-matching services and who need that information in order
6 to identify potential riders or drivers with whom to share rides.

7 (mm) The personally identifying information of current or former
8 participants or applicants in a paratransit or other transit service
9 operated for the benefit of persons with disabilities or elderly
10 persons.

11 (nn) The personally identifying information of persons who acquire
12 and use transit passes and other fare payment media including, but not
13 limited to, stored value smart cards and magnetic strip cards, except
14 that an agency may disclose this information to a person, employer,
15 educational institution, or other entity that is responsible, in whole
16 or in part, for payment of the cost of acquiring or using a transit
17 pass or other fare payment media, or to the news media when reporting
18 on public transportation or public safety. This information may also
19 be disclosed at the agency's discretion to governmental agencies or
20 groups concerned with public transportation or public safety.

21 (oo) Proprietary financial and commercial information that the
22 submitting entity, with review by the department of health,
23 specifically identifies at the time it is submitted and that is
24 provided to or obtained by the department of health in connection with
25 an application for, or the supervision of, an antitrust exemption
26 sought by the submitting entity under RCW 43.72.310. If a request for
27 such information is received, the submitting entity must be notified of
28 the request. Within ten business days of receipt of the notice, the
29 submitting entity shall provide a written statement of the continuing
30 need for confidentiality, which shall be provided to the requester.
31 Upon receipt of such notice, the department of health shall continue to
32 treat information designated under this section as exempt from
33 disclosure. If the requester initiates an action to compel disclosure
34 under this chapter, the submitting entity must be joined as a party to
35 demonstrate the continuing need for confidentiality.

36 (pp) Records maintained by the board of industrial insurance
37 appeals that are related to appeals of crime victims' compensation
38 claims filed with the board under RCW 7.68.110.

1 (qq) Financial and commercial information supplied by or on behalf
2 of a person, firm, corporation, or entity under chapter 28B.95 RCW
3 relating to the purchase or sale of tuition units and contracts for the
4 purchase of multiple tuition units.

5 (rr) Any records of investigative reports prepared by any state,
6 county, municipal, or other law enforcement agency pertaining to sex
7 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
8 defined in RCW 71.09.020, which have been transferred to the Washington
9 association of (~~sheriffs~~) constables and police chiefs for permanent
10 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

11 (ss) Credit card numbers, debit card numbers, electronic check
12 numbers, card expiration dates, or bank or other financial account
13 numbers supplied to an agency for the purpose of electronic transfer of
14 funds, except when disclosure is expressly required by law.

15 (tt) Financial information, including but not limited to account
16 numbers and values, and other identification numbers supplied by or on
17 behalf of a person, firm, corporation, limited liability company,
18 partnership, or other entity related to an application for a liquor
19 license, gambling license, or lottery retail license.

20 (uu) Records maintained by the employment security department and
21 subject to chapter 50.13 RCW if provided to another individual or
22 organization for operational, research, or evaluation purposes.

23 (vv) Individually identifiable information received by the work
24 force training and education coordinating board for research or
25 evaluation purposes.

26 (2) Except for information described in subsection (1)(c)(i) of
27 this section and confidential income data exempted from public
28 inspection pursuant to RCW 84.40.020, the exemptions of this section
29 are inapplicable to the extent that information, the disclosure of
30 which would violate personal privacy or vital governmental interests,
31 can be deleted from the specific records sought. No exemption may be
32 construed to permit the nondisclosure of statistical information not
33 descriptive of any readily identifiable person or persons.

34 (3) Inspection or copying of any specific records exempt under the
35 provisions of this section may be permitted if the superior court in
36 the county in which the record is maintained finds, after a hearing
37 with notice thereof to every person in interest and the agency, that
38 the exemption of such records is clearly unnecessary to protect any
39 individual's right of privacy or any vital governmental function.

1 (4) Agency responses refusing, in whole or in part, inspection of
2 any public record shall include a statement of the specific exemption
3 authorizing the withholding of the record (or part) and a brief
4 explanation of how the exemption applies to the record withheld.

5 **Sec. 18.** RCW 43.43.490 and 2000 c 118 s 2 are each amended to read
6 as follows:

7 (1) The Washington state patrol shall work with the criminal
8 justice training commission and the Washington association of
9 (~~sheriffs~~) constables and police chiefs to develop (a) further
10 criteria for collection and evaluation of the data collected under RCW
11 43.43.480, and (b) training materials for use by the state patrol and
12 local law enforcement agencies on the issue of racial profiling.

13 (2) The Washington state patrol, criminal justice training
14 commission, and Washington association of (~~sheriffs~~) constables and
15 police chiefs shall encourage local law enforcement agencies to
16 voluntarily collect the data set forth under RCW 43.43.480(1).

17 **Sec. 19.** RCW 43.43.655 and 1989 c 271 s 235 are each amended to
18 read as follows:

19 A special narcotics enforcement unit is established within the
20 Washington state patrol drug control assistance unit. The unit shall
21 be coordinated between the Washington state patrol, the attorney
22 general, and the Washington association of (~~sheriffs~~) constables and
23 police chiefs. The initial unit shall consist of attorneys,
24 investigators, and the necessary accountants and support staff. It is
25 the responsibility of the unit to: (1) Conduct criminal narcotic
26 profiteering investigations and assist with prosecutions, (2) train
27 local undercover narcotic agents, and (3) coordinate federal, state,
28 and local interjurisdictional narcotic investigations.

29 **Sec. 20.** RCW 43.43.858 and 2000 c 38 s 1 are each amended to read
30 as follows:

31 There is hereby created the organized crime advisory board of the
32 state of Washington. The board shall consist of fourteen voting and
33 two nonvoting members.

34 The lieutenant governor shall appoint four members of the senate to
35 the board, no more than two of whom shall be from the same political
36 party.

1 The governor shall appoint six members to the board. Two members
2 shall be county prosecuting attorneys and shall be appointed from a
3 list of four county prosecutors agreed upon and submitted to the
4 governor by the elected county prosecutors. One member shall be a
5 municipal police chief, and one member shall be a county sheriff, both
6 of whom shall be appointed from a list of three police chiefs and three
7 sheriffs agreed upon and submitted to the governor by the association
8 of ((~~sheriffs~~)) constables and police chiefs (RCW 36.28A.010). One
9 member shall be a retired judge of a court of record. One member shall
10 be the secretary of corrections or the secretary's designee.

11 The United States attorneys for the western and eastern districts
12 of Washington shall be requested to serve on the board as nonvoting
13 members and shall not be eligible to serve as chairperson.

14 The speaker of the house shall appoint four members of the house of
15 representatives to the board, no more than two of whom shall be from
16 the same political party.

17 The members of the board shall be qualified on the basis of
18 knowledge and experience in matters relating to crime prevention and
19 security or with such other abilities as may be expected to contribute
20 to the effective performance of the board's duties. The members of the
21 board shall meet with the chief of the Washington state patrol at least
22 four times a year to perform the duties enumerated in RCW 43.43.862 and
23 to discuss any other matters related to organized crime. Additional
24 meetings of the board may be convened at the call of the chairperson or
25 by a majority of the members. The board shall elect its own
26 chairperson from among its members. Legislative members shall receive
27 reimbursement for travel expenses incurred in the performance of their
28 duties in accordance with RCW 44.04.120, and the other members in
29 accordance with RCW 43.03.050 and 43.03.060.

30 **Sec. 21.** RCW 43.101.224 and 1999 c 389 s 2 are each amended to
31 read as follows:

32 (1) Ongoing specialized training shall be provided for persons
33 responsible for investigating child sexual abuse. Training
34 participants shall have the opportunity to practice interview skills
35 and receive feedback from instructors.

36 (2) The commission, the department of social and health services,
37 the Washington association of ((~~sheriffs~~)) constables and police
38 chiefs, and the Washington association of prosecuting attorneys shall

1 design and implement statewide training that contains consistent
2 elements for persons engaged in the interviewing of children for child
3 sexual abuse cases, including law enforcement, prosecution, and child
4 protective services.

5 (3) The training shall: (a) Be based on research-based practices
6 and standards; (b) minimize the trauma of all persons who are
7 interviewed during abuse investigations; (c) provide methods of
8 reducing the number of investigative interviews necessary whenever
9 possible; (d) assure, to the extent possible, that investigative
10 interviews are thorough, objective, and complete; (e) recognize needs
11 of special populations, such as persons with developmental
12 disabilities; (f) recognize the nature and consequences of
13 victimization; (g) require investigative interviews to be conducted in
14 a manner most likely to permit the interviewed persons the maximum
15 emotional comfort under the circumstances; (h) address record retention
16 and retrieval; and (i) documentation of investigative interviews.

17 **Sec. 22.** RCW 43.101.270 and 1991 c 267 s 2 are each amended to
18 read as follows:

19 (1) Each year the criminal justice training commission shall offer
20 an intensive, integrated training session on investigating and
21 prosecuting sexual assault cases. The training shall place particular
22 emphasis on the development of professionalism and sensitivity towards
23 the victim and the victim's family.

24 (2) The commission shall seek advice from the Washington
25 association of prosecuting attorneys, the Washington defender
26 association, the Washington association of (~~sheriffs~~) constables and
27 police chiefs, and the Washington coalition of sexual assault programs.

28 (3) The training shall be an integrated approach to sexual assault
29 cases so that prosecutors, law enforcement, defenders, and victim
30 advocates can all benefit from the training.

31 (4) The training shall be self-supporting through fees charged to
32 the participants of the training.

33 **Sec. 23.** RCW 43.101.315 and 1997 c 351 s 3 are each amended to
34 read as follows:

35 (1) The board on law enforcement training standards and education
36 consists of thirteen members, appointed by the executive director and
37 subject to approval by the commission. Members must be selected as

1 follows: (a) Three must represent county law enforcement agencies, at
2 least two of whom must be incumbent sheriffs; (b) three must represent
3 city police agencies, at least two of whom must be incumbent police
4 chiefs, one of whom shall be from a city under five thousand; (c) one
5 must represent community colleges; (d) one must represent the four-year
6 colleges and universities; (e) four must represent the council of
7 police officers, two of whom must be training officers; and (f) one
8 must represent tribal law enforcement in Washington. The six officers
9 under (a) and (b) of this subsection may be appointed by the executive
10 director only after the Washington association of (~~sheriffs~~)
11 constables and police chiefs provides the director with the names of
12 qualified officers. The four officers under (e) of this subsection may
13 be appointed by the executive director only after the council of police
14 officers provides the director with the names of qualified officers.

15 (2) The board on correctional training standards and education
16 consists of fourteen members, appointed by the executive director and
17 subject to approval by the commission. Members must be selected as
18 follows: (a) Three must be employed in the state correctional system;
19 (b) three must be employed in county correctional systems; (c) two must
20 be employed in juvenile corrections or probation, one at the local
21 level and the other at the state level; (d) two must be employed in
22 community corrections; (e) one must represent community colleges; (f)
23 one must represent four-year colleges and universities; and (g) two
24 must be additional persons with experience and interest in correctional
25 training standards and education. At least one of the members
26 appointed under (a) of this subsection and at least one of the members
27 appointed under (b) of this subsection must be currently employed as
28 front line correctional officers.

29 **Sec. 24.** RCW 43.103.040 and 1995 c 398 s 5 are each amended to
30 read as follows:

31 The council shall consist of twelve members who shall be selected
32 as follows: One county coroner; one county prosecutor; one county
33 prosecutor who also serves as ex officio county coroner; one county
34 medical examiner; one county sheriff; one chief of police; the chief of
35 the state patrol; two members of a county legislative authority; one
36 pathologist who is currently in private practice; and two members of a
37 city legislative authority.

1 The governor shall appoint members to the council from among the
2 nominees submitted for each position as follows: The Washington
3 association of county officials shall submit two nominees each for the
4 coroner position and the medical examiner position; the Washington
5 state association of counties shall submit two nominees each for the
6 two county legislative authority positions; the association of
7 Washington cities shall submit two nominees each for the two city
8 legislative authority positions; the Washington association of
9 prosecuting attorneys shall submit two nominees each for the county
10 prosecutor-ex officio county coroner and for the county prosecutor
11 position; the Washington association of ((~~sheriffs~~)) constables and
12 police chiefs shall submit two nominees each for the county sheriff
13 position and the chief of police position; and the Washington
14 association of pathologists shall submit two nominees for the private
15 pathologist position.

16 **Sec. 25.** RCW 43.330.190 and 1999 c 303 s 1 are each amended to
17 read as follows:

18 Counties may submit a petition for relief to the office of public
19 defense for reimbursement of extraordinary criminal justice costs.
20 Extraordinary criminal justice costs are defined as those associated
21 with investigation, prosecution, indigent defense, jury impanelment,
22 expert witnesses, interpreters, incarceration, and other adjudication
23 costs of aggravated murder cases.

24 (1) The office of public defense, in consultation with the
25 Washington association of prosecuting attorneys and the Washington
26 association of ((~~sheriffs~~)) constables and police chiefs, shall develop
27 procedures for processing the petitions, for auditing the veracity of
28 the petitions, and for prioritizing the petitions. Prioritization of
29 the petitions shall be based on, but not limited to, such factors as
30 disproportionate fiscal impact relative to the county budget, efficient
31 use of resources, and whether the costs are extraordinary and could not
32 be reasonably accommodated and anticipated in the normal budget
33 process.

34 (2) Before January 1st of each year, the office of public defense,
35 in consultation with the Washington association of prosecuting
36 attorneys and the Washington association of ((~~sheriffs~~)) constables and
37 police chiefs, shall develop and submit to the appropriate fiscal
38 committees of the senate and house of representatives a prioritized

1 list of submitted petitions that are recommended for funding by the
2 legislature.

3 **Sec. 26.** RCW 72.09.300 and 1996 c 232 s 7 are each amended to read
4 as follows:

5 (1) Every county legislative authority shall by resolution or
6 ordinance establish a local law and justice council. The county
7 legislative authority shall determine the size and composition of the
8 council, which shall include the county sheriff and a representative of
9 the municipal police departments within the county, the county
10 prosecutor and a representative of the municipal prosecutors within the
11 county, a representative of the city legislative authorities within the
12 county, a representative of the county's superior, juvenile, district,
13 and municipal courts, the county jail administrator, the county clerk,
14 the county risk manager, and the secretary of corrections. Officials
15 designated may appoint representatives.

16 (2) A combination of counties may establish a local law and justice
17 council by intergovernmental agreement. The agreement shall comply
18 with the requirements of this section.

19 (3) The local law and justice council shall develop a local law and
20 justice plan for the county. The council shall design the elements and
21 scope of the plan, subject to final approval by the county legislative
22 authority. The general intent of the plan shall include seeking means
23 to maximize local resources including personnel and facilities, reduce
24 duplication of services, and share resources between local and state
25 government in order to accomplish local efficiencies without
26 diminishing effectiveness. The plan shall also include a section on
27 jail management. This section may include the following elements:

28 (a) A description of current jail conditions, including whether the
29 jail is overcrowded;

30 (b) A description of potential alternatives to incarceration;

31 (c) A description of current jail resources;

32 (d) A description of the jail population as it presently exists and
33 how it is projected to change in the future;

34 (e) A description of projected future resource requirements;

35 (f) A proposed action plan, which shall include recommendations to
36 maximize resources, maximize the use of intermediate sanctions,
37 minimize overcrowding, avoid duplication of services, and effectively
38 manage the jail and the offender population;

1 (g) A list of proposed advisory jail standards and methods to
2 effect periodic quality assurance inspections of the jail;

3 (h) A proposed plan to collect, synthesize, and disseminate
4 technical information concerning local criminal justice activities,
5 facilities, and procedures;

6 (i) A description of existing and potential services for offenders
7 including employment services, substance abuse treatment, mental health
8 services, and housing referral services.

9 (4) The council may propose other elements of the plan, which shall
10 be subject to review and approval by the county legislative authority,
11 prior to their inclusion into the plan.

12 (5) The county legislative authority may request technical
13 assistance in developing or implementing the plan from other units or
14 agencies of state or local government, which shall include the
15 department, the office of financial management, and the Washington
16 association of (~~sheriffs~~) constables and police chiefs.

17 (6) Upon receiving a request for assistance from a county, the
18 department may provide the requested assistance.

19 (7) The secretary may adopt rules for the submittal, review, and
20 approval of all requests for assistance made to the department. The
21 secretary may also appoint an advisory committee of local and state
22 government officials to recommend policies and procedures relating to
23 the state and local correctional systems and to assist the department
24 in providing technical assistance to local governments. The committee
25 shall include representatives of the county sheriffs, the police
26 chiefs, the county prosecuting attorneys, the county and city
27 legislative authorities, and the jail administrators. The secretary
28 may contract with other state and local agencies and provide funding in
29 order to provide the assistance requested by counties.

30 (8) The department shall establish a base level of state
31 correctional services, which shall be determined and distributed in a
32 consistent manner statewide. The department's contributions to any
33 local government, approved pursuant to this section, shall not operate
34 to reduce this base level of services.

35 (9) The council shall establish an advisory committee on juvenile
36 justice proportionality. The council shall appoint the county juvenile
37 court administrator and at least five citizens as advisory committee
38 members. The citizen advisory committee members shall be
39 representative of the county's ethnic and geographic diversity. The

1 advisory committee members shall serve two-year terms and may be
2 reappointed. The duties of the advisory committee include:

3 (a) Monitoring and reporting to the sentencing guidelines
4 commission on the proportionality, effectiveness, and cultural
5 relevance of:

6 (i) The rehabilitative services offered by county and state
7 institutions to juvenile offenders; and

8 (ii) The rehabilitative services offered in conjunction with
9 diversions, deferred dispositions, community supervision, and parole;

10 (b) Reviewing citizen complaints regarding bias or
11 disproportionality in that county's juvenile justice system;

12 (c) By September 1 of each year, beginning with 1995, submit to the
13 sentencing guidelines commission a report summarizing the advisory
14 committee's findings under (a) and (b) of this subsection.

15 **Sec. 27.** RCW 74.14B.010 and 1999 c 389 s 5 are each amended to
16 read as follows:

17 (1) Caseworkers employed in children services shall meet minimum
18 standards established by the department of social and health services.
19 Comprehensive training for caseworkers shall be completed before such
20 caseworkers are assigned to case-carrying responsibilities without
21 direct supervision. Intermittent, part-time, and standby workers shall
22 be subject to the same minimum standards and training.

23 (2) Ongoing specialized training shall be provided for persons
24 responsible for investigating child sexual abuse. Training
25 participants shall have the opportunity to practice interview skills
26 and receive feedback from instructors.

27 (3) The department, the criminal justice training commission, the
28 Washington association of (~~sheriffs~~) constables and police chiefs,
29 and the Washington association of prosecuting attorneys shall design
30 and implement statewide training that contains consistent elements for
31 persons engaged in the interviewing of children, including law
32 enforcement, prosecution, and child protective services.

33 (4) The training shall: (a) Be based on research-based practices
34 and standards; (b) minimize the trauma of all persons who are
35 interviewed during abuse investigations; (c) provide methods of
36 reducing the number of investigative interviews necessary whenever
37 possible; (d) assure, to the extent possible, that investigative
38 interviews are thorough, objective, and complete; (e) recognize needs

1 of special populations, such as persons with developmental
2 disabilities; (f) recognize the nature and consequences of
3 victimization; (g) require investigative interviews to be conducted in
4 a manner most likely to permit the interviewed persons the maximum
5 emotional comfort under the circumstances; (h) address record retention
6 and retrieval; and (i) documentation of investigative interviews.

7 **Sec. 28.** RCW 82.14.310 and 1999 c 309 s 920 are each amended to
8 read as follows:

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

18 (2) The moneys deposited in the county criminal justice assistance
19 account for distribution under this section, less any moneys
20 appropriated for purposes under subsection (4) of this section, shall
21 be distributed at such times as distributions are made under RCW
22 82.44.150 and on the relative basis of each county's funding factor as
23 determined under this subsection.

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

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

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

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

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

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

34 (ii) The crime rate of the county or city is the annual occurrence
35 of specified criminal offenses, as calculated in the most recent annual
36 report on crime in Washington state as published by the Washington
37 association of (~~sheriffs~~) constables and police chiefs, for each one
38 thousand in population;

1 (iii) The annual number of criminal cases filed in the county
2 superior court shall be determined by the most recent annual report of
3 the courts of Washington, as published by the office of the
4 administrator for the courts;

5 (iv) Distributions and eligibility for distributions in the 1989-91
6 biennium shall be based on 1988 figures for both the crime rate as
7 described under (ii) of this subsection and the annual number of
8 criminal cases that are filed as described under (iii) of this
9 subsection. Future distributions shall be based on the most recent
10 figures for both the crime rate as described under (ii) of this
11 subsection and the annual number of criminal cases that are filed as
12 described under (iii) of this subsection.

13 (3) Moneys distributed under this section shall be expended
14 exclusively for criminal justice purposes and shall not be used to
15 replace or supplant existing funding. Criminal justice purposes are
16 defined as activities that substantially assist the criminal justice
17 system, which may include circumstances where ancillary benefit to the
18 civil or juvenile justice system occurs, and which includes (a)
19 domestic violence services such as those provided by domestic violence
20 programs, community advocates, and legal advocates, as defined in RCW
21 70.123.020, and (b) during the 1999-2001 fiscal biennium, juvenile
22 dispositional hearings relating to petitions for at-risk youth,
23 truancy, and children in need of services. Existing funding for
24 purposes of this subsection is defined as calendar year 1989 actual
25 operating expenditures for criminal justice purposes. Calendar year
26 1989 actual operating expenditures for criminal justice purposes
27 exclude the following: Expenditures for extraordinary events not
28 likely to reoccur, changes in contract provisions for criminal justice
29 services, beyond the control of the local jurisdiction receiving the
30 services, and major nonrecurring capital expenditures.

31 (4) Not more than five percent of the funds deposited to the county
32 criminal justice assistance account shall be available for
33 appropriations for enhancements to the state patrol crime laboratory
34 system and the continuing costs related to these enhancements. Funds
35 appropriated from this account for such enhancements shall not supplant
36 existing funds from the state general fund.

37 **Sec. 29.** RCW 82.14.320 and 1998 c 321 s 12 are each amended to
38 read as follows:

1 (1) The municipal criminal justice assistance account is created in
2 the state treasury. Beginning in fiscal year 2000, the state treasurer
3 shall transfer into the municipal criminal justice assistance account
4 for distribution under this section from the general fund the sum of
5 four million six hundred thousand dollars divided into four equal
6 deposits occurring on July 1, October 1, January 1, and April 1. For
7 each fiscal year thereafter, the state treasurer shall increase the
8 total transfer by the fiscal growth factor, as defined in RCW
9 43.135.025, forecast for that fiscal year by the office of financial
10 management in November of the preceding year.

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

13 (a) The city has a crime rate in excess of one hundred twenty-five
14 percent of the statewide average as calculated in the most recent
15 annual report on crime in Washington state as published by the
16 Washington association of (~~sheriffs~~) constables and police chiefs;

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

20 (c) The city has a per capita yield from the tax imposed under RCW
21 82.14.030(1) at the maximum rate of less than one hundred fifty percent
22 of the statewide average per capita yield for all cities from such
23 local sales and use tax.

24 (3) The moneys deposited in the municipal criminal justice
25 assistance account for distribution under this section, less any moneys
26 appropriated for purposes under subsection (7) of this section, shall
27 be distributed at such times as distributions are made under RCW
28 82.44.150. The distributions shall be made as follows:

29 (a) Unless reduced by this subsection, thirty percent of the moneys
30 shall be distributed ratably based on population as last determined by
31 the office of financial management to those cities eligible under
32 subsection (2) of this section that have a crime rate determined under
33 subsection (2)(a) of this section which is greater than one hundred
34 seventy-five percent of the statewide average crime rate. No city may
35 receive more than fifty percent of any moneys distributed under this
36 subsection (a) but, if a city distribution is reduced as a result of
37 exceeding the fifty percent limitation, the amount not distributed
38 shall be distributed under (b) of this subsection.

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

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

8 (5) Notwithstanding other provisions of this section, the
9 distributions to any city that substantially decriminalizes or repeals
10 its criminal code after July 1, 1990, and that does not reimburse the
11 county for costs associated with criminal cases under RCW 3.50.800 or
12 3.50.805(2), shall be made to the county in which the city is located.

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

31 (7) Not more than five percent of the funds deposited to the
32 municipal criminal justice assistance account shall be available for
33 appropriations for enhancements to the state patrol crime laboratory
34 system and the continuing costs related to these enhancements. Funds
35 appropriated from this account for such enhancements shall not supplant
36 existing funds from the state general fund.

37 **Sec. 30.** RCW 82.14.330 and 1998 c 321 s 13 are each amended to
38 read as follows:

1 (1) Beginning in fiscal year 2000, the state treasurer shall
2 transfer into the municipal criminal justice assistance account for
3 distribution under this section from the general fund the sum of four
4 million six hundred thousand dollars divided into four equal deposits
5 occurring on July 1, October 1, January 1, and April 1. For each
6 fiscal year thereafter, the state treasurer shall increase the total
7 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
8 forecast for that fiscal year by the office of financial management in
9 November of the preceding year. The moneys deposited in the municipal
10 criminal justice assistance account for distribution under this
11 section, less any moneys appropriated for purposes under subsection (4)
12 of this section, shall be distributed to the cities of the state as
13 follows:

14 (a) Twenty percent appropriated for distribution shall be
15 distributed to cities with a three-year average violent crime rate for
16 each one thousand in population in excess of one hundred fifty percent
17 of the statewide three-year average violent crime rate for each one
18 thousand in population. The three-year average violent crime rate
19 shall be calculated using the violent crime rates for each of the
20 preceding three years from the annual reports on crime in Washington
21 state as published by the Washington association of ((~~sheriffs~~)
22 constables and police chiefs. Moneys shall be distributed under this
23 subsection (1)(a) ratably based on population as last determined by the
24 office of financial management, but no city may receive more than one
25 dollar per capita. Moneys remaining undistributed under this
26 subsection at the end of each calendar year shall be distributed to the
27 criminal justice training commission to reimburse participating city
28 law enforcement agencies with ten or fewer full-time commissioned
29 patrol officers the cost of temporary replacement of each officer who
30 is enrolled in basic law enforcement training, as provided in RCW
31 43.101.200.

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

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

38 Moneys distributed under this subsection 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 Existing funding for purposes of this subsection is defined as calendar
8 year 1989 actual operating expenditures for criminal justice purposes.
9 Calendar year 1989 actual operating expenditures for criminal justice
10 purposes exclude the following: Expenditures for extraordinary events
11 not likely to reoccur, changes in contract provisions for criminal
12 justice services, beyond the control of the local jurisdiction
13 receiving the services, and major nonrecurring capital expenditures.

14 (2) In addition to the distributions under subsection (1) of this
15 section:

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

20 (b) Twenty percent shall be distributed to cities that have
21 initiated programs to help at-risk children or child abuse victim
22 response programs. No city may receive more than fifty cents per
23 capita under this subsection (2)(b).

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

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

32 Moneys distributed under this subsection shall be distributed to
33 those cities that submit funding requests under this subsection to the
34 department of community, trade, and economic development based on
35 criteria developed under RCW 82.14.335. Allocation of funds shall be
36 in proportion to the population of qualified jurisdictions, but the
37 distribution to a city shall not exceed the amount of funds requested.
38 Cities shall submit requests for program funding to the department of
39 community, trade, and economic development by November 1 of each year

1 for funding the following year. The department shall certify to the
2 state treasurer the cities eligible for funding under this subsection
3 and the amount of each allocation.

4 The moneys deposited in the municipal criminal justice assistance
5 account for distribution under this subsection, less any moneys
6 appropriated for purposes under subsection (4) of this section, shall
7 be distributed at the times as distributions are made under RCW
8 82.44.150. Moneys remaining undistributed under this subsection at the
9 end of each calendar year shall be distributed to the criminal justice
10 training commission to reimburse participating city law enforcement
11 agencies with ten or fewer full-time commissioned patrol officers the
12 cost of temporary replacement of each officer who is enrolled in basic
13 law enforcement training, as provided in RCW 43.101.200.

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

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

27 (4) Not more than five percent of the funds deposited to the
28 municipal criminal justice assistance account shall be available for
29 appropriations for enhancements to the state patrol crime laboratory
30 system and the continuing costs related to these enhancements. Funds
31 appropriated from this account for such enhancements shall not supplant
32 existing funds from the state general fund.

33 **Sec. 31.** RCW 82.14.335 and 1995 c 399 s 213 are each amended to
34 read as follows:

35 The department of community, trade, and economic development shall
36 adopt criteria to be used in making grants to cities under RCW
37 82.14.330(2). In developing the criteria, the department shall create
38 a temporary advisory committee consisting of the director of community,

1 trade, and economic development, two representatives nominated by the
2 association of Washington cities, and two representatives nominated by
3 the Washington association of (~~sheriffs~~) constables and police
4 chiefs.

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