
SENATE BILL 5428

State of Washington 57th Legislature 2001 Regular Session

By Senators Hargrove, McCaslin, Sheahan, T. Sheldon, Hewitt and Oke

Read first time 01/23/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to state reimbursement for certain local
2 criminal justice expenditures; and amending RCW 39.34.180.

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

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

6 (1) Each county, city, and town is responsible for the
7 prosecution, adjudication, sentencing, and incarceration of
8 misdemeanor and gross misdemeanor offenses committed by adults in
9 their respective jurisdictions, and referred from their respective
10 law enforcement agencies, whether filed under state law or city
11 ordinance, and must carry out these responsibilities through the
12 use of their own courts, staff, and facilities, or by entering
13 into contracts or interlocal agreements under this chapter to
14 provide these services. The state shall pay all costs for the
15 prosecution, adjudication, sentencing, and incarceration of all
16 misdemeanor and gross misdemeanor offenses referred to each county
17 or city by a state agency, including but not limited to the state
18 patrol, the department of fish and wildlife, any public college or

1 university police force, or the state parks department. State
2 payment of these costs constitutes a transfer to the state for
3 local government costs under RCW 43.135.060(2). Nothing in this
4 section is intended to alter the statutory responsibilities of
5 each county for the prosecution, adjudication, sentencing, and
6 incarceration for not more than one year of felony offenders, nor
7 shall this section apply to any offense initially filed by the
8 prosecuting attorney as a felony offense or an attempt to commit a
9 felony offense.

10 (2) The following principles must be followed in negotiating
11 interlocal agreements or contracts: Cities and counties must
12 consider (a) anticipated costs of services; and (b) anticipated
13 and potential revenues to fund the services, including fines and
14 fees, criminal justice funding, ~~((and))~~ state-authorized sales tax
15 funding levied for criminal justice purposes, and state
16 reimbursement for prisoners in jails.

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

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

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