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**SUBSTITUTE HOUSE BILL 1711**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives O'Brien, Mielke and Darneille; by request of Department of Community, Trade, and Economic Development)

READ FIRST TIME 02/24/03.

1 AN ACT Relating to the municipal criminal justice assistance  
2 account; amending RCW 82.14.330; and repealing RCW 82.14.335.

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

4 **Sec. 1.** RCW 82.14.330 and 1998 c 321 s 13 are each amended to read  
5 as follows:

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

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

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

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

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

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

3 ~~(a) ((Fourteen percent shall be distributed to cities that have~~  
4 ~~initiated innovative law enforcement strategies, including alternative~~  
5 ~~sentencing and crime prevention programs. No city may receive more~~  
6 ~~than one dollar per capita under this subsection (2)(a))~~ Ten percent  
7 shall be distributed on a per capita basis to cities that contract with  
8 another governmental agency for the majority of the city's law  
9 enforcement services. Cities that subsequently qualify for this  
10 distribution shall notify the department of community, trade, and  
11 economic development by November 30th for the upcoming calendar year.  
12 The department of community, trade, and economic development shall  
13 provide a list of eligible cities to the state treasurer by December  
14 31st. The state treasurer shall modify the distribution of these funds  
15 in the following year. Cities have the responsibility to notify the  
16 department of community, trade, and economic development of any changes  
17 regarding these contractual relationships. Adjustments in the  
18 distribution formula to add or delete cities may be made only for the  
19 upcoming calendar year; no adjustments may be made retroactively.

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~~

1 ~~community, trade, and economic development by November 1 of each year~~  
2 ~~for funding the following year. The department shall certify to the~~  
3 ~~state treasurer the cities eligible for funding under this subsection~~  
4 ~~and the amount of each allocation)) The remaining fifty-four percent~~  
5 shall be distributed to cities and towns by the state treasurer on a  
6 per capita basis. These funds shall be used for: (i) Innovative law  
7 enforcement strategies; (ii) programs to help at-risk children or child  
8 abuse victim response programs; and (iii) programs designed to reduce  
9 the level of domestic violence or to provide counseling for domestic  
10 violence victims.

11 The moneys deposited in the municipal criminal justice assistance  
12 account for distribution under this subsection, less any moneys  
13 appropriated for purposes under subsection (4) of this section, shall  
14 be distributed at the times as distributions are made under RCW  
15 82.44.150. Moneys remaining undistributed under this subsection at the  
16 end of each calendar year shall be distributed to the criminal justice  
17 training commission to reimburse participating city law enforcement  
18 agencies with ten or fewer full-time commissioned patrol officers the  
19 cost of temporary replacement of each officer who is enrolled in basic  
20 law enforcement training, as provided in RCW 43.101.200.

21 If a city is found by the state auditor to have expended funds  
22 received under this subsection in a manner that does not comply with  
23 the criteria under which the moneys were received, the city shall be  
24 ineligible to receive future distributions under this subsection until  
25 the use of the moneys are justified to the satisfaction of the director  
26 or are repaid to the state general fund. (~~The director may allow~~  
27 ~~noncomplying use of moneys received under this subsection upon a~~  
28 ~~showing of hardship or other emergent need.))~~

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

34 (4) Not more than five percent of the funds deposited to the  
35 municipal criminal justice assistance account shall be available for  
36 appropriations for enhancements to the state patrol crime laboratory  
37 system and the continuing costs related to these enhancements. Funds

1 appropriated from this account for such enhancements shall not supplant  
2 existing funds from the state general fund.

3 NEW SECTION. **Sec. 2.** RCW 82.14.335 (Grant criteria for  
4 distributions under RCW 82.14.330(2)) and 1995 c 399 s 213 & 1993 sp.s.  
5 c 21 s 4 are each repealed.

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