
SUBSTITUTE HOUSE BILL 2165

State of Washington **59th Legislature** **2005 Regular Session**

By House Committee on Capital Budget (originally sponsored by Representatives Kagi, Dunshee, Hankins and O'Brien)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to requiring the projected costs of certain
2 criminal justice legislation to be appropriated into accounts to be
3 used for capital costs; adding a new section to chapter 43.88A RCW;
4 adding a new section to chapter 43.132 RCW; adding a new section to
5 chapter 43.330 RCW; adding new sections to chapter 43.79 RCW; and
6 adding a new section to chapter 43.135 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88A RCW
9 to read as follows:

10 (1) The office of financial management shall prepare a fiscal note
11 under this chapter for any bill introduced before the legislature that
12 would result in a net increase in periods of incarceration in state
13 adult or juvenile correctional facilities.

14 (2) The office of financial management shall forward a copy of each
15 required fiscal note under subsection (1) of this section to the
16 sponsor of the bill that has been introduced before the legislature.
17 The sponsor shall, on a form devised or adopted by the office of
18 financial management, state a revenue source or budget reduction
19 declaring how the proposed bill will be funded. The sponsor must

1 return the form back to the office of financial management. The office
2 of financial management shall transmit copies of the response form to
3 the chairperson of the committee to which the bill was referred upon
4 introduction in the house of origin and the appropriate legislative
5 fiscal committees.

6 (3) The fiscal note requirement in subsection (1) of this section
7 applies, at a minimum, to bills that:

8 (a) Add new crimes for which incarceration is authorized;

9 (b) Increase the periods of incarceration authorized for existing
10 crimes;

11 (c) Impose or increase mandatory minimum terms of incarceration; or

12 (d) Modify the law governing the release of adult or juvenile
13 offenders in such a way that the time of incarceration is increased.

14 (4)(a) For each law enacted for which a fiscal note is required
15 under this section, the legislature shall make a one-time transfer from
16 the general fund to the state corrections special reserve account.
17 Except as provided in (b) of this subsection, the transfer required
18 under this subsection shall be in an amount equal to the estimated
19 increase in state operating costs associated with the law for the year
20 containing the highest increase in such costs on the fiscal note.

21 (b) The transfer may be in an amount determined by the legislature
22 if:

23 (i) The fiscal note estimates the increased operating costs as
24 indeterminate; or

25 (ii) The legislature's best estimate of the increased operating
26 costs differs from the amount estimated in the fiscal note.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.132 RCW
28 to read as follows:

29 (1) The office of financial management shall prepare a fiscal note
30 under this chapter for any bill introduced before the legislature that
31 would result in a net increase in periods of incarceration in local
32 adult or juvenile correctional facilities.

33 (2) The fiscal note requirement in subsection (1) of this section
34 applies, at a minimum, to bills that:

35 (a) Add new crimes for which incarceration is authorized;

36 (b) Increase the periods of incarceration authorized for existing
37 crimes;

1 (c) Impose or increase mandatory minimum terms of incarceration; or
2 (d) Modify the law governing the release of adult or juvenile
3 offenders in such a way that the time of incarceration is increased.

4 (3)(a) For each law enacted for which a fiscal note is required
5 under this section, the legislature shall make a one-time transfer from
6 the general fund to the local corrections special reserve account.
7 Except as provided in (b) of this subsection, the transfer required
8 under this subsection shall be in an amount equal to the estimated
9 increase in local operating costs associated with the law for the year
10 containing the highest increase in such costs on the fiscal note.

11 (b) The transfer may be in an amount determined by the legislature
12 if:

13 (i) The fiscal note estimates the increased operating costs as
14 indeterminate; or

15 (ii) The legislature's best estimate of the increased operating
16 costs differs from the amount estimated in the fiscal note.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.330 RCW
18 to read as follows:

19 (1) Counties, cities, towns, and other units of local government
20 may submit petitions to the department for reimbursement of increased
21 capital costs associated with increased offender populations in locally
22 operated adult or juvenile correctional facilities, including the cost
23 of planning or preplanning studies that may be required to initiate
24 capital projects.

25 (2) The department, in consultation with the Washington association
26 of sheriffs and police chiefs, shall develop procedures for processing
27 the petitions, for auditing the validity of the petitions, and for
28 prioritizing the petitions. Prioritization of the petitions shall be
29 based on, but not limited to, factors such as disproportionate fiscal
30 impact relative to the county budget, efficient use of resources, and
31 whether the costs were mainly incurred because of changes in state
32 criminal law.

33 (3) Before January 1st of each year, the department, in
34 consultation with the Washington association of sheriffs and police
35 chiefs, shall develop and submit to the appropriate fiscal committees
36 of the legislature a prioritized list of submitted petitions that are
37 recommended for funding by the legislature.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.79 RCW
2 to read as follows:

3 The local corrections special reserve account is created in the
4 state treasury. Revenues to the account shall consist of moneys
5 transferred into the account under section 2 of this act and any
6 interest thereon. Moneys in the account may be spent only after
7 appropriation. Expenditures from the account may be used only for
8 reimbursement of local government capital expenses pursuant to the
9 prioritized list developed in section 3 of this act.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.79 RCW
11 to read as follows:

12 The state corrections special reserve account is created in the
13 state treasury. Revenues to the account shall consist of moneys
14 transferred into the account under section 1 of this act and any
15 interest thereon. Moneys in the account may be spent only after
16 appropriation. Expenditures from the account may be used only for
17 capital expenses relating to state correctional institutions, including
18 the cost of planning or preplanning studies that may be required to
19 initiate capital projects.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.135 RCW
21 to read as follows:

22 RCW 43.135.035(4) does not apply to the transfers established in
23 sections 1 and 2 of this act.

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