
HOUSE BILL 2165

State of Washington 59th Legislature 2005 Regular Session

By Representatives Kagi, Dunshee, Hankins and O'Brien

Read first time 02/21/2005. Referred to Committee on Capital Budget.

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

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

17 (b) Increase the periods of incarceration authorized for existing
18 crimes;

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

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

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

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

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

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

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

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

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

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

25 (b) Increase the periods of incarceration authorized for existing
26 crimes;

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

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

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

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

3 (i) The fiscal note estimates the increased operating costs as
4 indeterminate; or

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

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

9 (1) Counties, cities, towns, and other units of local government
10 may submit petitions to the department for reimbursement of increased
11 capital costs associated with increased offender populations in locally
12 operated adult or juvenile correctional facilities, including the cost
13 of planning or preplanning studies that may be required to initiate
14 capital projects.

15 (2) The department, in consultation with the Washington association
16 of sheriffs and police chiefs, shall develop procedures for processing
17 the petitions, for auditing the validity of the petitions, and for
18 prioritizing the petitions. Prioritization of the petitions shall be
19 based on, but not limited to, factors such as disproportionate fiscal
20 impact relative to the county budget, efficient use of resources, and
21 whether the costs were mainly incurred because of changes in state
22 criminal law.

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

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

30 The local corrections special reserve account is created in the
31 state treasury. Revenues to the account shall consist of moneys
32 transferred into the account under section 2 of this act and any
33 interest thereon. Moneys in the account may be spent only after
34 appropriation. Expenditures from the account may be used only for
35 reimbursement of local government capital expenses pursuant to the
36 prioritized list developed in section 3 of this act.

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

3 The state 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 1 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 capital expenses relating to state correctional institutions, including
9 the cost of planning or preplanning studies that may be required to
10 initiate capital projects.

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

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

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