

HOUSE BILL REPORT

SSB 6100

As Reported by House Committee On:
Judiciary

Title: An act relating to charitable donations.

Brief Description: Limiting the use of charitable donations in charging decisions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline and Brandland).

Brief History:

Committee Activity:

Judiciary: 3/27/07, 3/30/07 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Prohibits a prosecutor from dismissing, amending, or agreeing not to file a criminal charge or infraction in exchange for a contribution, donation, or payment to any person or organization.
- Provides exceptions for payments to funds authorized by statute, for collection of restitution or of costs of supervision or treatment, or for other payments authorized by statute.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Bill Perry (786-7123).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Prosecutors have discretion regarding whether or not to file criminal charges. They may also amend charges, including reducing charges as the result of plea agreements with a defendant. Prosecutors may also seek dismissal of charges.

Under the "compromise of misdemeanors" law, charges may also be dismissed if a party injured by the defendant has a civil remedy for the injury and acknowledges that satisfaction has been received for the injury. Compromise is not available if the crime involved domestic violence or was committed against an officer, with intent to commit a felony, or riotously, or was a crime of domestic violence.

As part of a criminal sentence, various costs, fines and other legal financial obligations may be imposed by the court. There are several state authorized funds supported by criminal penalties. These funds include the Public Safety and Education Account, the Judicial Information Systems Account, the Death Investigations Account, the State Patrol Highway Account, and various local government accounts.

Over the past several months, it has come to light that in at least one city, charges have been reduced or dropped in exchange for a defendant's contribution to a charity selected by the prosecutor.

Summary of Amended Bill:

Prosecutors may not dismiss, amend, or agree not to file a criminal charge or infraction in exchange for a defendant's contribution or payment to any person or organization.

The prohibition does not apply to:

- a contribution or payment to a fund authorized by statute;
- collection of costs or restitution as part of a deferral or diversion agreement; or
- a dismissal following payment that is authorized by statute.

Amended Bill Compared to Substitute Bill:

The amendment clarifies that costs paid by a defendant for pretrial supervision are among those payments not prohibited by the bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) It shouldn't be necessary to have a law like this, but unfortunately prosecutorial discretion was abused. In some instances, it appears that DUI charges were actually dismissed

in exchange for cash payments. The bill provides a clear policy statement for local jurisdictions to follow.

(Opposed) None.

Persons Testifying: Senator Kline, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.