

HOUSE BILL REPORT

SSB 6297

As Reported by House Committee On:
Appropriations

Title: An act relating to elected prosecuting attorney salaries.

Brief Description: Changing elected prosecuting attorney salaries.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Brandland and Sheldon).

Brief History:

Committee Activity:

Appropriations: 2/26/08, 2/27/08 [DPA].

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

- Changes elected prosecuting attorney salaries.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 33 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McIntire, Morrell, Pettigrew, Priest, Ross, Schmick, Schual-Berke, Seaquist, Sullivan and Walsh.

Staff: Owen Rowe (786-7391).

Background:

Article 11, Section 5 of the Washington Constitution specifies that the Legislature must regulate the compensation of elected county officials, including the elected prosecuting attorneys. The same section allows the Legislature to delegate to county legislative authorities the authority to set the salaries of its own members and other county officers. Since 1971, the Legislature has delegated this responsibility to the county in statute. Additionally, the same

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statute also requires the state to pay one-half of the salaries of each elected county prosecuting attorney. The Office of the State Treasurer currently remits the state's share to the counties. In 2008, the salary for the elected county prosecuting attorneys ranged from a maximum of \$155,694 in King County to a minimum of \$52,588 in Garfield County; the average being \$106,764.

Under RCW 2.08.092, the annual salary of a superior court judge is set by the Washington Citizens' Commission on Salaries for Elected Officials. For 2008, the superior court judges salary has been set at \$140,979.

Summary of Amended Bill:

Effective July 1, 2008, the state must contribute an amount equal to one-half of the salary of a Superior Court judge towards the salary for the county's elected prosecuting attorney. Upon receipt of the state's contribution, each county must continue to contribute an amount equal to or greater than the amount it contributed in 2008 towards the elected county prosecutor's salary. The requirement that the state pay half of the salary of the elected prosecuting attorney is removed.

Amended Bill Compared to Substitute Bill:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect July 1, 2008.

Staff Summary of Public Testimony:

(In support) The current salary range for elected prosecuting attorneys in Washington ranges between \$55,000 and \$155,000 per year. The current salary schedule is not working well to keep experienced prosecutors in office, there is a high turnover in many counties. Salaries in the range of \$50 to \$60 thousand can't keep people in office. Two times, the Attorney General has been consulted to see what can be done to get prosecutors to run for certain county offices; there were no candidates who wanted to run. If there is nobody to run for elected office, then statutorily, the Governor must call on the Attorney General to take over jurisdiction in the county. In Washington today, there are more than 10,000 commissioned law enforcement officers feeding more than 200,000 criminal cases into the system. Superior and district courts have fewer than 7000 trial slots available, this means that over 90 percent of cases have to go away or they swamp the system. This is a public safety issue. There are many prosecuting attorneys retiring, and Washington is not currently in a good position to attract high-quality talent.

There are a significant number of criminal cases that are dropped because of workload issues. Turnover every four years often brings prosecutors that are new to the system, and have no savvy to prosecute cases. This is frustrating for police chiefs and sheriffs, because there is a great need for good career prosecutors for to make solid criminal cases.

(Opposed) None.

Persons Testifying: Tom McBride, Washington Association of Prosecuting Attorneys; and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.