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By Representatives Koster, Lytton, Springer, Volz, Senn, Tharinger, Fey, Stokesbary, Appleton, Nealey, Chapman, and Ormsby

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1 AN ACT Relating to providing cities and counties flexibility with
2 existing resources; and amending RCW 82.14.310, 82.14.320, 82.14.330,
3 and 82.14.460.

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

5 **Sec. 1.** RCW 82.14.310 and 2013 2nd sp.s. c 4 s 1004 are each
6 amended to read as follows:

7 (1) The county criminal justice assistance account is created in
8 the state treasury. Beginning in fiscal year 2000, the state
9 treasurer must transfer into the county criminal justice assistance
10 account from the general fund the sum of twenty-three million two
11 hundred thousand dollars divided into four equal deposits occurring
12 on July 1, October 1, January 1, and April 1. For each fiscal year
13 thereafter, the state treasurer must increase the total transfer by
14 the fiscal growth factor, as defined in RCW 43.135.025, forecast for
15 that fiscal year by the office of financial management in November of
16 the preceding year.

17 (2) The moneys deposited in the county criminal justice
18 assistance account for distribution under this section, less any
19 moneys appropriated for purposes under subsection (4) of this
20 section, must be distributed at such times as distributions are made

1 under RCW 82.44.150 and on the relative basis of each county's
2 funding factor as determined under this subsection.

3 (a) A county's funding factor is the sum of:

4 (i) The population of the county, divided by one thousand, and
5 multiplied by two-tenths;

6 (ii) The crime rate of the county, multiplied by three-tenths;
7 and

8 (iii) The annual number of criminal cases filed in the county
9 superior court, for each one thousand in population, multiplied by
10 five-tenths.

11 (b) Under this section and RCW 82.14.320 and 82.14.330:

12 (i) The population of the county or city is as last determined by
13 the office of financial management;

14 (ii) The crime rate of the county or city is the annual
15 occurrence of specified criminal offenses, as calculated in the most
16 recent annual report on crime in Washington state as published by the
17 Washington association of sheriffs and police chiefs, for each one
18 thousand in population;

19 (iii) The annual number of criminal cases filed in the county
20 superior court must be determined by the most recent annual report of
21 the courts of Washington, as published by the administrative office
22 of the courts;

23 (iv) Distributions and eligibility for distributions in the
24 1989-1991 biennium must be based on 1988 figures for both the crime
25 rate as described under (ii) of this subsection and the annual number
26 of criminal cases that are filed as described under (iii) of this
27 subsection. Future distributions must be based on the most recent
28 figures for both the crime rate as described under (ii) of this
29 subsection and the annual number of criminal cases that are filed as
30 described under (iii) of this subsection.

31 (3) Moneys distributed under this section must be expended
32 exclusively for criminal justice purposes (~~and may not be used to~~
33 ~~replace or supplant existing funding~~). Criminal justice purposes are
34 defined as activities that substantially assist the criminal justice
35 system, which may include circumstances where ancillary benefit to
36 the civil or juvenile justice system occurs, and which includes (a)
37 domestic violence services such as those provided by domestic
38 violence programs, community advocates, and legal advocates, as
39 defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal
40 biennium, juvenile dispositional hearings relating to petitions for

1 at-risk youth, truancy, and children in need of services. (~~Existing~~
2 ~~funding for purposes of this subsection is defined as calendar year~~
3 ~~1989 actual operating expenditures for criminal justice purposes.~~
4 ~~Calendar year 1989 actual operating expenditures for criminal justice~~
5 ~~purposes exclude the following: Expenditures for extraordinary events~~
6 ~~not likely to reoccur, changes in contract provisions for criminal~~
7 ~~justice services, beyond the control of the local jurisdiction~~
8 ~~receiving the services, and major nonrecurring capital~~
9 ~~expenditures.~~)

10 (4) Not more than five percent of the funds deposited to the
11 county criminal justice assistance account may be available for
12 appropriations for enhancements to the state patrol crime laboratory
13 system and the continuing costs related to these enhancements. Funds
14 appropriated from this account for such enhancements may not supplant
15 existing funds from the state general fund.

16 (~~(5) During the 2011-2013 fiscal biennium, the amount that would~~
17 ~~otherwise be transferred into the county criminal justice assistance~~
18 ~~account from the general fund under subsection (1) of this section~~
19 ~~must be reduced by 3.4 percent.~~

20 (~~(6) During the 2013-2015 fiscal biennium, for the purposes of~~
21 ~~substance abuse and other programs for offenders, the legislature may~~
22 ~~appropriate from the county criminal justice assistance account such~~
23 ~~amounts as are in excess of the amounts necessary to fully meet the~~
24 ~~state's obligations to the counties and to the Washington state~~
25 ~~patrol. Excess amounts in this account are not the result of~~
26 ~~subsection (5) of this section.~~)

27 **Sec. 2.** RCW 82.14.320 and 2011 1st sp.s. c 50 s 971 are each
28 amended to read as follows:

29 (1) The municipal criminal justice assistance account is created
30 in the state treasury. Beginning in fiscal year 2000, the state
31 treasurer must transfer into the municipal criminal justice
32 assistance account for distribution under this section from the
33 general fund the sum of four million six hundred thousand dollars
34 divided into four equal deposits occurring on July 1, October 1,
35 January 1, and April 1. For each fiscal year thereafter, the state
36 treasurer must increase the total transfer by the fiscal growth
37 factor, as defined in RCW 43.135.025, forecast for that fiscal year
38 by the office of financial management in November of the preceding
39 year.

1 (2) No city may receive a distribution under this section from
2 the municipal criminal justice assistance account unless:

3 (a) The city has a crime rate in excess of one hundred twenty-
4 five percent of the statewide average as calculated in the most
5 recent annual report on crime in Washington state as published by the
6 Washington association of sheriffs and police chiefs;

7 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
8 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
9 maximum rate; and

10 (c) The city has a per capita yield from the tax imposed under
11 RCW 82.14.030(1) at the maximum rate of less than one hundred fifty
12 percent of the statewide average per capita yield for all cities from
13 such local sales and use tax.

14 (3) The moneys deposited in the municipal criminal justice
15 assistance account for distribution under this section, less any
16 moneys appropriated for purposes under subsection (7) of this
17 section, must be distributed at such times as distributions are made
18 under RCW 82.44.150. The distributions must be made as follows:

19 (a) Unless reduced by this subsection, thirty percent of the
20 moneys must be distributed ratably based on population as last
21 determined by the office of financial management to those cities
22 eligible under subsection (2) of this section that have a crime rate
23 determined under subsection (2)(a) of this section which is greater
24 than one hundred seventy-five percent of the statewide average crime
25 rate. No city may receive more than fifty percent of any moneys
26 distributed under this subsection (a) but, if a city distribution is
27 reduced as a result of exceeding the fifty percent limitation, the
28 amount not distributed must be distributed under (b) of this
29 subsection.

30 (b) The remainder of the moneys, including any moneys not
31 distributed in subsection (2)(a) of this section, must be distributed
32 to all cities eligible under subsection (2) of this section ratably
33 based on population as last determined by the office of financial
34 management.

35 (4) No city may receive more than thirty percent of all moneys
36 distributed under subsection (3) of this section.

37 (5) Notwithstanding other provisions of this section, the
38 distributions to any city that substantially decriminalizes or
39 repeals its criminal code after July 1, 1990, and that does not
40 reimburse the county for costs associated with criminal cases under

1 RCW 3.50.800 or 3.50.805(2), must be made to the county in which the
2 city is located.

3 (6) Moneys distributed under this section must be expended
4 exclusively for criminal justice purposes (~~and may not be used to~~
5 ~~replace or supplant existing funding~~). Criminal justice purposes are
6 defined as activities that substantially assist the criminal justice
7 system, which may include circumstances where ancillary benefit to
8 the civil justice system occurs, and which includes domestic violence
9 services such as those provided by domestic violence programs,
10 community advocates, and legal advocates, as defined in RCW
11 70.123.020, and publications and public educational efforts designed
12 to provide information and assistance to parents in dealing with
13 runaway or at-risk youth. (~~Existing funding for purposes of this~~
14 ~~subsection is defined as calendar year 1989 actual operating~~
15 ~~expenditures for criminal justice purposes. Calendar year 1989 actual~~
16 ~~operating expenditures for criminal justice purposes exclude the~~
17 ~~following: Expenditures for extraordinary events not likely to~~
18 ~~reoccur, changes in contract provisions for criminal justice~~
19 ~~services, beyond the control of the local jurisdiction receiving the~~
20 ~~services, and major nonrecurring capital expenditures.~~)

21 (7) Not more than five percent of the funds deposited to the
22 municipal criminal justice assistance account may be available for
23 appropriations for enhancements to the state patrol crime laboratory
24 system and the continuing costs related to these enhancements. Funds
25 appropriated from this account for such enhancements may not supplant
26 existing funds from the state general fund.

27 (~~(8) During the 2011-2013 fiscal biennium, the amount that would~~
28 ~~otherwise be transferred into the municipal criminal justice~~
29 ~~assistance account from the general fund under subsection (1) of this~~
30 ~~section must be reduced by 3.4 percent.~~)

31 **Sec. 3.** RCW 82.14.330 and 2011 1st sp.s. c 50 s 972 are each
32 amended to read as follows:

33 (1)(a) Beginning in fiscal year 2000, the state treasurer must
34 transfer into the municipal criminal justice assistance account for
35 distribution under this section from the general fund the sum of four
36 million six hundred thousand dollars divided into four equal deposits
37 occurring on July 1, October 1, January 1, and April 1. For each
38 fiscal year thereafter, the state treasurer must increase the total
39 transfer by the fiscal growth factor, as defined in RCW 43.135.025,

1 forecast for that fiscal year by the office of financial management
2 in November of the preceding year. The moneys deposited in the
3 municipal criminal justice assistance account for distribution under
4 this section, less any moneys appropriated for purposes under
5 subsection (4) of this section, must be distributed to the cities of
6 the state as follows:

7 (i) Twenty percent appropriated for distribution must be
8 distributed to cities with a three-year average violent crime rate
9 for each one thousand in population in excess of one hundred fifty
10 percent of the statewide three-year average violent crime rate for
11 each one thousand in population. The three-year average violent crime
12 rate must be calculated using the violent crime rates for each of the
13 preceding three years from the annual reports on crime in Washington
14 state as published by the Washington association of sheriffs and
15 police chiefs. Moneys must be distributed under this subsection
16 (1)(a) ratably based on population as last determined by the office
17 of financial management, but no city may receive more than one dollar
18 per capita. Moneys remaining undistributed under this subsection at
19 the end of each calendar year must be distributed to the criminal
20 justice training commission to reimburse participating city law
21 enforcement agencies with ten or fewer full-time commissioned patrol
22 officers the cost of temporary replacement of each officer who is
23 enrolled in basic law enforcement training, as provided in RCW
24 43.101.200.

25 (ii) Sixteen percent must be distributed to cities ratably based
26 on population as last determined by the office of financial
27 management, but no city may receive less than one thousand dollars.

28 (b) The moneys deposited in the municipal criminal justice
29 assistance account for distribution under this subsection (1) must be
30 distributed at such times as distributions are made under RCW
31 82.44.150.

32 (c) Moneys distributed under this subsection (1) must be expended
33 exclusively for criminal justice purposes (~~and may not be used to~~
34 ~~replace or supplant existing funding~~). Criminal justice purposes are
35 defined as activities that substantially assist the criminal justice
36 system, which may include circumstances where ancillary benefit to
37 the civil justice system occurs, and which includes domestic violence
38 services such as those provided by domestic violence programs,
39 community advocates, and legal advocates, as defined in RCW
40 70.123.020. (~~Existing funding for purposes of this subsection is~~

1 ~~defined as calendar year 1989 actual operating expenditures for~~
2 ~~criminal justice purposes. Calendar year 1989 actual operating~~
3 ~~expenditures for criminal justice purposes exclude the following:~~
4 ~~Expenditures for extraordinary events not likely to reoccur, changes~~
5 ~~in contract provisions for criminal justice services, beyond the~~
6 ~~control of the local jurisdiction receiving the services, and major~~
7 ~~nonrecurring capital expenditures.)~~

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

10 (i) Ten percent must be distributed on a per capita basis to
11 cities that contract with another governmental agency for the
12 majority of the city's law enforcement services. Cities that
13 subsequently qualify for this distribution must notify the department
14 of commerce by November 30th for the upcoming calendar year. The
15 department of commerce must provide a list of eligible cities to the
16 state treasurer by December 31st. The state treasurer must modify the
17 distribution of these funds in the following year. Cities have the
18 responsibility to notify the department of commerce of any changes
19 regarding these contractual relationships. Adjustments in the
20 distribution formula to add or delete cities may be made only for the
21 upcoming calendar year; no adjustments may be made retroactively.

22 (ii) The remaining fifty-four percent must be distributed to
23 cities and towns by the state treasurer on a per capita basis. These
24 funds must be used for: (A) Innovative law enforcement strategies;
25 (B) programs to help at-risk children or child abuse victim response
26 programs; and (C) programs designed to reduce the level of domestic
27 violence or to provide counseling for domestic violence victims.

28 (b) The moneys deposited in the municipal criminal justice
29 assistance account for distribution under this subsection (2), less
30 any moneys appropriated for purposes under subsection (4) of this
31 section, must be distributed at the times as distributions are made
32 under RCW 82.44.150. Moneys remaining undistributed under this
33 subsection at the end of each calendar year must be distributed to
34 the criminal justice training commission to reimburse participating
35 city law enforcement agencies with ten or fewer full-time
36 commissioned patrol officers the cost of temporary replacement of
37 each officer who is enrolled in basic law enforcement training, as
38 provided in RCW 43.101.200.

39 (c) If a city is found by the state auditor to have expended
40 funds received under this subsection (2) in a manner that does not

1 comply with the criteria under which the moneys were received, the
2 city is ineligible to receive future distributions under this
3 subsection (2) until the use of the moneys are justified to the
4 satisfaction of the director or are repaid to the state general fund.

5 (3) Notwithstanding other provisions of this section, the
6 distributions to any city that substantially decriminalizes or
7 repeals its criminal code after July 1, 1990, and that does not
8 reimburse the county for costs associated with criminal cases under
9 RCW 3.50.800 or 3.50.805(2), must be made to the county in which the
10 city is located.

11 (4) Not more than five percent of the funds deposited to the
12 municipal criminal justice assistance account may be available for
13 appropriations for enhancements to the state patrol crime laboratory
14 system and the continuing costs related to these enhancements.
15 (~~Funds appropriated from this account for such enhancements may not~~
16 ~~supplant existing funds from the state general fund.~~)

17 ~~(5) During the 2011-2013 fiscal biennium, the amount that would~~
18 ~~otherwise be transferred into the municipal criminal justice~~
19 ~~assistance account from the general fund under subsection (1) of this~~
20 ~~section must be reduced by 3.4 percent.)~~)

21 **Sec. 4.** RCW 82.14.460 and 2015 c 291 s 5 are each amended to
22 read as follows:

23 (1)(a) A county legislative authority may authorize, fix, and
24 impose a sales and use tax in accordance with the terms of this
25 chapter.

26 (b) If a county with a population over eight hundred thousand has
27 not imposed the tax authorized under this subsection by January 1,
28 2011, any city with a population over thirty thousand located in that
29 county may authorize, fix, and impose the sales and use tax in
30 accordance with the terms of this chapter. The county must provide a
31 credit against its tax for the full amount of tax imposed under this
32 subsection (1)(b) by any city located in that county if the county
33 imposes the tax after January 1, 2011.

34 (2) The tax authorized in this section is in addition to any
35 other taxes authorized by law and must be collected from those
36 persons who are taxable by the state under chapters 82.08 and 82.12
37 RCW upon the occurrence of any taxable event within the county for a
38 county's tax and within a city for a city's tax. The rate of tax

1 equals one-tenth of one percent of the selling price in the case of a
2 sales tax, or value of the article used, in the case of a use tax.

3 (3) Moneys collected under this section must be used solely for
4 the purpose of providing for the operation or delivery of chemical
5 dependency or mental health treatment programs and services and for
6 the operation or delivery of therapeutic court programs and services.
7 For the purposes of this section, "programs and services" includes,
8 but is not limited to, treatment services, case management,
9 transportation, and housing that are a component of a coordinated
10 chemical dependency or mental health treatment program or service.
11 Every county that authorizes the tax provided in this section shall,
12 and every other county may, establish and operate a therapeutic court
13 component for dependency proceedings designed to be effective for the
14 court's size, location, and resources.

15 ~~((4) All moneys collected under this section must be used solely~~
16 ~~for the purpose of providing new or expanded programs and services as~~
17 ~~provided in this section, except as follows:~~

18 ~~(a) For a county with a population larger than twenty five~~
19 ~~thousand or a city with a population over thirty thousand, which~~
20 ~~initially imposed the tax authorized under this section prior to~~
21 ~~January 1, 2012, a portion of moneys collected under this section may~~
22 ~~be used to supplant existing funding for these purposes as follows:~~
23 ~~Up to fifty percent may be used to supplant existing funding in~~
24 ~~calendar years 2011-2012; up to forty percent may be used to supplant~~
25 ~~existing funding in calendar year 2013; up to thirty percent may be~~
26 ~~used to supplant existing funding in calendar year 2014; up to twenty~~
27 ~~percent may be used to supplant existing funding in calendar year~~
28 ~~2015; and up to ten percent may be used to supplant existing funding~~
29 ~~in calendar year 2016;~~

30 ~~(b) For a county with a population larger than twenty five~~
31 ~~thousand or a city with a population over thirty thousand, which~~
32 ~~initially imposes the tax authorized under this section after~~
33 ~~December 31, 2011, a portion of moneys collected under this section~~
34 ~~may be used to supplant existing funding for these purposes as~~
35 ~~follows: Up to fifty percent may be used to supplant existing funding~~
36 ~~for up to the first three calendar years following adoption; and up~~
37 ~~to twenty five percent may be used to supplant existing funding for~~
38 ~~the fourth and fifth years after adoption;~~

39 ~~(c) For a county with a population of less than twenty five~~
40 ~~thousand, a portion of moneys collected under this section may be~~

1 ~~used to supplant existing funding for these purposes as follows: Up~~
2 ~~to eighty percent may be used to supplant existing funding in~~
3 ~~calendar years 2011-2012; up to sixty percent may be used to supplant~~
4 ~~existing funding in calendar year 2013; up to forty percent may be~~
5 ~~used to supplant existing funding in calendar year 2014; up to twenty~~
6 ~~percent may be used to supplant existing funding in calendar year~~
7 ~~2015; and up to ten percent may be used to supplant existing funding~~
8 ~~in calendar year 2016; and~~

9 ~~(d) Notwithstanding (a) through (c) of this subsection, moneys~~
10 ~~collected under this section may be used to support the cost of the~~
11 ~~judicial officer and support staff of a therapeutic court.~~

12 ~~(5) Nothing in this section may be interpreted to prohibit the~~
13 ~~use of moneys collected under this section for the replacement of~~
14 ~~lapsed federal funding previously provided for the operation or~~
15 ~~delivery of services and programs as provided in this section.)~~

~~--- END ---~~