

HOUSE BILL REPORT

SSB 5977

As Reported By House Committee On:

Law & Justice
Appropriations

Title: An act relating to forensic investigations.

Brief Description: Revising administration of forensic investigations.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Loveland, Haugen, Long, Smith and Winsley).

Brief History:

Committee Activity:

Law & Justice: 3/31/95 [DPA];
Appropriations: 4/3/95 [DPA(APP w/o LJ)s].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Staff: Edie Adams (786-7180).

Background: County coroners have jurisdiction over all deceased persons who have died under unnatural, suspicious, or violent circumstances. The state toxicology laboratory, established at the University of Washington Medical School, performs all necessary toxicological procedures requested by county coroners, medical examiners, and prosecuting attorneys. The toxicology laboratory is directed by the state toxicologist who is appointed by the Governor for one-year terms. The laboratory is currently funded by class H liquor license fees and penalties in the amount of the greater of 1.75 percent of the license fees or \$150,000.

The Washington State Death Investigations Council oversees the state toxicology laboratory and participates in the control of the toxicology laboratory's operation. The council consists of nine members appointed by the Governor and is composed of a county coroner, prosecutor, prosecutor who serves as a coroner, medical examiner,

sheriff, chief of police, representative of the Washington State Patrol, member of a county legislative authority, and a pathologist. The council has the power to require reports from the state toxicologist regarding the toxicology laboratory and the power to review and require changes in the budget requests of the toxicology laboratory.

The state crime laboratory system, established in the Washington State Patrol, is authorized to provide laboratory services for the purpose of analyzing and scientifically handling physical evidence relating to crime and to provide training assistance for local law enforcement. Currently, the Washington State Advisory Council on Criminal Justice Services assists the crime laboratory in developing policies for the efficient operation of the crime laboratory. The crime laboratory receives most of its funding from state general fund appropriations and a portion from the transportation budget.

County and municipal criminal justice assistance accounts are established in the state treasury. Funds deposited into these accounts are distributed to cities and counties based on several factors, including the population and crime rate of the county or city. Funds distributed to cities and counties from these accounts may only be used for criminal justice purposes. Currently, approximately 8.4 percent of the motor vehicle excise tax is deposited into the county and municipal criminal justice assistance accounts.

Summary of Amended Bill: The Death Investigations Council is renamed the Forensic Investigations Council. The Forensic Investigations Council replaces the Advisory Council on Criminal Justice Services as the assisting agency for the crime laboratory system. The Forensic Investigations Council is to be actively involved in the preparation and approval of the crime laboratory budget and the toxicology laboratory budget.

The membership of the council is increased from nine to 10 members, and the composition of the membership is changed. The county prosecutor serving as a coroner and the pathologist are removed from the council, and two members of a city legislative authority and an additional member of a county legislative authority are added. The Governor shall appoint the council members from nominees submitted by designated associations for each position. The terms of the members are changed so that four members are appointed for two-year terms and five are appointed for four-year terms. The chief of the Washington State Patrol is a permanent member of the council.

The council may require reports from the chief of the Washington State Patrol regarding the crime laboratory.

Five percent of motor vehicle excise tax moneys deposited into the county and municipal criminal justice assistance accounts are excluded from distribution to

counties and cities and are available for appropriations for enhancements to the Washington State Patrol crime laboratory system. Funds appropriated from county and municipal criminal justice assistance accounts for the crime laboratory shall not supplant existing state general fund appropriations for the crime laboratory.

Amended Bill Compared to Substitute Bill: The substitute bill did not exclude the 5 percent of motor vehicle excise tax moneys that may be appropriated for enhancements to the crime laboratory from distributions from the municipal criminal justice assistance account under RCW 82.14.330.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Law & Justice. Signed by 30 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Staff: Kristen Reiber (786-7148).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Law & Justice: The provisions of SSB 5977 as amended by the Committee on Law and Justice are included within the amendment.

In addition, the amendment includes the provisions of 2SSB 5082 as amended by the Committee on Law and Justice; these changes relate to the funding and structure of the state toxicology lab. First, the \$125 fee assessed against persons convicted of driving under the influence (DUI), which fee was scheduled to expire July 1, 1995, is

made permanent, and the sunset on this fee is repealed. Of the portion of the fee that goes to the state treasurer for distribution, the distribution split is changed, and the provisions for which the funds are used are changed. For the 1995-97 fiscal biennium, 50 percent goes to support the state toxicology lab and 50 percent goes to the state patrol for DUI investigation and prevention. At the end of the biennium, the split changes to 15 and 85 percent, respectively.

Second, the amendment alters distribution of revenues from class H liquor licenses. The sum of \$300,000 from such revenues will be distributed for the support of the state toxicology lab.

Third, the state toxicology lab shall operate under the authority of the forensic investigations council, rather than under the University of Washington (UW). The council, rather than the president of the UW, appoints the state toxicologist.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed, except for the section repealing the sunset of the \$125 fee, which section is effective immediately.

Testimony For: The state crime lab and the state toxicology lab perform important services and need appropriate funding. The relevant interest groups have agreed to the proposed changes. The interest groups also support the amendment that combines the amended versions of SSB 5977 and 2SSB 5082.

Testimony Against: None.

Testified: (All in favor) Bob Leichner, Washington State Patrol; and Tom McBride, Washington Association of Prosecuting Attorneys.