

# HOUSE BILL REPORT

## ESSB 6211

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### As Reported By House Committee On:

Government Operations

**Title:** An act relating to criminal justice costs.

**Brief Description:** Concerning interlocal agreements.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Smith, Hale, McCaslin and Hochstatter).

### Brief History:

#### Committee Activity:

Government Operations: 2/21/96, 2/23/96 [DPA].

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## HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass as amended. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

**Staff:** Steve Lundin (786-7127).

### Background:

#### 1. Criminal jurisdiction

District courts are established in every county to hear certain civil and criminal cases. The criminal jurisdiction of a district court is concurrent with that of a superior court concerning misdemeanors and gross misdemeanors. A misdemeanor is a criminal offense punishable by a fine of no more than \$1,000 and/or imprisonment for no more than 90 days. A gross misdemeanor is a criminal offense punishable by a fine of no more than \$5,000 and/or imprisonment for no more than one year.

Cities and towns are authorized to establish civil infractions and either misdemeanors or gross misdemeanors.

With certain exceptions, a city or town is charged a filing fee if the city or town files a criminal action or traffic infraction with a district court for a violation of a city or town ordinance. A city or town is responsible to pay incarceration costs for a person who is convicted of violating a city or town ordinance.

Cities and towns are authorized to establish municipal courts with the same potential jurisdiction as a district court.

If a city or town has, prior to July 1, 1984, repealed its municipal code defining crimes but continues to hear traffic infractions, the city or town is required to enter into an agreement with the county by which the county is paid a reasonable amount for costs associated with the prosecution, adjudication, and sentencing in criminal cases that are filed in the district court as a result of the repeal of the municipal code. Arbitration is provided if agreement cannot be reached.

## 2. Contracts and agreements

The Interlocal Cooperation Act allows local governments and state agencies to enter into interlocal contracts with each other by which one government provides a service or facility for another government, if each party to the contract possesses the authority to provide such services or facilities. The Interlocal Cooperation Act allows local governments and state agencies to enter into interlocal agreements with each other for the joint provision of any service or facility, if each party to the agreement possesses the authority to provide the service or facility. The City and County Jails Act permits counties and cities to enter into contracts with each other for the provision of jail services.

**Summary of Amended Bill:** It is clarified that each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanors committed by adults within their respective jurisdictions who are referred from their respective law enforcement agencies. This responsibility applies if the action is filed under state law or city ordinance. Each county, city, or town must carry out this responsibility through the use of its own courts, staff, and facilities, or enter into contracts or interlocal agreements to provide these services.

Negotiations for such contracts or agreements must consider the costs and revenues to provide these criminal justice services.

If an agreement on the level of compensation cannot be reached, either party may invoke binding arbitration. Under this binding arbitration process, the county and city each appoint one arbitrator and the initial two arbitrators pick a third arbitrator.

If an existing contract or agreement is not renewed, then notice must be given at least 120 days prior to the expiration of the contract or agreement; the existing contract or agreement remains in effect until a new agreement is reached or until an arbitration award is made on the matter of fees.

These requirements take effect on January 1, 1997, except for cities and towns that never adopted a criminal code, in which case these requirements take effect on July 1, 1998.

**Amended Bill Compared to Engrossed Substitute Bill:** The delayed effective date for cities that did not have a criminal code was added.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect on January 1, 1997, except for cities and towns that never adopted a criminal code, in which case these requirements take effect on July 1, 1998.

**Testimony For:** The bill is equitable and is agreed upon by both county and city associations. The dispute will be resolved because it forces cities to share the costs.

**Testimony Against:** The bill will be costly. We need time to prepare.

**Testified:** Senator Haugen, prime sponsor; Kurt Sharar, Washington State Association of Counties; Tom McBride, Washington Association of Prosecuting Attorneys; Dale Briandland, Whatcom County Sheriff; Kathy Gerke, Association of Washington Cities; Bob Stowe and John Cleye, city of Millcreek; and Bob Mack, city of Spokane.