

HOUSE BILL REPORT

SSB 5977

As Passed House - Amended:

April 11, 1995

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].

Floor Activity:

Amended.

Passed House: 4/11/95, 94-0.

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).

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).

Background: The state provides funding and other assistance to local governments for law enforcement related activities. This assistance is provided through a variety of mechanisms, including the state toxicology laboratory, the state crime laboratory, the Death Investigations Council, and funding from the death investigations account, county and municipal criminal justice assistance accounts, and various other sources.

County and municipal criminal justice assistance accounts are established in the state treasury. Funds deposited into these accounts are distributed to counties and cities based on several factors, including the population and crime rate of the county or city. Funds distributed to counties and cities 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.

In 1983, the Legislature created the Washington State Death Investigations Council to oversee the state toxicology laboratory. 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 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 lab and the power to review and require changes in the budget requests of the toxicology lab.

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 lab is directed by the state toxicologist who is appointed by the president of the University of Washington, with the consent of the Death Investigations Council, to one year terms. The budget for the state toxicology lab is submitted by the University of Washington, even though funding for the toxicology lab by the Legislature is not part of the university's budget.

The toxicology lab is currently funded in part by 1.75 percent of class H liquor license fees and penalties, or \$150,000 from such fees, per biennium, whichever is greater. (The University of Washington receives 5.95 percent, and Washington State University receives 3.97 percent, of the revenue from these license fees for alcoholism research, and the Department of Social and Health Services [DSHS] receives the remainder for alcoholism treatment). In addition, in 1993, the Legislature provided for funding of the toxicology lab by a part of a \$125 fee imposed on those convicted of driving under the influence (DUI) and other alcohol-related driving offenses. That \$125 fee is scheduled to expire June 30, 1995.

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. The crime lab receives most of its funding from state general fund appropriations and a portion from the transportation budget.

In 1994, the Legislature directed the Death Investigations Council to prepare a plan for billing clients to cover a projected deficit in its funding for the next biennium. The council submitted a report that recommends not adopting this approach to funding. The report recommends increasing funding through increases in the fees for copies of vital records, through increases in the portion of class H liquor license fees that go to the council, and through extension and reapportioning of the \$125 fee on alcohol-related driving convictions.

Summary of Bill: The Death Investigations Council is renamed the Forensic Investigations Council. The membership of the council is increased from nine to 12 members. 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. Five members are appointed for 2 year terms and six members are appointed for 4 year terms. The chief of the Washington State Patrol is a permanent member.

The Forensic Investigations Council is designated the assisting agency for the crime laboratory system and also controls the operation of the state toxicology lab. The council appoints the state toxicologist for an indefinite term and sets the salary of the state toxicologist. The council is to be actively involved in the preparation and approval of the crime lab budget and the toxicology lab budget. The council may require reports from the chief of the Washington State Patrol regarding the crime lab.

Five percent of motor vehicle excise tax moneys deposited into the county and municipal criminal justice assistance accounts are excluded from distributions to counties and cities and are available for appropriations for enhancements to the crime lab system. Funds appropriated from county and municipal criminal justice assistance accounts for the crime lab shall not supplant existing state general fund appropriations for the crime lab.

The split of the \$125 fee on alcohol-related driving convictions is changed, and the expiration date for the fee is removed. The uses to which the state patrol's share of the fee may be put are expanded to include grants and activities related to DUI reduction. Until July 1, 1997, the death investigations account and the state patrol highway account will split their share of the fee equally. After that date, the death investigations account will receive 15 percent and the state patrol highway account 85 percent.

The amount from class H liquor license fees to fund the state toxicology laboratory operations is set at \$300,000 per biennium. Fee revenue above this amount is split as follows: 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism research; and 89.9 percent to DSHS for treatment for alcoholism, intoxication, and drug addiction.

Any additional funding for the state toxicology laboratory must be appropriated from the death investigations account.

Appropriation: None.

Fiscal Note: Available.

Effective Date of 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: (Law & Justice) None.

(Appropriations) 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: (Law & Justice) None.

(Appropriations) None.

Testified: (Law & Justice) None.

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