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HOUSE BILL 1993

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Ballasiotes, Costa and Blanton

Read first time 02/21/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to forensic investigations; amending RCW 43.43.670,  
2 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070,  
3 43.103.090, 43.79.445, 68.50.107, 82.14.310, and 82.14.320; and  
4 reenacting and amending RCW 82.44.110.

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

6            **Sec. 1.** RCW 43.43.670 and 1980 c 69 s 2 are each amended to read  
7 as follows:

8            There is created in the Washington state patrol a crime laboratory  
9 system which is authorized to:

10            (1) Provide laboratory services for the purpose of analyzing and  
11 scientifically handling any physical evidence relating to any crime.

12            (2) Provide training assistance for local law enforcement  
13 personnel.

14            The crime laboratory system shall assign priority to a request for  
15 services with due regard to whether the case involves criminal activity  
16 against persons. The Washington state ((advisory)) forensic  
17 investigations council ((on criminal justice services)) shall assist  
18 the crime laboratory system in devising policies to promote the most

1 efficient use of laboratory resources consistent with this section and  
2 shall prepare and submit the crime laboratory budget.

3 **Sec. 2.** RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are each  
4 amended to read as follows:

5 The purposes of this act are declared by the legislature to be as  
6 follows:

7 (1) To preserve and enhance the state crime laboratory, which is an  
8 essential part of the criminal justice system in the state of  
9 Washington;

10 (2) To fund the death investigation system and to make related  
11 state and local institutions more efficient;

12 ~~((+2))~~ (3) To preserve and enhance the state toxicology laboratory  
13 which is an essential part of the criminal justice and death  
14 investigation systems in the state of Washington;

15 ~~((+3))~~ (4) To provide resources necessary for the performance, by  
16 qualified pathologists, of autopsies which are also essential to the  
17 criminal justice and death investigation systems of this state and its  
18 counties;

19 ~~((+4))~~ (5) To improve the performance of death investigations and  
20 the criminal justice system through the formal training of county  
21 coroners and county medical examiners;

22 ~~((+5))~~ (6) To establish and maintain a dental identification  
23 system; and

24 ~~((+6))~~ (7) To provide flexibility so that any county may establish  
25 a county morgue when it serves the public interest.

26 **Sec. 3.** RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are each  
27 amended to read as follows:

28 As used in this chapter, the following terms have the meanings  
29 indicated unless the context clearly requires otherwise.

30 (1) "Council" means the Washington state ~~((death))~~ forensic  
31 investigations council.

32 (2) "Crime laboratory" means the crime laboratory system created in  
33 RCW 43.43.670.

34 (3) "Toxicology laboratory" means the Washington state toxicology  
35 laboratory.

1       **Sec. 4.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read  
2 as follows:

3       There is created the Washington state ~~((death))~~ forensic  
4 investigations council. The council shall oversee the state toxicology  
5 laboratory and, together with the president of the University of  
6 Washington, control the laboratory's operation. The council may also  
7 study and recommend cost-efficient improvements to the death  
8 investigation system in Washington and report its findings to the  
9 legislature.

10       Further, the council shall, jointly with the chairperson of the  
11 pathology department of the University of Washington's School of  
12 Medicine, or the chairperson's designee, oversee the state forensic  
13 pathology fellowship program, determine the budget for the program and  
14 set the fellow's annual salary, and take those steps necessary to  
15 administer the program.

16       The council has sole authority to prepare and submit the budgets  
17 for the state crime laboratory and state toxicology laboratory.

18       **Sec. 5.** RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each  
19 amended to read as follows:

20       The council shall consist of ~~((nine))~~ eleven members who shall be  
21 selected as follows: One county coroner; one county prosecutor; ~~((one~~  
22 ~~county prosecutor who also serves as ex officio county coroner;))~~ one  
23 county medical examiner; one county sheriff; one chief of police; one  
24 representative of the state patrol; ~~((one))~~ two members of a county  
25 legislative authority; ~~((and one pathologist who is currently in~~  
26 ~~private practice))~~ two members of a city legislative authority; and one  
27 police officer or deputy sheriff.

28       All members shall be appointed to the council by the governor.

29       **Sec. 6.** RCW 43.103.050 and 1983 1st ex.s. c 16 s 5 are each  
30 amended to read as follows:

31       All members of the council are appointed for terms of four years,  
32 commencing on July 1 and expiring on June 30. However, of the members  
33 appointed to the initial council, ~~((five))~~ six shall be appointed for  
34 two-year terms and ~~((four))~~ five shall be appointed for four-year  
35 terms. A person chosen to fill a vacancy created other than by the  
36 natural expiration of a member's term shall be nominated and appointed  
37 as provided in RCW 43.103.040 for the unexpired term of the member he

1 or she is to succeed. Any member may be reappointed for additional  
2 terms.

3 **Sec. 7.** RCW 43.103.070 and 1983 1st ex.s. c 16 s 7 are each  
4 amended to read as follows:

5 The council shall elect a chairman and a vice chairman from among  
6 its members. (~~(Five)~~) Seven members of the council shall constitute a  
7 quorum. The governor shall summon the council to its first meeting.  
8 Otherwise, meetings may be called by the chairman and shall be called  
9 by him or her upon the written request of five members of the council.  
10 Conference calls by telephone are a proper form of meeting.

11 **Sec. 8.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each  
12 amended to read as follows:

13 The council (~~(has the following powers)~~) may:

14 (1) (~~(To)~~) Meet at such times and places as may be designated by a  
15 majority vote of the council members or, if a majority cannot agree, by  
16 the chairman;

17 (2) (~~(To)~~) Adopt rules governing the council and the conduct of its  
18 meetings;

19 (3) (~~(To)~~) Require reports from the state toxicologist on matters  
20 pertaining to the toxicology laboratory;

21 (4) (~~(To review and, if necessary, require changes in)~~) Require  
22 reports from the commander of the crime laboratory on matters  
23 pertaining to the crime laboratory;

24 (5) Prepare and submit the budget request of the crime laboratory  
25 and the toxicology laboratory pursuant to RCW 43.88.030; and

26 (~~(+5) To~~) (6) Do anything, necessary or convenient, which enables  
27 the council to perform its duties and to exercise its powers.

28 **Sec. 9.** RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each amended to  
29 read as follows:

30 There is established an account in the state treasury referred to  
31 as the "death investigations' account" which shall exist for the  
32 purpose of receiving, holding, investing, and disbursing funds  
33 appropriated or provided in RCW 70.58.107 and any moneys appropriated  
34 or otherwise provided thereafter.

35 Moneys in the death investigations' account shall be disbursed by  
36 the state treasurer once every year on December 31 and at any other

1 time determined by the treasurer. The treasurer shall make  
2 disbursements to: The state toxicology laboratory, counties for the  
3 cost of autopsies, the University of Washington to fund the state  
4 forensic pathology fellowship program, the state patrol for providing  
5 partial funding for the state dental identification system, the  
6 criminal justice training commission for training county coroners,  
7 medical examiners and their staff, and the state ((death)) forensic  
8 investigations council.

9 The University of Washington and the Washington state ((death))  
10 forensic investigations council shall jointly determine the yearly  
11 amount for the state forensic pathology fellowship program established  
12 by RCW 28B.20.426.

13 **Sec. 10.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read  
14 as follows:

15 There shall be established at the University of Washington Medical  
16 School a state toxicological laboratory under the direction of the  
17 state toxicologist whose duty it will be to perform all necessary  
18 toxicologic procedures requested by all coroners, medical examiners,  
19 and prosecuting attorneys. Annually the president of the University of  
20 Washington, with the consent of the state ((death)) forensic  
21 investigations council, shall appoint a competent toxicologist as state  
22 toxicologist who shall serve a one year term. The state toxicologist  
23 may be reappointed to as many additional one year terms as the  
24 president of the university and the ((death)) forensic investigations  
25 council deem proper. The facilities of the police school of the  
26 Washington State University and the services of its professional staff  
27 shall be made available to coroners, medical examiners, and prosecuting  
28 attorneys in their investigations under this chapter. This laboratory  
29 shall be funded by disbursement from the class H license fees as  
30 provided in RCW 66.08.180.

31 **Sec. 11.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to  
32 read as follows:

33 (1) The county criminal justice assistance account is created in  
34 the state treasury.

35 (2) The moneys deposited in the county criminal justice assistance  
36 account for distribution under this section, less any moneys  
37 appropriated for purposes under RCW 82.44.110, shall be distributed at

1 such times as distributions are made under RCW 82.44.150 and on the  
2 relative basis of each county's funding factor as determined under this  
3 subsection.

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

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

7 (ii) The crime rate of the county, multiplied by three-tenths; 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 shall be as last  
13 determined by the office of financial management;

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

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

23 (iv) Distributions and eligibility for distributions in the 1989-91  
24 biennium shall be based on 1988 figures for both the crime rate as  
25 described under (ii) of this subsection and the annual number of  
26 criminal cases that are filed as described under (iii) of this  
27 subsection. Future distributions shall 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 shall be expended  
32 exclusively for criminal justice purposes and shall 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 the  
36 civil justice system occurs, and which includes domestic violence  
37 services such as those provided by domestic violence programs,  
38 community advocates, and legal advocates, as defined in RCW 70.123.020.  
39 Existing funding for purposes of this subsection is defined as calendar

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

7 **Sec. 12.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to  
8 read as follows:

9 (1) The municipal criminal justice assistance account is created in  
10 the state treasury.

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

13 (a) The city has a crime rate in excess of one hundred twenty-five  
14 percent of the state-wide average as calculated in the most recent  
15 annual report on crime in Washington state as published by the  
16 Washington association of sheriffs and police chiefs;

17 (b) The city has levied the tax authorized in RCW 82.14.030(2) at  
18 the maximum rate or the tax authorized in RCW 82.46.010(3) at the  
19 maximum rate; and

20 (c) The city has a per capita yield from the tax imposed under RCW  
21 82.14.030(1) at the maximum rate of less than one hundred fifty percent  
22 of the state-wide average per capita yield for all cities from such  
23 local sales and use tax.

24 (3) The moneys deposited in the municipal criminal justice  
25 assistance account for distribution under this section, less any moneys  
26 appropriated for purposes under RCW 82.44.110, shall be distributed at  
27 such times as distributions are made under RCW 82.44.150. The  
28 distributions shall be made as follows:

29 (a) Unless reduced by this subsection, thirty percent of the moneys  
30 shall be distributed ratably based on population as last determined by  
31 the office of financial management to those cities eligible under  
32 subsection (2) of this section that have a crime rate determined under  
33 subsection (2)(a) of this section which is greater than one hundred  
34 seventy-five percent of the state-wide average crime rate. No city may  
35 receive more than fifty percent of any moneys distributed under this  
36 subsection (a) but, if a city distribution is reduced as a result of  
37 exceeding the fifty percent limitation, the amount not distributed  
38 shall be distributed under (b) of this subsection.

1 (b) The remainder of the moneys, including any moneys not  
2 distributed in subsection (2)(a) of this section, shall be distributed  
3 to all cities eligible under subsection (2) of this section ratably  
4 based on population as last determined by the office of financial  
5 management.

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

8 (5) Notwithstanding other provisions of this section, the  
9 distributions to any city that substantially decriminalizes or repeals  
10 its criminal code after July 1, 1990, and that does not reimburse the  
11 county for costs associated with criminal cases under RCW 3.50.800 or  
12 3.50.805(2), shall be made to the county in which the city is located.

13 (6) Moneys distributed under this section shall be expended  
14 exclusively for criminal justice purposes and shall not be used to  
15 replace or supplant existing funding. Criminal justice purposes are  
16 defined as activities that substantially assist the criminal justice  
17 system, which may include circumstances where ancillary benefit to the  
18 civil justice system occurs, and which includes domestic violence  
19 services such as those provided by domestic violence programs,  
20 community advocates, and legal advocates, as defined in RCW 70.123.020.  
21 Existing funding for purposes of this subsection is defined as calendar  
22 year 1989 actual operating expenditures for criminal justice purposes.  
23 Calendar year 1989 actual operating expenditures for criminal justice  
24 purposes exclude the following: Expenditures for extraordinary events  
25 not likely to reoccur, changes in contract provisions for criminal  
26 justice services, beyond the control of the local jurisdiction  
27 receiving the services, and major nonrecurring capital expenditures.

28 **Sec. 13.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s  
29 253 are each reenacted and amended to read as follows:

30 The county auditor shall regularly, when remitting license fee  
31 receipts, pay over and account to the director of licensing for the  
32 excise taxes collected under the provisions of this chapter. The  
33 director shall forthwith transmit the excise taxes to the state  
34 treasurer.

35 (1) The state treasurer shall deposit the excise taxes collected  
36 under RCW 82.44.020(1) as follows:



1 (a) 1.60 percent into the motor vehicle fund to defray  
2 administrative and other expenses incurred by the department in the  
3 collection of the excise tax.

4 (b) 8.15 percent into the Puget Sound capital construction account  
5 in the motor vehicle fund.

6 (c) 4.07 percent into the Puget Sound ferry operations account in  
7 the motor vehicle fund.

8 (d) 5.88 percent into the general fund to be distributed under RCW  
9 82.44.155.

10 (e) 4.75 percent into the municipal sales and use tax equalization  
11 account in the general fund created in RCW 82.14.210.

12 (f) 1.60 percent into the county sales and use tax equalization  
13 account in the general fund created in RCW 82.14.200.

14 (g) 62.6440 percent into the general fund through June 30, 1995,  
15 and 57.6440 percent into the general fund beginning July 1, 1995.

16 (h) 5 percent into the transportation fund created in RCW 82.44.180  
17 beginning July 1, 1995.

18 (i) 5.9686 percent into the county criminal justice assistance  
19 account created in RCW 82.14.310.

20 (j) 1.1937 percent into the municipal criminal justice assistance  
21 account for distribution under RCW 82.14.320.

22 (k) 1.1937 percent into the municipal criminal justice assistance  
23 account for distribution under RCW 82.14.330.

24 (l) 2.95 percent into the general fund to be distributed by the  
25 state treasurer to county health departments to be used exclusively for  
26 public health. The state treasurer shall distribute these funds  
27 proportionately among the counties based on population as determined by  
28 the most recent United States census.

29 Notwithstanding (i) through (k) of this subsection, no more than  
30 sixty million dollars shall be deposited into the accounts specified in  
31 (i) through (k) of this subsection for the period January 1, 1994,  
32 through June 30, 1995. Not more than five percent of the funds  
33 deposited to these accounts shall be available for appropriations for  
34 enhancements to the state patrol crime laboratory system and the  
35 continuing costs related to these enhancements. For the fiscal year  
36 ending June 30, 1998, and for each fiscal year thereafter, the amounts  
37 deposited into the accounts specified in (i) through (k) of this  
38 subsection shall not increase by more than the amounts deposited into  
39 those accounts in the previous fiscal year increased by the implicit

1 price deflator for the previous fiscal year. Any revenues in excess of  
2 this amount shall be deposited into the general fund.

3 Motor vehicle excise tax funds shall not supplant existing funds  
4 from the state general fund.

5 (2) The state treasurer shall deposit the excise taxes collected  
6 under RCW 82.44.020(2) into the transportation fund.

7 (3) The state treasurer shall deposit the excise tax imposed by RCW  
8 82.44.020(3) into the air pollution control account created by RCW  
9 70.94.015.

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