

HOUSE BILL REPORT

HB 1599

As Amended by the Senate

Title: An act relating to court funding.

Brief Description: Creating an account to reimburse counties for extraordinary costs in the criminal justice system.

Sponsors: Representatives McMorris, Doumit, Clements, Constantine, Sheahan, Grant, G. Chandler, Linville, Rockefeller, D. Schmidt, Kessler and Schoesler.

Brief History:

Committee Activity:

Local Government: 2/11/99, 2/24/99 [DP];
Appropriations: 3/4/99, 3/7/99 [DP].

Floor Activity:

Passed House: 3/12/99, 95-0.
Senate Amended.
Passed Senate: 4/14/99, 48-0.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">· Creates an account in the state treasury to reimburse counties for extraordinary costs associated with adjudication of aggravated murder cases.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Staff: Caroleen Dineen (786-7156).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Mark Matteson (786-7145).

Background:

Each county in Washington operates a superior court with jurisdiction to adjudicate civil and criminal cases. Counties elect superior court judges and prosecuting attorneys and establish systems for sheriffs to provide law enforcement and investigate crimes and programs for indigent defense.

The Department of Community, Trade, and Economic Development (CTED) is responsible for promoting state and local economic development efforts. CTED also assists local governments with a variety of activities, including growth management, housing, and community service issues.

The Public Safety and Education Account is maintained in the state treasury to fund and promote various programs, including but not limited to traffic safety education, criminal justice training, crime victims' compensation and civil representation of indigent persons. The Public Safety and Education Account is funded from a variety of sources, including specified court fees and fines and certain revenues from forfeitures and penalties.

Summary of Bill:

An account is created and a mechanism established to reimburse counties for certain costs associated with adjudication of aggravated murder cases.

The Extraordinary Criminal Justice Account (Account) is created to reimburse counties for specified extraordinary costs related to adjudication of aggravated murder cases. Expenditures from the Account may be used only to reimburse counties for extraordinary costs associated with the prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases. Funds may be appropriated to the Account from the Public Safety and Education Account or the general fund for this purpose.

A county is eligible to seek reimbursement if its total costs for investigating and adjudicating aggravated murder cases is at least 12 percent of its most recent county law and justice budget. The law and justice budget is defined for this purpose as the combined total of county appropriations for the sheriff's office, prosecutor's office, indigent defense providers, jail and superior court.

Eligible counties may submit reimbursement claims to CTED, which is required to develop procedures for processing and prioritizing reimbursement claims. CTED's claims prioritization is to be based on factors such as disproportionate fiscal impact relative to the county budget, efficient use of resources, and the extraordinary and/or unanticipated nature of costs.

By January 1 of each year, CTED must submit to the appropriate fiscal committees of the Legislature a prioritized list of submitted claims recommended for funding. The Legislature may remove claims from the list but may not change the order of priority of claims on the list. CTED may not obligate funds from the Account until the Legislature has appropriated funds for a specific list of claims.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment: (1) removes the eligibility criterion for reimbursement and authorizes all counties to submit reimbursement petitions; (2) defines "extraordinary criminal justice costs" and adds investigation costs from the specified list of costs eligible for reimbursement; (3) specifies counties are to submit petitions for reimbursement (rather than claims) to the office of public defense (instead of CTED); (4) requires the office of public defense to consult with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs to: (a) develop procedures for processing and prioritizing petitions; and (b) develop and submit to the Legislature the prioritized petitions list recommended for funding; and (5) removes the requirement to submit to the Legislature a summary of claims and nature of the costs with the prioritized list. The Senate amendment retains the list of factors on which prioritization is based.

Appropriation: None.

Fiscal Note: Requested on February 10, 1999.

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

Testimony For: (Local Government) The aggravated murder cases are unexpected and unplanned events which create a major burden on county revenues. Some counties spend 70 percent or more of their budgets on criminal justice, and the substantial costs of aggravated murder cases force counties to cut back in other service areas. Rural counties, including Okanogan, Douglas and Grant, have experienced significant budget impacts as a result of these types of cases. Rural counties consider this bill a high

priority. The budget percentage limitations and the priority list requirements in this bill provide safeguards.

(Appropriations) This bill would create a process for dealing with the extraordinary costs at the local level of prosecuting some murder cases without obligating the Legislature necessarily to appropriate any funds at this point. This is an important bill to local governments. One big case can break a budget.

Testimony Against: (Local Government) None.

(Appropriations) None.

Testified: (Local Government) Representative McMorris, prime sponsor; Leslie K. Emmerick, Douglas County Commissioner; LeRoy Allison, Grant County Commissioner; Dave Schultz, Okanogan County Commissioner; and Jim Potts, rural counties.

(Appropriations) Michael Shaw, Washington Association of Counties; and Jim Potts, Rural Counties.