

Local Government Committee

BILL ANALYSIS HB 1599

TITLE OF THE BILL: Creating an account to reimburse counties for extraordinary costs in the criminal justice system.

WHAT THIS BILL DOES: *Creates an account in the state treasury and establishes a mechanism to reimburse counties for extraordinary costs related to adjudication of aggravated murder cases.*

SPONSORS: Representatives McMorris and Doumit

HEARING DATE: Thursday, February 11, 1999

FISCAL NOTE: Requested February 10, 1999

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156)

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:

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 twelve 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 the Department of Community, Trade and Economic Development (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.