

# HOUSE BILL REPORT

## HB 1599

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### As Passed Legislature

**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.

House Concurred.

Passed Legislature.

### Brief Summary of Bill

- Creates a process for counties to seek state reimbursement of extraordinary criminal justice costs associated with adjudication of aggravated murder cases.
- Requires the Office of Public Defense to process and prioritize funding requests and to submit a recommended list to the Legislature.
- Requires approval by Legislature before reimbursement may occur.

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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).

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## 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.

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### **Summary of Bill:**

A process is created for counties to seek reimbursement of extraordinary criminal justice costs. "Extraordinary criminal justice costs" are costs associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

Counties may submit petitions for relief to the Office of Public Defense (OPD). The OPD, in consultation with the Washington Association of Prosecuting Attorneys and the Washington Association of Sheriffs and Police Chiefs, is required to develop procedures for:

- processing the petitions;
- auditing the veracity of the petitions; and
- prioritizing the petitions.

Factors considered in prioritizing petitions include disproportionate impact relative to the county budget, efficient use of resources, the extraordinary nature of the costs, and the county's ability to accommodate and anticipate the costs in its normal budget process.

Before January 1st of each year the OPD, in consultation with the Washington Association of Prosecuting Attorneys and the Washington Association of Sheriffs and Police Chiefs, is required to develop and submit to the Legislature a prioritized list of petitions recommended for funding by the Legislature.

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**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.