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HOUSE BILL 2645

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Ericks, Rodne, and O'Brien

Read first time 01/15/08. Referred to Committee on Judiciary.

1            AN ACT Relating to prosecuting attorney salaries; amending RCW  
2 36.17.020; creating a new section; and providing an effective date.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that an elected county  
5 prosecuting attorney functions as both a state officer in pursuing  
6 criminal cases on behalf of the state of Washington, and as a county  
7 officer who acts as civil counsel for the county, and provides services  
8 to school districts and lesser taxing districts by statute.

9            The prosecuting attorney's dual role as a state officer and a  
10 county officer is reflected in various provisions of the state  
11 Constitution and within state statute. RCW 36.17.020 provides that the  
12 salary and benefits of an elected prosecuting attorney are divided  
13 between the county and the state -- the same as for superior court  
14 judges.

15            The legislature finds that the responsibilities and decisions  
16 required of the elected prosecuting attorney are essentially the same  
17 in every county within Washington state, from a decision to seek the  
18 death penalty in an aggravated murder case, to the decision not to  
19 prosecute but refer an offender to drug court; from a decision to

1 pursue child rape charges based solely upon the testimony of the child,  
2 to a decision to divert juvenile offenders out of the justice system.  
3 Therefore, the legislature finds that prosecuting attorneys need to  
4 exercise the same level of skill and expertise in the least populous  
5 county as in the most populous county.

6 The legislature finds that the salary of the elected county  
7 prosecuting attorney should be tied to that of a superior court judge.  
8 This furthers the state's interests and responsibilities under the  
9 state Constitution, and is consistent with the current practice of  
10 several counties in Washington state, the practices of several other  
11 states, and the national district attorneys' association national  
12 standards.

13 **Sec. 2.** RCW 36.17.020 and 2001 c 73 s 3 are each amended to read  
14 as follows:

15 The county legislative authority of each county or a county  
16 commissioner or councilmember salary commission which conforms with RCW  
17 36.17.024 is authorized to establish the salaries of the elected  
18 officials of the county. One-half of the salary of each prosecuting  
19 attorney shall be paid by the state. The annual salary of a county  
20 elected official shall not be less than the following:

21 (1) In each county with a population of one million or more:  
22 Auditor, clerk, treasurer, sheriff, members of the county legislative  
23 authority, and coroner, eighteen thousand dollars; and assessor,  
24 nineteen thousand dollars(~~and prosecuting attorney, thirty thousand~~  
25 ~~three hundred dollars~~));

26 (2) In each county with a population of from two hundred ten  
27 thousand to less than one million: Auditor, seventeen thousand six  
28 hundred dollars; clerk, seventeen thousand six hundred dollars;  
29 treasurer, seventeen thousand six hundred dollars; sheriff, nineteen  
30 thousand five hundred dollars; assessor, seventeen thousand six hundred  
31 dollars; (~~prosecuting attorney, twenty four thousand eight hundred~~  
32 ~~dollars~~;) members of the county legislative authority, nineteen  
33 thousand five hundred dollars; and coroner, seventeen thousand six  
34 hundred dollars;

35 (3) In each county with a population of from one hundred twenty-  
36 five thousand to less than two hundred ten thousand: Auditor, sixteen  
37 thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen

1 thousand dollars; sheriff, seventeen thousand six hundred dollars;  
2 assessor, sixteen thousand dollars; (~~prosecuting attorney, twenty-four~~  
3 ~~thousand eight hundred dollars;~~) members of the county legislative  
4 authority, seventeen thousand six hundred dollars; and coroner, sixteen  
5 thousand dollars;

6 (4) In each county with a population of from seventy thousand to  
7 less than one hundred twenty-five thousand: Auditor, fourteen thousand  
8 nine hundred dollars; clerk, fourteen thousand nine hundred dollars;  
9 treasurer, fourteen thousand nine hundred dollars; assessor, fourteen  
10 thousand nine hundred dollars; sheriff, fourteen thousand nine hundred  
11 dollars; (~~prosecuting attorney, twenty-three thousand seven hundred~~  
12 ~~dollars;~~) members of the county legislative authority, fourteen  
13 thousand nine hundred dollars; and coroner, fourteen thousand nine  
14 hundred dollars;

15 (5) In each county with a population of from forty thousand to less  
16 than seventy thousand: Auditor, thirteen thousand eight hundred  
17 dollars; clerk, thirteen thousand eight hundred dollars; treasurer,  
18 thirteen thousand eight hundred dollars; assessor, thirteen thousand  
19 eight hundred dollars; sheriff, thirteen thousand eight hundred  
20 dollars; (~~prosecuting attorney, twenty-three thousand seven hundred~~  
21 ~~dollars;~~) members of the county legislative authority, thirteen  
22 thousand eight hundred dollars; and coroner, thirteen thousand eight  
23 hundred dollars;

24 (6) In each county with a population of from eighteen thousand to  
25 less than forty thousand: Auditor, twelve thousand one hundred  
26 dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve  
27 thousand one hundred dollars; sheriff, twelve thousand one hundred  
28 dollars; assessor, twelve thousand one hundred dollars; (~~prosecuting~~  
29 ~~attorney in such a county in which there is no state university or~~  
30 ~~college, fourteen thousand three hundred dollars; in such a county in~~  
31 ~~which there is a state university or college, sixteen thousand five~~  
32 ~~hundred dollars;~~) and members of the county legislative authority,  
33 eleven thousand dollars;

34 (7) In each county with a population of from twelve thousand to  
35 less than eighteen thousand: Auditor, ten thousand one hundred  
36 dollars; clerk, ten thousand one hundred dollars; treasurer, ten  
37 thousand one hundred dollars; assessor, ten thousand one hundred

1 dollars; sheriff, eleven thousand two hundred dollars; (~~prosecuting~~  
2 ~~attorney, thirteen thousand two hundred dollars;~~) and members of the  
3 county legislative authority, nine thousand four hundred dollars;

4 (8) In each county with a population of from eight thousand to less  
5 than twelve thousand: Auditor, ten thousand one hundred dollars;  
6 clerk, ten thousand one hundred dollars; treasurer, ten thousand one  
7 hundred dollars; assessor, ten thousand one hundred dollars; sheriff,  
8 eleven thousand two hundred dollars; (~~prosecuting attorney, nine~~  
9 ~~thousand nine hundred dollars;~~) and members of the county legislative  
10 authority, seven thousand dollars;

11 (9) In each county with a population of from five thousand to less  
12 than eight thousand: Auditor, nine thousand one hundred dollars;  
13 clerk, nine thousand one hundred dollars; treasurer, nine thousand one  
14 hundred dollars; assessor, nine thousand one hundred dollars; sheriff,  
15 ten thousand five hundred dollars; (~~prosecuting attorney, nine~~  
16 ~~thousand nine hundred dollars;~~) and members of the county legislative  
17 authority, six thousand five hundred dollars;

18 (10) In each other county: Auditor, nine thousand one hundred  
19 dollars; clerk, nine thousand one hundred dollars; treasurer, nine  
20 thousand one hundred dollars; sheriff, ten thousand five hundred  
21 dollars; assessor, nine thousand one hundred dollars; (~~prosecuting~~  
22 ~~attorney, nine thousand nine hundred dollars;~~) and members of the  
23 county legislative authority, six thousand five hundred dollars;

24 (11) The state of Washington shall contribute an amount equal to  
25 one-half the salary of a superior court judge towards the salary of the  
26 prosecuting attorney. Upon receipt of the state contribution, a county  
27 shall continue to contribute towards the salary of the prosecuting  
28 attorney in an amount that equals or exceeds that contributed by the  
29 county in 2008.

30 NEW SECTION. Sec. 3. This act takes effect July 1, 2008.

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