

# SENATE BILL REPORT

## SSB 5977

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As Passed Senate, March 13, 1995

**Title:** An act relating to forensic investigations.

**Brief Description:** Revising administration of forensic investigations.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Loveland, Haugen, Long, Smith and Winsley).

**Brief History:**

**Committee Activity:** Government Operations: 2/28/95, 3/1/95 [DPS].

Ways & Means: 3/2/95; 3/3/95 [DPS (GO)].

Passed Senate, 3/13/95, 44-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

**Staff:** Diane Smith (786-7410)

**Background:** The Washington State Crime Lab is part of the Washington State Patrol. Its purpose is to analyze physical evidence relating to any crime and to train local law enforcement personnel. The Washington State Advisory Council on Criminal Justice Services helps the crime lab use its resources efficiently.

The Washington State Toxicological Laboratory is established at the University of Washington Medical School under the direction of the State Toxicologist. It performs the toxicologic procedures requested by the coroners, medical examiners and prosecuting attorneys. It is funded from class H liquor license fees in the amount of \$150,000 or 1.75 percent of these fees, whichever is greater.

The Washington State Death Investigations Council has several functions incidental to fostering improved death investigations as part of the state's criminal justice system. One of these functions is to preserve and enhance the Toxicology Laboratory. Another function is to fund the state's death investigation system.

**Summary of Bill:** The Death Investigations Council is renamed the Forensic Investigations Council. It replaces the Advisory Council on Criminal Justice Services as the assisting entity of the Washington State Patrol crime lab. The crime lab is made its number one priority. It is given the mandate to participate and to approve the crime lab budget and the Toxicological Laboratory budget before they are submitted to OFM.

The membership of the council is increased from nine to 10. Two current members are removed and three new members are added. They are nominated from candidates offered by their various interest groups.

Up to 5 percent of the motor vehicle excise tax is appropriated for the enhancement of the State Patrol crime lab. This appropriation reduces the total motor vehicle excise tax by 5 percent.

**Appropriation:** None.

**Fiscal Note:** Requested on February 21, 1995.

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

**Testimony For:** This bill will give the local governments a voice in their criminal justice expenditure decisions. It consolidates oversight of two crucial state laboratories.

**Testimony Against:** None.

**Testified:** Gary Lowe, Washington State Association of Counties (pro); Tom McBride, Washington Association of Prosecuting Attorneys (pro); Debbie Wilke, Washington Association of County Officials for Death Investigations Council (pro); Randy Hamilton, Washington Association of Sheriffs and Police Chiefs (pro).

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5977 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Cantu, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

**Staff:** Linda Brownell (786-7913)

**Testimony For:** This bill would provide for a good partnership between state and local priorities for the crime labs and achieves a compromise on the lab and how it is funded. It will allow for long-term improvements needed for the labs.

**Testimony Against:** None.

**Testified:** Tom McBride, Washington Association of Prosecuting Attorneys (pro); Debbie Wilke, WACO for Death Investigations Council (pro); Randy Hamilton, Chehalis Police Dept., for Washington Association of Sheriffs and Police Chiefs (pro); Gary Lowe, WSAC (pro).

**House Amendment(s):** Two statutes distribute criminal justice assistance account monies to cities. Only one of these statutes was amended by the original bill. The striking amendment

amends the other statute to exclude the 5 percent that may be appropriated for the crime laboratory from distribution to the cities.

The \$125 fee assessed against persons convicted of driving under the influence (DUI), which fee was scheduled to expire July 1, 1995, is made permanent, and the sunset on this fee is repealed. Of the portion of the fee that goes to the State Treasurer for distribution, the distribution split is changed, and the provisions for which the funds are used are changed. For the 1995-97 fiscal biennium, 50 percent goes to support the State Toxicology Lab and 50 percent goes to the State Patrol for DUI investigation and prevention. At the end of the biennium, the split changes to 15 and 85 percent, respectively.

The striking amendment alters distribution of revenues from class H liquor licenses. The sum of \$300,000 from such revenues will be distributed for the support of the State Toxicology Lab.

The State Toxicology Lab operates under the authority of the Forensic Investigations Council, rather than under the University of Washington (UW). The council, rather than the president of the UW, appoints the State Toxicologist.