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**SUBSTITUTE SENATE BILL 6211**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Smith, Hale, McCaslin and Hochstatter)

Read first time 02/01/96.

1 AN ACT Relating to criminal justice costs; adding a new section to  
2 chapter 39.34 RCW; and providing an effective date.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.34 RCW  
5 to read as follows:

6 (1) Each county, city, and town is responsible for the prosecution,  
7 adjudication, sentencing, and incarceration of misdemeanor and gross  
8 misdemeanor offenses occurring in their respective jurisdictions, and  
9 referred from their respective law enforcement agencies, whether filed  
10 under state law or city ordinance, and must carry out these  
11 responsibilities through the use of their own courts, staff, and  
12 facilities, or by entering into contracts or interlocal agreements  
13 under this chapter to provide these services. Nothing in this section  
14 is intended to alter the statutory responsibilities of each county for  
15 the prosecution, adjudication, sentencing, and incarceration for not  
16 more than one year of felony offenders, nor shall this section apply to  
17 any offense initially filed by the prosecuting attorney as a felony  
18 offense or an attempt to commit a felony offense.

1 (2) The following principles must be followed in negotiating  
2 interlocal agreements or contracts: Cities and counties must consider  
3 (a) anticipated costs of services; and (b) anticipated and potential  
4 revenues to fund the services, including fines and fees, criminal  
5 justice funding, and state-authorized sales tax funding levied for  
6 criminal justice purposes.

7 (3) If an agreement as to the levels of compensation within an  
8 interlocal agreement or contract for gross misdemeanor and misdemeanor  
9 services cannot be reached between a city and county, then either party  
10 may invoke binding arbitration on the compensation issued by notice to  
11 the other party. In the case of establishing initial compensation, the  
12 notice shall request arbitration within thirty days. In the case of  
13 nonrenewal of an existing contract or interlocal agreement, the notice  
14 must be given one hundred twenty days prior to the expiration of the  
15 existing contract or agreement and the existing contract or agreement  
16 remains in effect until a new agreement is reached or until an  
17 arbitration award on the matter of fees is made. The city and county  
18 each select one arbitrator, and the initial two arbitrators pick a  
19 third arbitrator.

20 NEW SECTION. **Sec. 2.** This act shall take effect January 1, 1997.

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