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**SUBSTITUTE HOUSE BILL 2587**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Valdez, McBride, Fitzgibbon, Wylie, and Jinkins)

AN ACT Relating to required disclosures for special prosecuting attorneys; amending RCW 36.32.200 and 36.27.040; and creating a new section.

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

**Sec.**  RCW 36.32.200 and 1983 c 129 s 1 are each amended to read as follows:

(1) It shall be unlawful for a county legislative authority to employ or contract with any attorney or counsel to perform any duty which any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of such attorney or counsel has been first reduced to writing and approved by the presiding superior court judge of the county in writing endorsed thereon. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

(2) Any contract written pursuant to this section shall be limited to two years in duration. It shall include the amount of compensation expected to be paid to the special prosecuting attorney or counsel, and the source of the funds used for compensation. If compensation to a special prosecuting attorney or counsel is provided by a nonprofit or advocacy organization, all sources of the funding shall be provided whether donation, grant, or other source.

(3) At least seven days prior to seeking the approval of the presiding superior court judge as required by subsection (1) of this section, the proposed contract of employment as reduced to writing must be made freely available to the public on the county web site.

**Sec.**  RCW 36.27.040 and 2009 c 549 s 4047 are each amended to read as follows:

(1) The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he or she serves. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. The contract or fee basis shall include the amount of compensation expected to be paid to the special deputy prosecuting attorney, and the source of the funds used for compensation. If compensation to a special deputy prosecuting attorney is provided by a nonprofit or advocacy organization, all sources of the funding shall be provided whether donation, grant, or other source. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he or she serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he or she has been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his or her deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he or she were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements.

The provisions of RCW 41.56.030((~~(2)~~)) (11) shall not be interpreted to permit a prosecuting attorney to alter the at-will relationship established between the prosecuting attorney and his or her appointed deputies by this section for a period of time exceeding his or her term of office. Neither shall the provisions of RCW 41.56.030((~~(2)~~)) (11) require a prosecuting attorney to alter the at-will relationship established by this section.

(2) The proposed contract of employment as reduced to writing must be made freely available to the public on the county web site.

NEW SECTION. **Sec.**  This act applies retroactively to July 1, 2016. Any contract of employment proposed or made under RCW 36.32.200 or 36.27.040 between July 1, 2016, and the effective date of this section is subject to the disclosure requirements of this act as though this act were effective when the contract was proposed or made.

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