

HOUSE BILL REPORT

SHB 1137

As Passed Legislature

Title: An act relating to local government.

Brief Description: Clarifying "criminal justice purposes" for local government criminal justice assistance.

Sponsor(s): By House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Wang, Prince, Scott, Wilson, Zellinsky, Riley, Morris, Rayburn, Dorn, Wood, Paris, Orr, Ferguson, Winsley, Bray, Ludwig, Chandler, Inslee, Ogden, Ballard, Forner, Rasmussen, Roland, R. Johnson, Vance, Sheldon, Appelwick, Spanel, Leonard, Broback, D. Sommers, Hine, Kremen, Hargrove, Jones, May, Edmondson, Brough, Holland, Betrozoff, Wynne, Nealey, Miller, Bowman and Moyer; by request of Task Force on City/County Finances).

Brief History:

Reported by House Committee on:
Local Government, February 1, 1991, DPS;
Passed House, March 1, 1991, 93-0;
Amended by Senate;
House concurred;
Passed Legislature, 89-8.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1137 be substituted therefor, and the substitute bill do pass.*
Signed by 15 members: Representatives Haugen, Chair;
Cooper, Vice Chair; Ferguson, Ranking Minority Member;
Mitchell, Assistant Ranking Minority Member; Bray;
Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland;
Wood; Wynne; and Zellinsky.

Staff: Jim Lux (786-7841).

Background: The 1990 Legislature during the 2nd Extraordinary Session made available \$99.4 million to counties and cities to help support the local criminal justice system. The public's demand for increased services from law enforcement, prosecutors, public defenders, courts and jails exceeded local governments' ability to provide adequate funding. To ensure the funding was spent where

intended, the Legislature specified no supplanting of existing local criminal justice monies and restricted the expenditure of new funds to "criminal justice purposes."

Local governments reacted to the legislative requirements with questions to the State Auditor regarding; (1) the basis for determining existing levels of service, and (2) what services were included in the definition of criminal justice purposes. Direction was provided to local governments by the State Auditor and the State Attorney General.

Based on a memorandum from the Attorney General, the State Auditor issued an interpretation for local governments to follow. The basis for determining existing funds was identified as the legally adopted budget for criminal justice services, including any amendments as of July 1, 1990. Criminal justice purposes were defined as activities relating to the enforcement and administration of the criminal law including; dealing with persons suspected of, accused of, charged with, or convicted of crimes. Costs associated with civil matters were not eligible or reimbursable. If local accounting systems did not separate criminal costs from civil costs, a rational method of allocating such costs had to be developed and implemented. Many circumstances exist where both criminal and civil justice activities are intertwined (ie. court clerks, bailiffs, prosecutors, computer support, RCWs etc.) and would require extensive administrative effort to establish eligibility for funding. Many small jurisdictions do not have the computing or accounting systems to distinguish these costs.

Some local governments are issuing checks rather than warrants. Currently, the abandon property statute does not allow local governments to retain uncashed checks.

Summary of Bill: To simplify the determination of existing funds, the use of calendar year 1989 actual operating expenditures for criminal justice purposes is used. Using this figure as the benchmark avoids analyzing and judging the complexities contained in budget estimates and related budget amendments. Certain exclusions are also identified for omission from the determination of the benchmark. The exclusions from the base are certain; extraordinary events, contract changes and nonrecurring capital expenditures. To reduce the administrative burden on local governments and still retain the definition of criminal justice purposes, certain civil justice costs are authorized. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs. Certain activities that support both

the criminal and civil justice systems (ie. court clerks, bailiffs, computer support, RCW's etc.) are eligible for funding, but only in circumstances where the criminal justice system is the clearly demonstrated expenditure priority.

An additional one-tenth of one percent local sales and use tax option is authorized for counties located east of the Cascade mountains with a population of 150,000 or more. At the present time, Yakima County would gain the option of levying this tax subject to voter approval. Funds generated by the increased taxing authority shall be used solely to support local criminal justice purposes.

Any city with a population exceeding 400,000, currently Seattle, must have an agreement with the Office of the Administrator of the Courts to utilize the district and municipal court information system (DISCUS). If no agreement exists by January 1, 1992, the affected city shall not receive any further distributions from the Municipal Criminal Justice Assistance Account until the agreement is in place. City municipal court system integration with DISCUS must be operational and in use no later than January 1, 1994. The implementation date is contingent upon funds being made available by the Legislature.

Uncashed checks are included in the abandon property statute and are authorized to be held locally. After such abandon property is held for more than five years, the proceeds may be deposited in the local jurisdiction's General Expense Fund.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Greater expenditure flexibility is provided for small jurisdictions receiving funding for criminal justice purposes. Small jurisdictions are assisted with the allocation and reporting requirements of eligible costs and related expenditures.

Testimony Against: None.

Witnesses: Harley Williams, Asotin County (Pro); Gary Lowe, Washington State Association of Counties (Pro); and Stan Finkelstein, Association of Washington Cities (Pro).