
SUBSTITUTE SENATE BILL 5453

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen, Newhouse, Loveland, Niemi, Snyder, Gaspard, von Reichbauer and Quigley)

Read first time 03/01/93.

1 AN ACT Relating to funding and planning of local criminal justice
2 programs; amending RCW 82.14.310, 82.14.320, 82.44.110, and 72.09.300;
3 reenacting and amending RCW 82.14.340; and adding a new section to
4 chapter 82.14 RCW.

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

6 **Sec. 1.** RCW 82.14.310 and 1991 c 311 s 1 are each amended to read
7 as follows:

8 (1) The county criminal justice assistance account is created in
9 the state treasury. The account shall consist of all motor vehicle
10 excise tax receipts deposited into the account under chapter 82.44 RCW.

11 (2) The moneys deposited in the county criminal justice assistance
12 account for distribution under this section shall be distributed at
13 such times as distributions are made under RCW 82.44.150 ((and)).
14 Before distributing moneys to counties under this section, the state
15 treasurer shall deduct from these moneys a sum equal to three percent
16 of the distribution, which shall be apportioned and transmitted to the
17 department of community development and distributed pursuant to section
18 3 of this act. Moneys remaining shall be distributed on the relative

1 basis of each county's funding factor as determined under this
2 subsection.

3 (a) A county's funding factor is the sum of:

4 (i) The population of the county, divided by one thousand, and
5 multiplied by two-tenths;

6 (ii) The crime rate of the county, multiplied by three-tenths; and

7 (iii) The annual number of criminal cases filed in the county
8 superior court, for each one thousand in population, multiplied by
9 five-tenths.

10 (b) Under this section and RCW 82.14.320 and 82.14.330:

11 (i) The population of the county or city shall be as last
12 determined by the office of financial management;

13 (ii) The crime rate of the county or city is the annual occurrence
14 of specified criminal offenses, as calculated in the most recent annual
15 report on crime in Washington state as published by the Washington
16 association of sheriffs and police chiefs, for each one thousand in
17 population;

18 (iii) The annual number of criminal cases filed in the county
19 superior court shall be determined by the most recent annual report of
20 the courts of Washington, as published by the office of the
21 administrator for the courts.

22 (iv) Distributions and eligibility for distributions in the 1989-91
23 biennium shall be based on 1988 figures for both the crime rate as
24 described under (ii) of this subsection and the annual number of
25 criminal cases that are filed as described under (iii) of this
26 subsection. Future distributions shall be based on the most recent
27 figures for both the crime rate as described under (ii) of this
28 subsection and the annual number of criminal cases that are filed as
29 described under (iii) of this subsection.

30 (3) Moneys distributed under this section shall be expended
31 exclusively for criminal justice purposes and shall not be used to
32 replace or supplant existing funding. Criminal justice purposes are
33 defined as activities that substantially assist the criminal justice
34 system, which may include circumstances where ancillary benefit to the
35 civil justice system occurs. Existing funding for purposes of this
36 subsection is defined as calendar year 1989 actual operating
37 expenditures for criminal justice purposes. Calendar year 1989 actual
38 operating expenditures for criminal justice purposes exclude the
39 following: Expenditures for extraordinary events not likely to

1 reoccur, changes in contract provisions for criminal justice services,
2 beyond the control of the local jurisdiction receiving the services,
3 and major nonrecurring capital expenditures.

4 (~~(4) This section expires January 1, 1994.~~)

5 **Sec. 2.** RCW 82.14.320 and 1992 c 55 s 1 are each amended to read
6 as follows:

7 (1) The municipal criminal justice assistance account is created in
8 the state treasury. The account shall consist of all motor vehicle
9 excise tax receipts deposited into the account under chapter 82.44 RCW.

10 (2) No city may receive a distribution under this section from the
11 municipal criminal justice assistance account unless:

12 (a) The city has a crime rate in excess of one hundred twenty-five
13 percent of the state-wide average as calculated in the most recent
14 annual report on crime in Washington state as published by the
15 Washington association of sheriffs and police chiefs;

16 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
17 the maximum rate or the tax authorized in RCW 82.46.010(~~(+2)~~) (3) at
18 the maximum rate; and

19 (c) The city has a per capita yield from the tax imposed under RCW
20 82.14.030(1) at the maximum rate of less than one hundred fifty percent
21 of the state-wide average per capita yield for all cities from such
22 local sales and use tax.

23 (3) The moneys deposited in the municipal criminal justice
24 assistance account for distribution under this section shall be
25 distributed at such times as distributions are made under RCW
26 82.44.150. Before distributing moneys to cities under this section,
27 the state treasurer shall deduct from these moneys a sum equal to three
28 percent of the distribution, which shall be apportioned and transmitted
29 to the department of community development and distributed pursuant to
30 section 3 of this act. The distributions shall be made as follows:

31 (a) Unless reduced by this subsection, thirty percent of the moneys
32 shall be distributed ratably based on population as last determined by
33 the office of financial management to those cities eligible under
34 subsection (2) of this section that have a crime rate determined under
35 subsection (2)(a) of this section which is greater than one hundred
36 seventy-five percent of the state-wide average crime rate. No city may
37 receive more than fifty percent of any moneys distributed under this
38 subsection (a) but, if a city distribution is reduced as a result of

1 exceeding the fifty percent limitation, the amount not distributed
2 shall be distributed under (b) of this subsection.

3 (b) The remainder of the moneys, including any moneys not
4 distributed in subsection (2)(a) of this section, shall be distributed
5 to all cities eligible under subsection (2) of this section ratably
6 based on population as last determined by the office of financial
7 management.

8 (4) No city may receive more than thirty percent of all moneys
9 distributed under subsection (3) of this section.

10 (5) Moneys distributed under this section shall be expended
11 exclusively for criminal justice purposes and shall not be used to
12 replace or supplant existing funding. Criminal justice purposes are
13 defined as activities that substantially assist the criminal justice
14 system, which may include circumstances where ancillary benefit to the
15 civil justice system occurs. Existing funding for purposes of this
16 subsection is defined as calendar year 1989 actual operating
17 expenditures for criminal justice purposes. Calendar year 1989 actual
18 operating expenditures for criminal justice purposes exclude the
19 following: Expenditures for extraordinary events not likely to
20 reoccur, changes in contract provisions for criminal justice services,
21 beyond the control of the local jurisdiction receiving the services,
22 and major nonrecurring capital expenditures.

23 (~~(6) This section expires January 1, 1994.~~)

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.14 RCW
25 to read as follows:

26 Using funds received from the distribution made in RCW 82.14.310
27 and 82.14.320, the department of community development shall provide
28 additional assistance to qualified cities under ten thousand population
29 and counties under seventy thousand population: (1) For early
30 intervention programs for juveniles; or (2) upon a showing that the
31 city or county has experienced emergencies or extraordinary events that
32 have made it disproportionately difficult for the city or county to
33 provide adequate police protection, mitigation of congested court
34 systems, or relief of overcrowded jails. The department of community
35 development shall define "emergency or extraordinary event" for
36 purposes of receiving assistance under this section.

37 Cities applying for assistance under this section must show
38 reasonable efforts to cooperate and coordinate resources with the

1 county sheriff or other cities, such as the existence of interlocal
2 contracts and shared communications facilities.

3 **Sec. 4.** RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16 are
4 each reenacted and amended to read as follows:

5 The legislative authority of any county (~~with a population of two~~
6 ~~hundred thousand or more, any county located east of the crest of the~~
7 ~~Cascade mountains with a population of one hundred fifty thousand or~~
8 ~~more, and any other county with a population of one hundred fifty~~
9 ~~thousand or more that has had its population increase by at least~~
10 ~~twenty-four percent during the preceding nine years, as certified by~~
11 ~~the office of financial management for the first day of April of each~~
12 ~~year,)) may and, if requested by resolution of the governing bodies of~~
13 ~~cities in the county with an aggregate population equal to or greater~~
14 ~~than fifty percent of the total population of the county, as last~~
15 ~~determined by the office of financial management, shall ((submit an~~
16 ~~authorizing proposition to the voters of the county and if approved by~~
17 ~~a majority of persons voting,)) fix and impose a sales and use tax in~~
18 ~~accordance with the terms of this chapter, provided that such sales and~~
19 ~~use tax is subject to repeal by referendum, using the procedures~~
20 ~~provided in RCW 82.14.036.~~

21 The tax authorized in this section shall be in addition to any
22 other taxes authorized by law and shall be collected from those persons
23 who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW
24 upon the occurrence of any taxable event within such county. The rate
25 of tax shall equal one-tenth of one percent of the selling price (in
26 the case of a sales tax) or value of the article used (in the case of
27 a use tax).

28 When distributing moneys collected under this section, the state
29 treasurer shall distribute ten percent of the moneys to the county in
30 which the tax was collected. The remainder of the moneys collected
31 under this section shall be distributed to the county and the cities
32 within the county ratably based on population as last determined by the
33 office of financial management. In making the distribution based on
34 population, the county shall receive that proportion that the
35 unincorporated population of the county bears to the total population
36 of the county and each city shall receive that proportion that the city
37 incorporated population bears to the total county population.

1 Moneys received from any tax imposed under this section shall be
2 expended exclusively for criminal justice purposes and shall not be
3 used to replace or supplant existing funding. Criminal justice
4 purposes are defined as activities that substantially assist the
5 criminal justice system, which may include circumstances where
6 ancillary benefit to the civil justice system occurs. Existing funding
7 for purposes of this subsection is defined as calendar year 1989 actual
8 operating expenditures for criminal justice purposes. Calendar year
9 1989 actual operating expenditures for criminal justice purposes
10 exclude the following: Expenditures for extraordinary events not
11 likely to reoccur, changes in contract provisions for criminal justice
12 services, beyond the control of the local jurisdiction receiving the
13 services, and major nonrecurring capital expenditures. Moneys received
14 by the county and the cities within the county from any tax imposed
15 under this section may be expended for domestic violence community
16 advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991,
17 and prior to approval of the voters, the legislative authority of the
18 county, which submitted an authorizing proposition to the voters of the
19 county, adopted by ordinance a financial plan that included expenditure
20 of a portion of the moneys received for domestic violence community
21 advocates.

22 (~~This section expires January 1, 1994.~~)

23 **Sec. 5.** RCW 82.44.110 and 1991 c 199 s 221 are each amended to
24 read as follows:

25 The county auditor shall regularly, when remitting license fee
26 receipts, pay over and account to the director of licensing for the
27 excise taxes collected under the provisions of this chapter. The
28 director shall forthwith transmit the excise taxes to the state
29 treasurer.

30 (1) The state treasurer shall deposit the excise taxes collected
31 under RCW 82.44.020(1) as follows:

32 (a) 1.60 percent into the motor vehicle fund to defray
33 administrative and other expenses incurred by the department in the
34 collection of the excise tax.

35 (b) 8.15 percent into the Puget Sound capital construction account
36 in the motor vehicle fund.

37 (c) 4.07 percent into the Puget Sound ferry operations account in
38 the motor vehicle fund.

1 (d) 8.83 percent into the general fund to be distributed under RCW
2 82.44.155.

3 (e) 4.75 percent into the municipal sales and use tax equalization
4 account in the general fund created in RCW 82.14.210.

5 (f) 1.60 percent into the county sales and use tax equalization
6 account in the general fund created in RCW 82.14.200.

7 (g) 62.6440 percent into the general fund through June 30, 1993,
8 57.6440 percent into the general fund beginning July 1, 1993, and
9 ((66)) 58.8377 percent into the general fund beginning January 1, 1994.

10 (h) 5 percent into the transportation fund created in RCW 82.44.180
11 beginning July 1, 1993.

12 (i) 5.9686 percent into the county criminal justice assistance
13 account created in RCW 82.14.310 ((~~through December 31, 1993~~)).

14 (j) 1.1937 percent into the municipal criminal justice assistance
15 account for distribution under RCW 82.14.320 ((~~through December 31,~~
16 ~~1993~~)).

17 (k) 1.1937 percent into the municipal criminal justice assistance
18 account for distribution under RCW 82.14.330 through December 31, 1993.

19 (2) The state treasurer shall deposit the excise taxes collected
20 under RCW 82.44.020(2) into the transportation fund.

21 (3) The state treasurer shall deposit the excise tax imposed by RCW
22 82.44.020(3) into the air pollution control account created by RCW
23 70.94.015.

24 **Sec. 6.** RCW 72.09.300 and 1991 c 363 s 148 are each amended to
25 read as follows:

26 (1) A county legislative authority ((~~may~~)) shall by resolution or
27 ordinance establish a local law and justice council. The county
28 legislative authority shall determine the size and composition of the
29 council, which shall include the county sheriff and a representative of
30 the municipal police departments within the county, the county
31 prosecutor and a representative of the municipal prosecutors within the
32 county, a representative of the city legislative authorities within the
33 county, a representative of the county's superior, district, and
34 municipal courts, the county jail administrator, the county clerk, the
35 county risk manager, ((~~and~~)) the secretary of corrections, a
36 representative of school districts within the county, a representative
37 of social service programs within the county, and a representative of

1 juvenile rehabilitation services within the county. Officials
2 designated may appoint representatives.

3 (2) A combination of counties may establish a local law and justice
4 council by intergovernmental agreement. The agreement shall comply
5 with the requirements of this section.

6 (3) The local law and justice council shall develop a local law and
7 justice plan for the county. The council shall design the elements and
8 scope of the plan, subject to final approval by the county legislative
9 authority. The general intent of the plan shall include seeking means
10 to maximize local resources, reduce duplication of services, and share
11 resources between local and state government. The plan shall also
12 include a section on jail management. This section may include the
13 following elements:

14 (a) A description of current jail conditions, including whether the
15 jail is overcrowded;

16 (b) A description of potential alternatives to incarceration;

17 (c) A description of current jail resources;

18 (d) A description of the jail population as it presently exists and
19 how it is projected to change in the future;

20 (e) A description of projected future resource requirements;

21 (f) A proposed action plan, which shall include recommendations to
22 maximize resources, maximize the use of intermediate sanctions,
23 minimize overcrowding, avoid duplication of services, and effectively
24 manage the jail and the offender population;

25 (g) A list of proposed advisory jail standards and methods to
26 effect periodic quality assurance inspections of the jail;

27 (h) A proposed plan to collect, synthesize, and disseminate
28 technical information concerning local criminal justice activities,
29 facilities, and procedures;

30 (i) A description of existing and potential services for offenders
31 including employment services, substance abuse treatment, mental health
32 services, and housing referral services.

33 (4) The council may propose other elements of the plan, which shall
34 be subject to review and approval by the county legislative authority,
35 prior to their inclusion into the plan.

36 (5) The county legislative authority may request technical
37 assistance in developing or implementing the plan from other units or
38 agencies of state or local government, which shall include the

1 department, the office of financial management, and the Washington
2 association of sheriffs and police chiefs.

3 (6) Upon receiving a request for assistance from a county, the
4 department may provide the requested assistance.

5 (7) The secretary may adopt rules for the submittal, review, and
6 approval of all requests for assistance made to the department. The
7 secretary may also appoint an advisory committee of local and state
8 government officials to recommend policies and procedures relating to
9 the state and local correctional systems and to assist the department
10 in providing technical assistance to local governments. The committee
11 shall include representatives of the county sheriffs, the police
12 chiefs, the county prosecuting attorneys, the county and city
13 legislative authorities, and the jail administrators. The secretary
14 may contract with other state and local agencies and provide funding in
15 order to provide the assistance requested by counties.

16 (8) The department shall establish a base level of state
17 correctional services, which shall be determined and distributed in a
18 consistent manner state-wide. The department's contributions to any
19 local government, approved pursuant to this section, shall not operate
20 to reduce this base level of services.

--- END ---