
SUBSTITUTE SENATE BILL 5521

State of Washington

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By Senate Committee on Government Operations (originally sponsored by Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder)

Read first time 03/01/93.

1 AN ACT Relating to criminal justice programs; amending RCW
2 82.14.310, 82.14.320, 82.14.330, 82.44.110, and 72.09.300; and
3 reenacting and amending RCW 82.14.340.

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

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

7 (1) The county 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) The moneys deposited in the county criminal justice assistance
11 account for distribution under this section shall be distributed at
12 such times as distributions are made under RCW 82.44.150 and on the
13 relative basis of each county's funding factor as determined under this
14 subsection.

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

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

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

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

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

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

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

12 (iii) The annual number of criminal cases filed in the county
13 superior court shall be determined by the most recent annual report of
14 the courts of Washington, as published by the office of the
15 administrator for the courts.

16 (iv) Distributions and eligibility for distributions in the 1989-91
17 biennium shall be based on 1988 figures for both the crime rate as
18 described under (ii) of this subsection and the annual number of
19 criminal cases that are filed as described under (iii) of this
20 subsection. Future distributions shall be based on the most recent
21 figures for both the crime rate as described under (ii) of this
22 subsection and the annual number of criminal cases that are filed as
23 described under (iii) of this subsection.

24 (3) Moneys distributed under this section shall be expended
25 exclusively for criminal justice purposes and shall not be used to
26 replace or supplant existing funding. Criminal justice purposes are
27 defined as activities that substantially assist the criminal justice
28 system, which may include circumstances where ancillary benefit to the
29 civil justice system occurs. Existing funding for purposes of this
30 subsection is defined as calendar year 1989 actual operating
31 expenditures for criminal justice purposes. Calendar year 1989 actual
32 operating expenditures for criminal justice purposes exclude the
33 following: Expenditures for extraordinary events not likely to
34 reoccur, changes in contract provisions for criminal justice services,
35 beyond the control of the local jurisdiction receiving the services,
36 and major nonrecurring capital expenditures.

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

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

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

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

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

12 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
13 the maximum rate or the tax authorized in RCW (~~(82.46.010(2))~~)
14 82.46.010(3) at the maximum rate; and

15 (c) The city has a per capita yield from the tax imposed under RCW
16 82.14.030(1) at the maximum rate of less than one hundred fifty percent
17 of the state-wide average per capita yield for all cities from such
18 local sales and use tax.

19 (3) The moneys deposited in the municipal criminal justice
20 assistance account for distribution under this section shall be
21 distributed at such times as distributions are made under RCW
22 82.44.150. The distributions shall be made as follows:

23 (a) Unless reduced by this subsection, thirty percent of the moneys
24 shall be distributed ratably based on population as last determined by
25 the office of financial management to those cities eligible under
26 subsection (2) of this section that have a crime rate determined under
27 subsection (2)(a) of this section which is greater than one hundred
28 seventy-five percent of the state-wide average crime rate. No city may
29 receive more than fifty percent of any moneys distributed under this
30 subsection (a) but, if a city distribution is reduced as a result of
31 exceeding the fifty percent limitation, the amount not distributed
32 shall be distributed under (b) of this subsection.

33 (b) The remainder of the moneys, including any moneys not
34 distributed in subsection (2)(a) of this section, shall be distributed
35 to all cities eligible under subsection (2) of this section ratably
36 based on population as last determined by the office of financial
37 management.

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

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

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

15 **Sec. 3.** RCW 82.14.330 and 1991 c 311 s 4 are each amended to read
16 as follows:

17 (1) The moneys deposited in the municipal criminal justice
18 assistance account for distribution under this section shall be
19 distributed at such times as distributions are made under RCW
20 82.44.150. Such moneys shall be distributed to the cities of the state
21 as follows:

22 (a) For fiscal year 1991, each city with a population of under ten
23 thousand shall receive a distribution of three thousand two hundred
24 fifty dollars. Any remaining moneys shall be distributed to all cities
25 ratably on the basis of population as last determined by the office of
26 financial management.

27 (b) For fiscal year 1992 and thereafter, each city with a
28 population of under ten thousand shall receive a distribution of two
29 thousand seven hundred fifty dollars. Any remaining moneys shall be
30 distributed to all cities ratably on the basis of population as last
31 determined by the office of financial management.

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

1 expenditures for criminal justice purposes. Calendar year 1989 actual
2 operating expenditures for criminal justice purposes exclude the
3 following: Expenditures for extraordinary events not likely to
4 reoccur, changes in contract provisions for criminal justice services,
5 beyond the control of the local jurisdiction receiving the services,
6 and major nonrecurring capital expenditures.

7 (~~(3) This section expires January 1, 1994.~~)

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

10 The legislative authority of any county (~~(with a population of two~~
11 ~~hundred thousand or more, any county located east of the crest of the~~
12 ~~Cascade mountains with a population of one hundred fifty thousand or~~
13 ~~more, and any other county with a population of one hundred fifty~~
14 ~~thousand or more that has had its population increase by at least~~
15 ~~twenty-four percent during the preceding nine years, as certified by~~
16 ~~the office of financial management for the first day of April of each~~
17 ~~year, may and, if requested by resolution of the governing bodies of~~
18 ~~cities in the county with an aggregate population equal to or greater~~
19 ~~than fifty percent of the total population of the county, as last~~
20 ~~determined by the office of financial management, shall submit an~~
21 ~~authorizing proposition to the voters of the county and if approved by~~
22 ~~a majority of persons voting,~~) may fix and impose a sales and use tax
23 in accordance with the terms of this chapter, provided that such sales
24 and use tax is subject to repeal by referendum, using the procedures
25 provided in RCW 82.14.036. The referendum procedure provided in RCW
26 82.14.036 is the exclusive method for subjecting any county sales and
27 use tax ordinance or resolution to a referendum vote.

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

35 When distributing moneys collected under this section, the state
36 treasurer shall distribute ten percent of the moneys to the county in
37 which the tax was collected. The remainder of the moneys collected
38 under this section shall be distributed to the county and the cities

1 within the county ratably based on population as last determined by the
2 office of financial management. In making the distribution based on
3 population, the county shall receive that proportion that the
4 unincorporated population of the county bears to the total population
5 of the county and each city shall receive that proportion that the city
6 incorporated population bears to the total county population.

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

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

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

31 The county auditor shall regularly, when remitting license fee
32 receipts, pay over and account to the director of licensing for the
33 excise taxes collected under the provisions of this chapter. The
34 director shall forthwith transmit the excise taxes to the state
35 treasurer.

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

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

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

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

8 (d) 8.83 percent into the general fund to be distributed under RCW
9 82.44.155.

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

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

14 (g) 62.6440 percent into the general fund through June 30, 1993,
15 and 57.6440 percent into the general fund beginning July 1, 1993(~~(, and~~
16 ~~66 percent into the general fund beginning January 1, 1994))~~).

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

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

21 (j) 1.1937 percent into the municipal criminal justice assistance
22 account for distribution under RCW 82.14.320 (~~(through December 31,~~
23 ~~1993))~~).

24 (k) 1.1937 percent into the municipal criminal justice assistance
25 account for distribution under RCW 82.14.330 (~~(through December 31,~~
26 ~~1993))~~).

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

29 (3) The state treasurer shall deposit the excise tax imposed by RCW
30 82.44.020(3) into the air pollution control account created by RCW
31 70.94.015.

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

34 (1) (~~(A)~~) Every county legislative authority (~~(may)~~) shall by
35 resolution or ordinance establish a local law and justice council. The
36 county legislative authority shall determine the size and composition
37 of the council, which shall include the county sheriff and a
38 representative of the municipal police departments within the county,

1 the county prosecutor and a representative of the municipal prosecutors
2 within the county, a representative of the city legislative authorities
3 within the county, a representative of the county's superior, district,
4 and municipal courts, the county jail administrator, the county clerk,
5 the county risk manager, and the secretary of corrections. Officials
6 designated may appoint representatives.

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

10 (3) The local law and justice council shall develop a local law and
11 justice plan for the county. The council shall design the elements and
12 scope of the plan, subject to final approval by the county legislative
13 authority. The general intent of the plan shall include seeking means
14 to maximize local resources including personnel and facilities, reduce
15 duplication of services, and share resources between local and state
16 government in order to accomplish local efficiencies without
17 diminishing effectiveness. The plan shall also include a section on
18 jail management. This section may include the following elements:

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

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

22 (c) A description of current jail resources;

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

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

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

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

32 (h) A proposed plan to collect, synthesize, and disseminate
33 technical information concerning local criminal justice activities,
34 facilities, and procedures;

35 (i) A description of existing and potential services for offenders
36 including employment services, substance abuse treatment, mental health
37 services, and housing referral services.

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

4 (5) The county legislative authority may request technical
5 assistance in developing or implementing the plan from other units or
6 agencies of state or local government, which shall include the
7 department, the office of financial management, and the Washington
8 association of sheriffs and police chiefs.

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

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

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

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