
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5521

State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 04/09/93.

1 AN ACT Relating to criminal justice programs; amending RCW
2 82.14.310, 82.14.320, 82.14.330, 43.101.200, 82.44.110, 72.09.300, and
3 9A.16.110; reenacting and amending RCW 82.14.340; adding new sections
4 to chapter 82.14 RCW; making an appropriation; providing effective
5 dates; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.14 RCW
8 to read as follows:

9 Of the moneys appropriated for the purpose of local criminal
10 justice fiscal assistance, seventy-one and forty-two one-hundredths
11 percent shall be distributed as provided in RCW 82.14.310, fourteen and
12 twenty-nine one-hundredths percent shall be distributed as provided in
13 RCW 82.14.320, and fourteen and twenty-nine one-hundredths percent
14 shall be distributed as provided in RCW 82.14.330.

15 **Sec. 2.** RCW 82.14.310 and 1991 c 311 s 1 are each amended to read
16 as follows:

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

4 ~~(2))~~ The moneys (~~deposited in the county criminal justice~~
5 ~~assistance account~~) appropriated for distribution under this section
6 shall be distributed at such times as distributions are made under RCW
7 82.44.150 and on the relative basis of each county's funding factor as
8 determined under this subsection.

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

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

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

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

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

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

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

24 (iii) The annual number of criminal cases filed in the county
25 superior court shall be determined by the most recent annual report of
26 the courts of Washington, as published by the office of the
27 administrator for the courts.

28 (iv) Distributions and eligibility for distributions in the 1989-91
29 biennium shall be based on 1988 figures for both the crime rate as
30 described under (ii) of this subsection and the annual number of
31 criminal cases that are filed as described under (iii) of this
32 subsection. Future distributions shall be based on the most recent
33 figures for both the crime rate as described under (ii) of this
34 subsection and the annual number of criminal cases that are filed as
35 described under (iii) of this subsection.

36 (3) Moneys distributed under this section shall be expended
37 exclusively for criminal justice purposes and shall not be used to
38 replace or supplant existing funding. Criminal justice purposes are
39 defined as activities that substantially assist the criminal justice

1 system, which may include circumstances where ancillary benefit to the
2 civil justice system occurs, and which includes domestic violence
3 services such as those provided by domestic violence programs,
4 community advocates, and legal advocates, as defined in RCW 70.123.020.
5 Existing funding for purposes of this subsection is defined as calendar
6 year 1989 actual operating expenditures for criminal justice purposes.
7 Calendar year 1989 actual operating expenditures for criminal justice
8 purposes exclude the following: Expenditures for extraordinary events
9 not likely to reoccur, changes in contract provisions for criminal
10 justice services, beyond the control of the local jurisdiction
11 receiving the services, and major nonrecurring capital expenditures.

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

13 **Sec. 3.** RCW 82.14.320 and 1992 c 55 s 1 are each amended to read
14 as follows:

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

18 ~~(2))~~ No city may receive a distribution from funds appropriated
19 for distribution under this section ~~((from the municipal criminal~~
20 ~~justice assistance account))~~ unless:

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

25 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
26 the maximum rate or the tax authorized in RCW 82.46.010~~((2))~~ (3) at
27 the maximum rate; and

28 (c) The city has a per capita yield from the tax imposed under RCW
29 82.14.030(1) at the maximum rate of less than one hundred fifty percent
30 of the state-wide average per capita yield for all cities from such
31 local sales and use tax.

32 ~~((3))~~ (2) The moneys ~~((deposited in the municipal criminal~~
33 ~~justice assistance account))~~ appropriated for distribution under this
34 section shall be distributed at such times as distributions are made
35 under RCW 82.44.150. The distributions shall be made as follows:

36 (a) Unless reduced by this subsection, thirty percent of the moneys
37 shall be distributed ratably based on population as last determined by
38 the office of financial management to those cities eligible under

1 subsection ~~((+2))~~ (1) of this section that have a crime rate
2 determined under subsection ~~((+2))~~ (1)(a) of this section which is
3 greater than one hundred seventy-five percent of the state-wide average
4 crime rate. No city may receive more than fifty percent of any moneys
5 distributed under this subsection (a) but, if a city distribution is
6 reduced as a result of exceeding the fifty percent limitation, the
7 amount not distributed shall be distributed under (b) of this
8 subsection.

9 (b) The remainder of the moneys, including any moneys not
10 distributed in subsection ~~((+2))~~ (1)(a) of this section, shall be
11 distributed to all cities eligible under subsection ~~((+2))~~ (1) of this
12 section ratably based on population as last determined by the office of
13 financial management.

14 ~~((+4))~~ (3) No city may receive more than thirty percent of all
15 moneys distributed under subsection ~~((+3))~~ (2) of this section.

16 ~~((+5))~~ (4) Moneys distributed under this section shall be expended
17 exclusively for criminal justice purposes and shall not be used to
18 replace or supplant existing funding. Criminal justice purposes are
19 defined as activities that substantially assist the criminal justice
20 system, which may include circumstances where ancillary benefit to the
21 civil justice system occurs, and which includes domestic violence
22 services such as those provided by domestic violence programs,
23 community advocates, and legal advocates, as defined in RCW 70.123.020.
24 Existing funding for purposes of this subsection is defined as calendar
25 year 1989 actual operating expenditures for criminal justice purposes.
26 Calendar year 1989 actual operating expenditures for criminal justice
27 purposes exclude the following: Expenditures for extraordinary events
28 not likely to reoccur, changes in contract provisions for criminal
29 justice services, beyond the control of the local jurisdiction
30 receiving the services, and major nonrecurring capital expenditures.

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

32 **Sec. 4.** RCW 82.14.330 and 1991 c 311 s 4 are each amended to read
33 as follows:

34 (1) ~~((The moneys deposited in the municipal criminal justice~~
35 ~~assistance account for distribution under this section shall be~~
36 ~~distributed at such times as distributions are made under RCW~~
37 ~~82.44.150. Such moneys shall be distributed to the cities of the state~~
38 ~~as follows:~~

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

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

11 ~~(2))~~ The moneys appropriated for distribution under this section
12 shall be distributed as follows:

13 (a) Twenty percent appropriated for distribution shall be
14 distributed to cities with a three-year average violent crime rate for
15 each one thousand in population in excess of one hundred fifty percent
16 of the state-wide three-year average violent crime rate for each one
17 thousand in population. The three-year average violent crime rate
18 shall be calculated using the violent crime rates for each of the
19 preceding three years from the annual reports on crime in Washington
20 state as published by the Washington association of sheriffs and police
21 chiefs. Moneys shall be distributed under this subsection (1)(a)
22 ratably based on population as last determined by the office of
23 financial management, but no city may receive more than one dollar per
24 capita.

25 (b) Sixteen percent appropriated for distribution shall be
26 distributed to cities ratably based on population as last determined by
27 the office of financial management, but no city may receive less than
28 one thousand dollars.

29 Moneys distributed under this subsection (1) shall be distributed
30 at such times as distributions are made under RCW 82.44.150.

31 Moneys distributed under subsection (1) of this section shall be
32 expended exclusively for criminal justice purposes and shall not be
33 used to replace or supplant existing funding. Criminal justice
34 purposes are defined as activities that substantially assist the
35 criminal justice system, which may include circumstances where
36 ancillary benefit to the civil justice system occurs, and which
37 includes domestic violence services such as those provided by domestic
38 violence programs, community advocates, and legal advocates, as defined
39 in RCW 70.123.020. Existing funding for purposes of this subsection is

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

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

9 (2) The moneys appropriated for distribution under this section
10 that are not distributed under subsection (1) of this section shall be
11 distributed to cities as follows:

12 (a) Fourteen percent of the moneys appropriated for distribution
13 shall be distributed to cities that have initiated innovative law
14 enforcement strategies, including alternative sentencing and crime
15 prevention programs. No city may receive more than one dollar per
16 capita under this subsection (2)(a).

17 (b) Twenty percent appropriated for distribution shall be
18 distributed to cities that have initiated programs to help at-risk
19 children or child abuse victim response programs. No city may receive
20 more than fifty cents per capita under this subsection (2)(b).

21 (c) Twenty percent appropriated for distribution shall be
22 distributed to cities that have initiated programs designed to reduce
23 the level of domestic violence within their jurisdictions or to provide
24 counseling for domestic violence victims. No city may receive more
25 than fifty cents per capita under this subsection (2)(c).

26 (d) Ten percent appropriated for distribution shall be distributed
27 to cities that contract with another governmental agency for a majority
28 of the city's law enforcement services.

29 Moneys distributed under subsection (2) of this section shall be
30 distributed to those cities that submit funding requests under
31 subsection (2) of this section to the department of community
32 development based on criteria developed under section 5 of this act.
33 Allocation of funds shall be in proportion to the population of
34 qualified jurisdictions, but the distribution to a city shall not
35 exceed the amount of funds requested. Cities shall submit requests for
36 program funding to the department of community development by November
37 1 of each year for funding the following year. The department shall
38 certify to the state treasurer the cities eligible for funding under
39 subsection (2) of this section and the amount of each allocation.

1 One-half of the moneys distributed under subsection (2) (a) through
2 (d) of this section shall be distributed on March 1st and the remaining
3 one-half of the moneys shall be distributed on September 1st. Moneys
4 remaining undistributed under subsection (2) of this section at the end
5 of each calendar year shall be distributed to the criminal justice
6 training commission to reimburse participating city law enforcement
7 agencies with ten or fewer full-time commissioned patrol officers the
8 cost of temporary replacement of each officer who is enrolled in basic
9 law enforcement training, as provided in RCW 43.101.200.

10 If a city is found by the state auditor to have expended funds
11 received under this section in a manner which does not comply with the
12 criteria under which the moneys were received, the city shall be
13 ineligible to receive future distributions under subsection (2) of this
14 section until the use of the moneys are justified to the satisfaction
15 of the director or are repaid to the state general fund. The director
16 may allow noncomplying use of moneys received under subsection (2) of
17 this section upon a showing of hardship or other emergent need.

18 NEW SECTION. Sec. 5. A new section is added to chapter 82.14 RCW
19 to read as follows:

20 The department of community development shall adopt criteria to be
21 used in making grants to cities under RCW 82.14.330(2). In developing
22 the criteria, the department shall create a temporary advisory
23 committee consisting of the director of community development, two
24 representatives nominated by the association of Washington cities, and
25 two representatives nominated by the Washington association of sheriffs
26 and police chiefs.

27 **Sec. 6.** RCW 43.101.200 and 1989 c 299 s 2 are each amended to read
28 as follows:

29 (1) All law enforcement personnel, except volunteers, and reserve
30 officers whether paid or unpaid, initially employed on or after January
31 1, 1978, shall engage in basic law enforcement training which complies
32 with standards adopted by the commission pursuant to RCW 43.101.080
33 (~~and 43.101.160~~). For personnel initially employed before January 1,
34 1990, such training shall be successfully completed during the first
35 fifteen months of employment of such personnel unless otherwise
36 extended or waived by the commission and shall be requisite to the
37 continuation of such employment. Personnel initially employed on or

1 after January 1, 1990, shall commence basic training during the first
2 six months of employment unless the basic training requirement is
3 otherwise waived or extended by the commission. Successful completion
4 of basic training is requisite to the continuation of employment of
5 such personnel initially employed on or after January 1, 1990.

6 (2) The commission shall provide the aforementioned training
7 together with necessary facilities, supplies, materials, and the board
8 and room of noncommuting attendees for seven days per week.
9 Additionally, to the extent funds are provided for this purpose, the
10 commission shall reimburse to participating law enforcement agencies
11 with ten or less full-time commissioned patrol officers the cost of
12 temporary replacement of each officer who is enrolled in basic law
13 enforcement training: PROVIDED, That such reimbursement shall include
14 only the actual cost of temporary replacement not to exceed the total
15 amount of salary and benefits received by the replaced officer during
16 his training period.

17 **Sec. 7.** RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16 are
18 each reenacted and amended to read as follows:

19 ~~The legislative authority of any county ((with a population of two
20 hundred thousand or more, any county located east of the crest of the
21 Cascade mountains with a population of one hundred fifty thousand or
22 more, and any other county with a population of one hundred fifty
23 thousand or more that has had its population increase by at least
24 twenty-four percent during the preceding nine years, as certified by
25 the office of financial management for the first day of April of each
26 year, may and, if requested by resolution of the governing bodies of
27 cities in the county with an aggregate population equal to or greater
28 than fifty percent of the total population of the county, as last
29 determined by the office of financial management, shall submit an
30 authorizing proposition to the voters of the county and if approved by
31 a majority of persons voting,)) may fix and impose a sales and use tax
32 in accordance with the terms of this chapter, provided that such sales
33 and use tax is subject to repeal by referendum, using the procedures
34 provided in RCW 82.14.036. The referendum procedure provided in RCW
35 82.14.036 is the exclusive method for subjecting any county sales and
36 use tax ordinance or resolution to a referendum vote.~~

37 The tax authorized in this section shall be in addition to any
38 other taxes authorized by law and shall be collected from those persons

1 who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW
2 upon the occurrence of any taxable event within such county. The rate
3 of tax shall equal one-tenth of one percent of the selling price (in
4 the case of a sales tax) or value of the article used (in the case of
5 a use tax).

6 When distributing moneys collected under this section, the state
7 treasurer shall distribute ten percent of the moneys to the county in
8 which the tax was collected. The remainder of the moneys collected
9 under this section shall be distributed to the county and the cities
10 within the county ratably based on population as last determined by the
11 office of financial management. In making the distribution based on
12 population, the county shall receive that proportion that the
13 unincorporated population of the county bears to the total population
14 of the county and each city shall receive that proportion that the city
15 incorporated population bears to the total county population.

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

39 ~~This section expires January 1, 1994.)~~

1 **Sec. 8.** RCW 82.44.110 and 1991 c 199 s 221 are each amended to
2 read as follows:

3 The county auditor shall regularly, when remitting license fee
4 receipts, pay over and account to the director of licensing for the
5 excise taxes collected under the provisions of this chapter. The
6 director shall forthwith transmit the excise taxes to the state
7 treasurer.

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

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

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

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

17 (d) 8.83 percent into the general fund to be distributed under RCW
18 82.44.155.

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

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

23 (g) 62.6440 percent into the general fund through June 30, 1993,
24 57.6440 percent into the general fund beginning July 1, 1993, and 66
25 percent into the general fund beginning January 1, 1994.

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

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

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

32 (~~(k) 1.1937 percent into the municipal criminal justice assistance~~
33 ~~account for distribution under RCW 82.14.330 through December 31,~~
34 ~~1993.))~~

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

37 (3) The state treasurer shall deposit the excise tax imposed by RCW
38 82.44.020(3) into the air pollution control account created by RCW
39 70.94.015.

1 **Sec. 9.** RCW 72.09.300 and 1991 c 363 s 148 are each amended to
2 read as follows:

3 (1) ((A)) Every county legislative authority ((may)) shall by
4 resolution or ordinance establish a local law and justice council. The
5 county legislative authority shall determine the size and composition
6 of the council, which shall include the county sheriff and a
7 representative of the municipal police departments within the county,
8 the county prosecutor and a representative of the municipal prosecutors
9 within the county, a representative of the city legislative authorities
10 within the county, a representative of the county's superior, district,
11 and municipal courts, the county jail administrator, the county clerk,
12 the county risk manager, and the secretary of corrections. Officials
13 designated may appoint representatives.

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

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

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

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

29 (c) A description of current jail resources;

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

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

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

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

1 (h) A proposed plan to collect, synthesize, and disseminate
2 technical information concerning local criminal justice activities,
3 facilities, and procedures;

4 (i) A description of existing and potential services for offenders
5 including employment services, substance abuse treatment, mental health
6 services, and housing referral services.

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

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

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

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

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

33 **Sec. 10.** RCW 9A.16.110 and 1989 c 94 s 1 are each amended to read
34 as follows:

35 (~~(1)~~) No person in the state shall be placed in legal jeopardy of
36 any kind whatsoever for protecting by any reasonable means necessary,
37 himself or herself, his or her family, or his or her real or personal
38 property, or for coming to the aid of another who is in imminent danger

1 of or the victim of assault, robbery, kidnapping, arson, burglary,
2 rape, murder, or any other heinous crime.

3 ~~((2) When a substantial question of self defense in such a case
4 shall exist which needs legal investigation or court action for the
5 full determination of the facts, and the defendant's actions are
6 subsequently found justified under the intent of this section, the
7 state of Washington shall indemnify or reimburse such defendant for all
8 loss of time, legal fees, or other expenses involved in his or her
9 defense. This indemnification or reimbursement is an award of
10 reasonable costs which include loss of time, legal fees, or other
11 expenses and is not an independent cause of action. The determination
12 of an award shall be by the judge or jury at the discretion of the
13 judge in the criminal proceeding. To award these reasonable costs the
14 trier of fact must find that the defendant's claim of self defense was
15 sustained by a preponderance of the evidence: PROVIDED, HOWEVER, That
16 nothing shall preclude the legislature from granting a higher award
17 through the sundry claims process.~~

18 ~~(3) Whenever the issue of self defense under this section is
19 decided by a judge or whenever a judge exercises the discretion
20 authorized under subsection (2) of this section in determining an
21 award, the judge shall consider the same questions as must be answered
22 in the special verdict under subsection (4) of this section.~~

23 ~~(4) Whenever the issue of self defense under this section has been
24 submitted to a jury, and the jury has found the defendant not guilty,
25 and the judge has submitted an award determination to the jury, the
26 court shall instruct the jury to return a special verdict in
27 substantially the following form:~~

28 answer—
29 yes or no
30 1. Was the finding of not guilty based upon self
31 defense? _____
32 2. If your answer to question 1 is no, do not
33 answer the remaining question.
34 3. If your answer to question 1 is yes, was the
35 defendant:
36 a. Protecting himself or herself? _____
37 b. Protecting his or her family? _____
38 c. Protecting his or her property? _____

- 1 ~~d. Coming to the aid of another who was in imminent~~
2 ~~danger of a heinous crime?~~
3 ~~e. Coming to the aid of another who was the victim~~
4 ~~of a heinous crime?))~~

5 NEW SECTION. **Sec. 11.** The sum of ninety million dollars, or as
6 much thereof as may be necessary, is appropriated from the general fund
7 to the state treasurer for the biennium ending June 30, 1995, for
8 criminal justice assistance under section 1 of this act.

9 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect as follows:

- 13 (1) Section 5 of this act shall take effect immediately.
14 (2) Section 10 of this act shall take effect July 1, 1993.
15 (3) Sections 1 through 4, 6, 8, and 11 of this act shall take
16 effect January 1, 1994.

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