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SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5521

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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 a new section  
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 **Sec. 1.** RCW 82.14.310 and 1991 c 311 s 1 are each amended to read  
8 as follows:

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

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

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

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

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

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

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

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

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

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

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

27 (3) Moneys distributed under this section shall be expended  
28 exclusively for criminal justice purposes and shall not be used to  
29 replace or supplant existing funding. Criminal justice purposes are  
30 defined as activities that substantially assist the criminal justice  
31 system, which may include circumstances where ancillary benefit to the  
32 civil justice system occurs, and which includes domestic violence  
33 services such as those provided by domestic violence programs,  
34 community advocates, and legal advocates, as defined in RCW 70.123.020.  
35 Existing funding for purposes of this subsection is defined as calendar  
36 year 1989 actual operating expenditures for criminal justice purposes.  
37 Calendar year 1989 actual operating expenditures for criminal justice  
38 purposes exclude the following: Expenditures for extraordinary events  
39 not likely to reoccur, changes in contract provisions for criminal

1 justice services, beyond the control of the local jurisdiction  
2 receiving the services, and major nonrecurring capital expenditures.

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

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

6 (1) The municipal criminal justice assistance account is created in  
7 the state treasury. (~~((The account shall consist of all motor vehicle  
8 excise tax receipts deposited into the account under chapter 82.44  
9 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. The distributions shall be made as follows:

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

37 (b) The remainder of the moneys, including any moneys not  
38 distributed in subsection (2)(a) of this section, shall be distributed

1 to all cities eligible under subsection (2) of this section ratably  
2 based on population as last determined by the office of financial  
3 management.

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

6 (5) Notwithstanding other provisions of this section, the  
7 distributions to any city that substantially decriminalizes or repeals  
8 its criminal code after July 1, 1990, and that does not reimburse the  
9 county for costs associated with criminal cases under RCW 3.50.800 or  
10 3.50.805(2), shall be made to the county in which the city is located.

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

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

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

29 (1) The moneys deposited in the municipal criminal justice  
30 assistance account for distribution under this section shall be  
31 distributed (~~(at such times as distributions are made under RCW~~  
32 ~~82.44.150. Such moneys shall be distributed)~~) to the cities of the  
33 state as follows:

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

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

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

18       (b) Sixteen percent shall be distributed to cities ratably based on  
19 population as last determined by the office of financial management,  
20 but no city may receive less than one thousand dollars.

21       The moneys deposited in the municipal criminal justice assistance  
22 account for distribution under this subsection shall be distributed at  
23 such times as distributions are made under RCW 82.44.150.

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

1       (2) In addition to the distributions under subsection (1) of this  
2 section:

3       (a) Fourteen percent shall be distributed to cities that have  
4 initiated innovative law enforcement strategies, including alternative  
5 sentencing and crime prevention programs. No city may receive more  
6 than one dollar per capita under this subsection (2)(a).

7       (b) Twenty percent shall be distributed to cities that have  
8 initiated programs to help at-risk children or child abuse victim  
9 response programs. No city may receive more than fifty cents per  
10 capita under this subsection (2)(b).

11       (c) Twenty percent shall be distributed to cities that have  
12 initiated programs designed to reduce the level of domestic violence  
13 within their jurisdictions or to provide counseling for domestic  
14 violence victims. No city may receive more than fifty cents per capita  
15 under this subsection (2)(c).

16       (d) Ten percent shall be distributed to cities that contract with  
17 another governmental agency for a majority of the city's law  
18 enforcement services.

19       Moneys distributed under this subsection shall be distributed to  
20 those cities that submit funding requests under this subsection to the  
21 department of community development based on criteria developed under  
22 section 4 of this act. Allocation of funds shall be in proportion to  
23 the population of qualified jurisdictions, but the distribution to a  
24 city shall not exceed the amount of funds requested. Cities shall  
25 submit requests for program funding to the department of community  
26 development by November 1 of each year for funding the following year.  
27 The department shall certify to the state treasurer the cities eligible  
28 for funding under this subsection and the amount of each allocation.

29       One-half of the moneys distributed under (a) through (d) of this  
30 subsection shall be distributed on March 1st and the remaining one-half  
31 of the moneys shall be distributed on September 1st. Moneys remaining  
32 undistributed under this subsection at the end of each calendar year  
33 shall be distributed to the criminal justice training commission to  
34 reimburse participating city law enforcement agencies with ten or fewer  
35 full-time commissioned patrol officers the cost of temporary  
36 replacement of each officer who is enrolled in basic law enforcement  
37 training, as provided in RCW 43.101.200.

38       If a city is found by the state auditor to have expended funds  
39 received under this subsection in a manner that does not comply with

1 the criteria under which the moneys were received, the city shall be  
2 ineligible to receive future distributions under this subsection until  
3 the use of the moneys are justified to the satisfaction of the director  
4 or are repaid to the state general fund. The director may allow  
5 noncomplying use of moneys received under this subsection upon a  
6 showing of hardship or other emergent need.

7 (3) (~~This section expires January 1, 1994~~) Notwithstanding other  
8 provisions of this section, the distributions to any city that  
9 substantially decriminalizes or repeals its criminal code after July 1,  
10 1990, and that does not reimburse the county for costs associated with  
11 criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the  
12 county in which the city is located.

13 NEW SECTION. Sec. 4. A new section is added to chapter 82.14 RCW  
14 to read as follows:

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

22 Sec. 5. RCW 43.101.200 and 1989 c 299 s 2 are each amended to read  
23 as follows:

24 (1) All law enforcement personnel, except volunteers, and reserve  
25 officers whether paid or unpaid, initially employed on or after January  
26 1, 1978, shall engage in basic law enforcement training which complies  
27 with standards adopted by the commission pursuant to RCW 43.101.080  
28 (~~and 43.101.160~~). For personnel initially employed before January 1,  
29 1990, such training shall be successfully completed during the first  
30 fifteen months of employment of such personnel unless otherwise  
31 extended or waived by the commission and shall be requisite to the  
32 continuation of such employment. Personnel initially employed on or  
33 after January 1, 1990, shall commence basic training during the first  
34 six months of employment unless the basic training requirement is  
35 otherwise waived or extended by the commission. Successful completion  
36 of basic training is requisite to the continuation of employment of  
37 such personnel initially employed on or after January 1, 1990.

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

12 **Sec. 6.** RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16 are  
13 each reenacted and amended to read as follows:

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

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



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

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

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

35       **Sec. 7.** RCW 82.44.110 and 1993 c ... (Engrossed Senate Bill No.  
36 5978) s 1 are each amended to read as follows:

37       The county auditor shall regularly, when remitting license fee  
38 receipts, pay over and account to the director of licensing for the

1 excise taxes collected under the provisions of this chapter. The  
2 director shall forthwith transmit the excise taxes to the state  
3 treasurer.

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

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

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

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

13 (d) 8.83 percent into the general fund to be distributed under RCW  
14 82.44.155.

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

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

19 (g) 62.6440 percent into the general fund through ~~((December 31,~~  
20 ~~1993, 71 percent into the general fund beginning January 1, 1994))~~ June  
21 30, 1995, and ((66)) 57.6440 percent into the general fund beginning  
22 July 1, 1995.

23 (h) 5 percent into the transportation fund created in RCW 82.44.180  
24 beginning July 1, 1995.

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

27 (j) 1.1937 percent into the municipal criminal justice assistance  
28 account for distribution under RCW 82.14.320 ~~((through December 31,~~  
29 ~~1993))~~.

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

33 Notwithstanding (i) through (k) of this subsection, no more than  
34 sixty million dollars shall be deposited into the accounts specified in  
35 (i) through (k) of this subsection for the period January 1, 1994,  
36 through June 30, 1995. For the fiscal year ending June 30, 1998, and  
37 for each fiscal year thereafter, the amounts deposited into the  
38 accounts specified in (i) through (k) of this subsection shall not  
39 increase by more than the amounts deposited into those accounts in the

1 previous fiscal year increased by the implicit price deflator for the  
2 previous fiscal year. Any revenues in excess of this amount shall be  
3 deposited into the general fund.

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

6 (3) The state treasurer shall deposit the excise tax imposed by RCW  
7 82.44.020(3) into the air pollution control account created by RCW  
8 70.94.015.

9 **Sec. 8.** RCW 72.09.300 and 1991 c 363 s 148 are each amended to  
10 read as follows:

11 (1) ((A)) Every county legislative authority ((may)) shall by  
12 resolution or ordinance establish a local law and justice council. The  
13 county legislative authority shall determine the size and composition  
14 of the council, which shall include the county sheriff and a  
15 representative of the municipal police departments within the county,  
16 the county prosecutor and a representative of the municipal prosecutors  
17 within the county, a representative of the city legislative authorities  
18 within the county, a representative of the county's superior, district,  
19 and municipal courts, the county jail administrator, the county clerk,  
20 the county risk manager, and the secretary of corrections. Officials  
21 designated may appoint representatives.

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

25 (3) The local law and justice council shall develop a local law and  
26 justice plan for the county. The council shall design the elements and  
27 scope of the plan, subject to final approval by the county legislative  
28 authority. The general intent of the plan shall include seeking means  
29 to maximize local resources including personnel and facilities, reduce  
30 duplication of services, and share resources between local and state  
31 government in order to accomplish local efficiencies without  
32 diminishing effectiveness. The plan shall also include a section on  
33 jail management. This section may include the following elements:

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

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

37 (c) A description of current jail resources;

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

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

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

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

10 (h) A proposed plan to collect, synthesize, and disseminate  
11 technical information concerning local criminal justice activities,  
12 facilities, and procedures;

13 (i) A description of existing and potential services for offenders  
14 including employment services, substance abuse treatment, mental health  
15 services, and housing referral services.

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

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

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

26 (7) The secretary may adopt rules for the submittal, review, and  
27 approval of all requests for assistance made to the department. The  
28 secretary may also appoint an advisory committee of local and state  
29 government officials to recommend policies and procedures relating to  
30 the state and local correctional systems and to assist the department  
31 in providing technical assistance to local governments. The committee  
32 shall include representatives of the county sheriffs, the police  
33 chiefs, the county prosecuting attorneys, the county and city  
34 legislative authorities, and the jail administrators. The secretary  
35 may contract with other state and local agencies and provide funding in  
36 order to provide the assistance requested by counties.

37 (8) The department shall establish a base level of state  
38 correctional services, which shall be determined and distributed in a  
39 consistent manner state-wide. The department's contributions to any

1 local government, approved pursuant to this section, shall not operate  
2 to reduce this base level of services.

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

5 ~~((1))~~ No person in the state shall be placed in legal jeopardy of  
6 any kind whatsoever for protecting by any reasonable means necessary,  
7 himself or herself, his or her family, or his or her real or personal  
8 property, or for coming to the aid of another who is in imminent danger  
9 of or the victim of assault, robbery, kidnapping, arson, burglary,  
10 rape, murder, or any other heinous crime.

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

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

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

answer—

yes or no

- 1. ~~Was the finding of not guilty based upon self  
defense? . . . .~~
- 2. ~~If your answer to question 1 is no, do not  
answer the remaining question.~~
- 3. ~~If your answer to question 1 is yes, was the  
defendant:~~
  - a. ~~Protecting himself or herself? . . . .~~
  - b. ~~Protecting his or her family? . . . .~~
  - c. ~~Protecting his or her property? . . . .~~
  - d. ~~Coming to the aid of another who was in imminent  
danger of a heinous crime? . . . .~~
  - e. ~~Coming to the aid of another who was the victim  
of a heinous crime? . . . .))~~

NEW SECTION. **Sec. 10.** The sum of sixty million dollars is appropriated as follows:

(1) The sum of forty-two million eight hundred fifty-seven thousand three hundred forty-eight dollars, or so much thereof as may be necessary, is appropriated from the county criminal justice assistance account in the general fund to the state treasurer for the biennium ending June 30, 1995, for county criminal justice assistance under RCW 82.14.310.

(2) The sum of seventeen million one hundred forty-two thousand six hundred fifty-two dollars, or so much thereof as may be necessary, is appropriated from the municipal criminal justice assistance account in the general fund to the state treasurer for the biennium ending June 30, 1995, for municipal criminal justice assistance under RCW 82.14.320 and 82.14.330.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for section 4 of this act, which shall take

1 effect immediately, and sections 1 through 3, 5, and 7 of this act,  
2 which shall take effect January 1, 1994.

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