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

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

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

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

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

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

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

26 (c) The city has a per capita yield from the tax imposed under RCW  
27 82.14.030(1) at the maximum rate of less than one hundred fifty percent  
28 of the state-wide average per capita yield for all cities from such  
29 local sales and use tax.

30 ~~((3))~~ (2) The moneys ~~((deposited in the municipal criminal  
31 justice assistance account))~~ appropriated for distribution under this  
32 section shall be distributed at such times as distributions are made  
33 under RCW 82.44.150. The distributions shall be made as follows:

34 (a) Unless reduced by this subsection, thirty percent of the moneys  
35 shall be distributed ratably based on population as last determined by  
36 the office of financial management to those cities eligible under  
37 subsection ~~((2))~~ (1) of this section that have a crime rate  
38 determined under subsection ~~((2))~~ (1)(a) of this section which is

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

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

12 ~~((+4))~~ (3) No city may receive more than thirty percent of all  
13 moneys distributed under subsection ~~((+3))~~ (2) of this section.

14 ~~((+5))~~ (4) Moneys distributed under this section shall be expended  
15 exclusively for criminal justice purposes and shall not be used to  
16 replace or supplant existing funding. Criminal justice purposes are  
17 defined as activities that substantially assist the criminal justice  
18 system, which may include circumstances where ancillary benefit to the  
19 civil justice system occurs. Existing funding for purposes of this  
20 subsection is defined as calendar year 1989 actual operating  
21 expenditures for criminal justice purposes. Calendar year 1989 actual  
22 operating expenditures for criminal justice purposes exclude the  
23 following: Expenditures for extraordinary events not likely to  
24 reoccur, changes in contract provisions for criminal justice services,  
25 beyond the control of the local jurisdiction receiving the services,  
26 and major nonrecurring capital expenditures.

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

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

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

35 ~~(a) For fiscal year 1991, each city with a population of under ten~~  
36 ~~thousand shall receive a distribution of three thousand two hundred~~  
37 ~~fifty dollars. Any remaining moneys shall be distributed to all cities~~

1 ratably on the basis of population as last determined by the office of  
2 financial management.

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

8 (2)) The moneys appropriated for distribution under this section  
9 shall be distributed as follows:

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

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

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

28 Moneys distributed under subsection (1) of this section shall be  
29 expended exclusively for criminal justice purposes and shall not be  
30 used to replace or supplant existing funding. Criminal justice  
31 purposes are defined as activities that substantially assist the  
32 criminal justice system, which may include circumstances where  
33 ancillary benefit to the civil justice system occurs. Existing funding  
34 for purposes of this subsection is defined as calendar year 1989 actual  
35 operating expenditures for criminal justice purposes. Calendar year  
36 1989 actual operating expenditures for criminal justice purposes  
37 exclude the following: Expenditures for extraordinary events not  
38 likely to reoccur, changes in contract provisions for criminal justice

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

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

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

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

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

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

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

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

35 One-half of the moneys distributed under subsection (2) (a) through  
36 (d) of this section shall be distributed on March 1st and the remaining  
37 one-half of the moneys shall be distributed on September 1st. Moneys  
38 remaining undistributed under subsection (2) of this section at the end  
39 of each calendar year shall be distributed to the criminal justice

1 training commission to reimburse participating city law enforcement  
2 agencies with ten or fewer full-time commissioned patrol officers the  
3 cost of temporary replacement of each officer who is enrolled in basic  
4 law enforcement training, as provided in RCW 43.101.200.

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

13 NEW SECTION. Sec. 5. 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. 6.** 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. 7.** 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. Existing funding  
17 for purposes of this subsection is defined as calendar year 1989 actual  
18 operating expenditures for criminal justice purposes. Calendar year  
19 1989 actual operating expenditures for criminal justice purposes  
20 exclude the following: Expenditures for extraordinary events not  
21 likely to reoccur, changes in contract provisions for criminal justice  
22 services, beyond the control of the local jurisdiction receiving the  
23 services, and major nonrecurring capital expenditures. Moneys received  
24 by the county and the cities within the county from any tax imposed  
25 under this section may be expended for domestic violence community  
26 advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991,  
27 and prior to approval of the voters, the legislative authority of the  
28 county, which submitted an authorizing proposition to the voters of the  
29 county, adopted by ordinance a financial plan that included expenditure  
30 of a portion of the moneys received for domestic violence community  
31 advocates.

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

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

35       The county auditor shall regularly, when remitting license fee  
36 receipts, pay over and account to the director of licensing for the  
37 excise taxes collected under the provisions of this chapter. The

1 director shall forthwith transmit the excise taxes to the state  
2 treasurer.

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

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

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

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

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

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

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

18 (g) 62.6440 percent into the general fund through June 30, 1993,  
19 57.6440 percent into the general fund beginning July 1, 1993, and 66  
20 percent into the general fund beginning January 1, 1994.

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

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

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

27 ~~(k) 1.1937 percent into the municipal criminal justice assistance  
28 account for distribution under RCW 82.14.330 through December 31,  
29 1993.)~~

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

32 (3) The state treasurer shall deposit the excise tax imposed by RCW  
33 82.44.020(3) into the air pollution control account created by RCW  
34 70.94.015.

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

37 (1) ~~((A))~~ Every county legislative authority ~~((may))~~ shall by  
38 resolution or ordinance establish a local law and justice council. The

1 county legislative authority shall determine the size and composition  
2 of the council, which shall include the county sheriff and a  
3 representative of the municipal police departments within the county,  
4 the county prosecutor and a representative of the municipal prosecutors  
5 within the county, a representative of the city legislative authorities  
6 within the county, a representative of the county's superior, district,  
7 and municipal courts, the county jail administrator, the county clerk,  
8 the county risk manager, and the secretary of corrections. Officials  
9 designated may appoint representatives.

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

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

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

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

25 (c) A description of current jail resources;

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

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

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

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

35 (h) A proposed plan to collect, synthesize, and disseminate  
36 technical information concerning local criminal justice activities,  
37 facilities, and procedures;

1 (i) A description of existing and potential services for offenders  
2 including employment services, substance abuse treatment, mental health  
3 services, and housing referral services.

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

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

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

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

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

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

32 ((+1+)) No person in the state shall be placed in legal jeopardy of  
33 any kind whatsoever for protecting by any reasonable means necessary,  
34 himself or herself, his or her family, or his or her real or personal  
35 property, or for coming to the aid of another who is in imminent danger  
36 of or the victim of assault, robbery, kidnapping, arson, burglary,  
37 rape, murder, or any other heinous crime.



1 e. ~~Coming to the aid of another who was the victim~~  
2 of a heinous crime?.....))

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

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

11 (1) Section 5 of this act shall take effect immediately.

12 (2) Section 10 of this act shall take effect July 1, 1993.

13 (3) Sections 1 through 4, 6, 8, and 11 of this act shall take  
14 effect January 1, 1994.

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