

2 **ESSB 6211** - H COMM AMD **ADOPTED 2-29-96**  
3 By Committee on Government Operations

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 39.34 RCW  
8 to read as follows:

9 (1) Each county, city, and town is responsible for the prosecution,  
10 adjudication, sentencing, and incarceration of misdemeanor and gross  
11 misdemeanor offenses committed by adults in their respective  
12 jurisdictions, and referred from their respective law enforcement  
13 agencies, whether filed under state law or city ordinance, and must  
14 carry out these responsibilities through the use of their own courts,  
15 staff, and facilities, or by entering into contracts or interlocal  
16 agreements under this chapter to provide these services. Nothing in  
17 this section is intended to alter the statutory responsibilities of  
18 each county for the prosecution, adjudication, sentencing, and  
19 incarceration for not more than one year of felony offenders, nor shall  
20 this section apply to any offense initially filed by the prosecuting  
21 attorney as a felony offense or an attempt to commit a felony offense.

22 (2) The following principles must be followed in negotiating  
23 interlocal agreements or contracts: Cities and counties must consider  
24 (a) anticipated costs of services; and (b) anticipated and potential  
25 revenues to fund the services, including fines and fees, criminal  
26 justice funding, and state-authorized sales tax funding levied for  
27 criminal justice purposes.

28 (3) If an agreement as to the levels of compensation within an  
29 interlocal agreement or contract for gross misdemeanor and misdemeanor  
30 services cannot be reached between a city and county, then either party  
31 may invoke binding arbitration on the compensation issued by notice to  
32 the other party. In the case of establishing initial compensation, the  
33 notice shall request arbitration within thirty days. In the case of  
34 nonrenewal of an existing contract or interlocal agreement, the notice  
35 must be given one hundred twenty days prior to the expiration of the  
36 existing contract or agreement and the existing contract or agreement

1 remains in effect until a new agreement is reached or until an  
2 arbitration award on the matter of fees is made. The city and county  
3 each select one arbitrator, and the initial two arbitrators pick a  
4 third arbitrator.

5 (4) For cities or towns that have not adopted, in whole or in part,  
6 criminal code or ordinance provisions related to misdemeanor and gross  
7 misdemeanor crimes as defined by state law, this section shall have no  
8 application until July 1, 1998.

9 NEW SECTION. **Sec. 2.** This act shall take effect January 1, 1997."

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13 On page 1, line 1 of the title, after "costs;" strike the remainder  
14 of the title and insert "adding a new section to chapter 39.34 RCW; and  
15 providing an effective date."

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