

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5977**

Chapter 398, Laws of 1995

54th Legislature  
1995 Regular Session

FORENSIC INVESTIGATIONS COUNCIL--REVISED MEMBERSHIP AND DUTIES

EFFECTIVE DATE: 7/23/95 - Except Section 17 which becomes effective 5/16/95

Passed by the Senate April 19, 1995  
YEAS 46 NAYS 0

JOEL PRITCHARD

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 11, 1995  
YEAS 94 NAYS 0

CLYDE BALLARD

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Approved May 16, 1995

MIKE LOWRY

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5977** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

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**Secretary**

FILED

May 16, 1995 - 3:18 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5977**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

**State of Washington                      54th Legislature                      1995 Regular Session**

**By Senate Committee on Government Operations (originally sponsored by Senators Loveland, Haugen, Long, Smith and Winsley)**

Read first time 03/01/95.

1            AN ACT Relating to forensic investigations; amending RCW 43.43.670,  
2 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070,  
3 43.103.090, 43.79.445, 68.50.107, 82.14.310, 82.14.320, 82.14.330,  
4 46.61.5054, and 66.08.180; reenacting and amending RCW 82.44.110;  
5 repealing 1994 c 275 s 44 (uncodified); and declaring an emergency.

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

7            **Sec. 1.** RCW 43.43.670 and 1980 c 69 s 2 are each amended to read  
8 as follows:

9            There is created in the Washington state patrol a crime laboratory  
10 system which is authorized to:

11            (1) Provide laboratory services for the purpose of analyzing and  
12 scientifically handling any physical evidence relating to any crime.

13            (2) Provide training assistance for local law enforcement  
14 personnel.

15            The crime laboratory system shall assign priority to a request for  
16 services with due regard to whether the case involves criminal activity  
17 against persons.        The Washington state ~~((advisory))~~ forensic  
18 investigations council ~~((on criminal justice services))~~ shall assist  
19 the crime laboratory system in devising policies to promote the most

1 efficient use of laboratory resources consistent with this section.  
2 The forensic investigations council shall be actively involved in the  
3 preparation of the crime laboratory budget and shall approve the crime  
4 laboratory budget prior to its formal submission by the state patrol to  
5 the office of financial management pursuant to RCW 43.88.030.

6 **Sec. 2.** RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are each  
7 amended to read as follows:

8 The purposes of this act are declared by the legislature to be as  
9 follows:

10 (1) To preserve and enhance the state crime laboratory, which is an  
11 essential part of the criminal justice system in the state of  
12 Washington;

13 (2) To fund the death investigation system and to make related  
14 state and local institutions more efficient;

15 (~~((+2))~~) (3) To preserve and enhance the state toxicology laboratory  
16 which is an essential part of the criminal justice and death  
17 investigation systems in the state of Washington;

18 (~~((+3))~~) (4) To provide resources necessary for the performance, by  
19 qualified pathologists, of autopsies which are also essential to the  
20 criminal justice and death investigation systems of this state and its  
21 counties;

22 (~~((+4))~~) (5) To improve the performance of death investigations and  
23 the criminal justice system through the formal training of county  
24 coroners and county medical examiners;

25 (~~((+5))~~) (6) To establish and maintain a dental identification  
26 system; and

27 (~~((+6))~~) (7) To provide flexibility so that any county may establish  
28 a county morgue when it serves the public interest.

29 **Sec. 3.** RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are each  
30 amended to read as follows:

31 As used in this chapter, the following terms have the meanings  
32 indicated unless the context clearly requires otherwise.

33 (1) "Council" means the Washington state (~~((death))~~) forensic  
34 investigations council.

35 (2) "Crime laboratory" means the Washington state patrol crime  
36 laboratory system created in RCW 43.43.670.

1       (3) "Toxicology laboratory" means the Washington state toxicology  
2 laboratory.

3       **Sec. 4.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read  
4 as follows:

5       There is created the Washington state ~~((death))~~ forensic  
6 investigations council. The council shall oversee the state toxicology  
7 laboratory and, together with the president of the University of  
8 Washington or the president's designee, control the laboratory's  
9 operation. The council may also study and recommend cost-efficient  
10 improvements to the death investigation system in Washington and report  
11 its findings to the legislature.

12       Further, the council shall, jointly with the chairperson of the  
13 pathology department of the University of Washington's School of  
14 Medicine, or the chairperson's designee, oversee the state forensic  
15 pathology fellowship program, determine the budget for the program and  
16 set the fellow's annual salary, and take those steps necessary to  
17 administer the program.

18       The forensic investigations council shall be actively involved in  
19 the preparation of the crime laboratory and toxicology laboratory  
20 budgets and shall approve the crime laboratory and toxicology  
21 laboratory budgets prior to their formal submission to the office of  
22 financial management pursuant to RCW 43.88.030.

23       **Sec. 5.** RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each  
24 amended to read as follows:

25       The council shall consist of ~~((nine))~~ twelve members who shall be  
26 selected as follows: One county coroner; one county prosecutor; one  
27 county prosecutor who also serves as ex officio county coroner; one  
28 county medical examiner; one county sheriff; one chief of police; ~~((one~~  
29 ~~representative))~~ the chief of the state patrol; ((one)) two members of  
30 a county legislative authority; ~~((and))~~ one pathologist who is  
31 currently in private practice; and two members of a city legislative  
32 authority.

33       ~~((All members shall be appointed to the council by the governor.))~~  
34 The governor shall appoint members to the council from among the  
35 nominees submitted for each position as follows: The Washington  
36 association of county officials shall submit two nominees each for the  
37 coroner position and the medical examiner position; the Washington

1 state association of counties shall submit two nominees each for the  
2 two county legislative authority positions; the association of  
3 Washington cities shall submit two nominees each for the two city  
4 legislative authority positions; the Washington association of  
5 prosecuting attorneys shall submit two nominees each for the county  
6 prosecutor-ex officio county coroner and for the county prosecutor  
7 position; the Washington association of sheriffs and police chiefs  
8 shall submit two nominees each for the county sheriff position and the  
9 chief of police position; and the Washington association of  
10 pathologists shall submit two nominees for the private pathologist  
11 position.

12 **Sec. 6.** RCW 43.103.050 and 1983 1st ex.s. c 16 s 5 are each  
13 amended to read as follows:

14 All members of the council are appointed for terms of four years,  
15 commencing on July 1 and expiring on June 30. However, of the members  
16 appointed to the ~~((initial))~~ council, five shall be appointed for two-  
17 year terms and ~~((four))~~ six shall be appointed for four-year terms. A  
18 person chosen to fill a vacancy created other than by the natural  
19 expiration of a member's term shall be nominated and appointed as  
20 provided in RCW 43.103.040 for the unexpired term of the member he or  
21 she is to succeed. Any member may be reappointed for additional terms.

22 **Sec. 7.** RCW 43.103.070 and 1983 1st ex.s. c 16 s 7 are each  
23 amended to read as follows:

24 The council shall elect a ~~((chairman))~~ chair and a vice  
25 ~~((chairman))~~ chair from among its members. ~~((Five))~~ The chair shall  
26 not vote except in case of a tie vote. Seven members of the council  
27 shall constitute a quorum. The governor shall summon the council to  
28 its first meeting. Otherwise, meetings may be called by the  
29 ~~((chairman))~~ chair and shall be called by him or her upon the written  
30 request of five members of the council. Conference calls by telephone  
31 are a proper form of meeting.

32 **Sec. 8.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each  
33 amended to read as follows:

34 The council ~~((has the following powers))~~ may:

- 1 (1) ~~((To))~~ Meet at such times and places as may be designated by a  
2 majority vote of the council members or, if a majority cannot agree, by  
3 the ~~((chairman))~~ chair;
- 4 (2) ~~((To))~~ Adopt rules governing the council and the conduct of its  
5 meetings;
- 6 (3) ~~((To))~~ Require reports from the state toxicologist on matters  
7 pertaining to the toxicology laboratory;
- 8 (4) ~~((To review and, if necessary, require changes in the budget~~  
9 ~~request of the toxicology laboratory))~~ Require reports from the chief  
10 of the Washington state patrol on matters pertaining to the crime  
11 laboratory;
- 12 (5) Be actively involved in the preparation of the crime laboratory  
13 and toxicology laboratory budgets and shall approve the crime  
14 laboratory and toxicology laboratory budgets prior to their formal  
15 submission to the office of financial management pursuant to RCW  
16 43.88.030; ~~((and~~  
17 ~~(5) To))~~ (6) Do anything, necessary or convenient, which enables  
18 the council to perform its duties and to exercise its powers;
- 19 (7) Appoint a toxicologist as state toxicologist to serve at the  
20 pleasure of the council; and
- 21 (8) Set the salary for the state toxicologist.

22 **Sec. 9.** RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each amended to  
23 read as follows:

24 There is established an account in the state treasury referred to  
25 as the "death investigations' account" which shall exist for the  
26 purpose of receiving, holding, investing, and disbursing funds  
27 appropriated or provided in RCW 70.58.107 and any moneys appropriated  
28 or otherwise provided thereafter.

29 Moneys in the death investigations' account shall be disbursed by  
30 the state treasurer once every year on December 31 and at any other  
31 time determined by the treasurer. The treasurer shall make  
32 disbursements to: The state toxicology laboratory, counties for the  
33 cost of autopsies, the University of Washington to fund the state  
34 forensic pathology fellowship program, the state patrol for providing  
35 partial funding for the state dental identification system, the  
36 criminal justice training commission for training county coroners,  
37 medical examiners and their staff, and the state ~~((death))~~ forensic  
38 investigations council.

1 The University of Washington and the Washington state (~~death~~)  
2 forensic investigations council shall jointly determine the yearly  
3 amount for the state forensic pathology fellowship program established  
4 by RCW 28B.20.426.

5 **Sec. 10.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read  
6 as follows:

7 There shall be established (~~at~~) in conjunction with the  
8 University of Washington Medical School and under the authority of the  
9 state forensic investigations council a state toxicological laboratory  
10 under the direction of the state toxicologist whose duty it will be to  
11 perform all necessary toxicologic procedures requested by all coroners,  
12 medical examiners, and prosecuting attorneys. (~~Annually the president~~  
13 ~~of the University of Washington, with the consent of~~) The state  
14 (~~death~~) forensic investigations council(~~(7)~~) shall appoint a  
15 (~~competent~~) toxicologist as state toxicologist (~~who shall serve a~~  
16 ~~one year term. The state toxicologist may be reappointed to as many~~  
17 ~~additional one year terms as the president of the university and the~~  
18 ~~death investigations council deem proper. The facilities of the police~~  
19 ~~school of the Washington State University and the services of its~~  
20 ~~professional staff shall be made available to coroners, medical~~  
21 ~~examiners, and prosecuting attorneys in their investigations under this~~  
22 ~~chapter. This~~). The laboratory shall be funded by disbursement from  
23 the class H license fees as provided in RCW 66.08.180 and by  
24 appropriation from the death investigations account as provided in RCW  
25 43.79.445.

26 **Sec. 11.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to  
27 read as follows:

28 (1) The county criminal justice assistance account is created in  
29 the state treasury.

30 (2) The moneys deposited in the county criminal justice assistance  
31 account for distribution under this section, less any moneys  
32 appropriated for purposes under RCW 82.44.110, shall be distributed at  
33 such times as distributions are made under RCW 82.44.150 and on the  
34 relative basis of each county's funding factor as determined under this  
35 subsection.

36 (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 **Sec. 12.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to  
4 read as follows:

5 (1) The municipal criminal justice assistance account is created in  
6 the state treasury.

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

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

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

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

20 (3) The moneys deposited in the municipal criminal justice  
21 assistance account for distribution under this section, less any moneys  
22 appropriated for purposes under RCW 82.44.110, shall be distributed at  
23 such times as distributions are made under RCW 82.44.150. The  
24 distributions shall be made as follows:

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

35 (b) The remainder of the moneys, including any moneys not  
36 distributed in subsection (2)(a) of this section, shall be distributed  
37 to all cities eligible under subsection (2) of this section ratably

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

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

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

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

25 **Sec. 13.** RCW 82.14.330 and 1994 c 273 s 22 are each amended to  
26 read as follows:

27 (1) The moneys deposited in the municipal criminal justice  
28 assistance account for distribution under this section, less any moneys  
29 appropriated for purposes under RCW 82.44.110, shall be distributed to  
30 the cities of the state as follows:

31 (a) Twenty percent appropriated for distribution shall be  
32 distributed to cities with a three-year average violent crime rate for  
33 each one thousand in population in excess of one hundred fifty percent  
34 of the state-wide three-year average violent crime rate for each one  
35 thousand in population. The three-year average violent crime rate  
36 shall be calculated using the violent crime rates for each of the  
37 preceding three years from the annual reports on crime in Washington  
38 state as published by the Washington association of sheriffs and police

1 chiefs. Moneys shall be distributed under this subsection (1)(a)  
2 ratably based on population as last determined by the office of  
3 financial management, but no city may receive more than one dollar per  
4 capita. Moneys remaining undistributed under this subsection at the  
5 end 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 (b) Sixteen percent shall be distributed to cities ratably based on  
11 population as last determined by the office of financial management,  
12 but no city may receive less than one thousand dollars.

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

16 Moneys distributed under this subsection 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 (2) In addition to the distributions under subsection (1) of this  
32 section:

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

37 (b) Twenty percent shall be distributed to cities that have  
38 initiated programs to help at-risk children or child abuse victim

1 response programs. No city may receive more than fifty cents per  
2 capita under this subsection (2)(b).

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

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

11 Moneys distributed under this subsection shall be distributed to  
12 those cities that submit funding requests under this subsection to the  
13 department of community, trade, and economic development based on  
14 criteria developed under RCW 82.14.335. Allocation of funds shall be  
15 in proportion to the population of qualified jurisdictions, but the  
16 distribution to a city shall not exceed the amount of funds requested.  
17 Cities shall submit requests for program funding to the department of  
18 community, trade, and economic development by November 1 of each year  
19 for funding the following year. The department shall certify to the  
20 state treasurer the cities eligible for funding under this subsection  
21 and the amount of each allocation.

22 The moneys deposited in the municipal criminal justice assistance  
23 account for distribution under this subsection, less any moneys  
24 appropriated for purposes under RCW 82.44.110, shall be distributed at  
25 the times as distributions are made under RCW 82.44.150. Moneys  
26 remaining undistributed under this subsection at the end of each  
27 calendar year shall be distributed to the criminal justice training  
28 commission to reimburse participating city law enforcement agencies  
29 with ten or fewer full-time commissioned patrol officers the cost of  
30 temporary replacement of each officer who is enrolled in basic law  
31 enforcement training, as provided in RCW 43.101.200.

32 If a city is found by the state auditor to have expended funds  
33 received under this subsection in a manner that does not comply with  
34 the criteria under which the moneys were received, the city shall be  
35 ineligible to receive future distributions under this subsection until  
36 the use of the moneys are justified to the satisfaction of the director  
37 or are repaid to the state general fund. The director may allow  
38 noncomplying use of moneys received under this subsection upon a  
39 showing of hardship or other emergent need.

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

6 **Sec. 14.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s  
7 253 are each reenacted and amended to read as follows:

8 The county auditor shall regularly, when remitting license fee  
9 receipts, pay over and account to the director of licensing for the  
10 excise taxes collected under the provisions of this chapter. The  
11 director shall forthwith transmit the excise taxes to the state  
12 treasurer.

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

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

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

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

22 (d) 5.88 percent into the general fund to be distributed under RCW  
23 82.44.155.

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

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

28 (g) 62.6440 percent into the general fund through June 30, 1995,  
29 and 57.6440 percent into the general fund beginning July 1, 1995.

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

32 (i) 5.9686 percent into the county criminal justice assistance  
33 account created in RCW 82.14.310.

34 (j) 1.1937 percent into the municipal criminal justice assistance  
35 account for distribution under RCW 82.14.320.

36 (k) 1.1937 percent into the municipal criminal justice assistance  
37 account for distribution under RCW 82.14.330.

1 (1) 2.95 percent into the general fund to be distributed by the  
2 state treasurer to county health departments to be used exclusively for  
3 public health. The state treasurer shall distribute these funds  
4 proportionately among the counties based on population as determined by  
5 the most recent United States census.

6 Notwithstanding (i) through (k) of this subsection, no more than  
7 sixty million dollars shall be deposited into the accounts specified in  
8 (i) through (k) of this subsection for the period January 1, 1994,  
9 through June 30, 1995. Not more than five percent of the funds  
10 deposited to these accounts shall be available for appropriations for  
11 enhancements to the state patrol crime laboratory system and the  
12 continuing costs related to these enhancements. Motor vehicle excise  
13 tax funds appropriated for such enhancements shall not supplant  
14 existing funds from the state general fund. For the fiscal year ending  
15 June 30, 1998, and for each fiscal year thereafter, the amounts  
16 deposited into the accounts specified in (i) through (k) of this  
17 subsection shall not increase by more than the amounts deposited into  
18 those accounts in the previous fiscal year increased by the implicit  
19 price deflator for the previous fiscal year. Any revenues in excess of  
20 this amount shall be deposited into the general fund.

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

23 (3) The state treasurer shall deposit the excise tax imposed by RCW  
24 82.44.020(3) into the air pollution control account created by RCW  
25 70.94.015.

26 **Sec. 15.** RCW 46.61.5054 and 1994 c 275 s 7 are each amended to  
27 read as follows:

28 (1)(a) In addition to penalties set forth in RCW 46.61.5051 through  
29 46.61.5053, a one hundred twenty-five dollar fee shall be assessed to  
30 a person who is either convicted, sentenced to a lesser charge, or  
31 given deferred prosecution, as a result of an arrest for violating RCW  
32 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the  
33 purpose of funding the Washington state toxicology laboratory and the  
34 Washington state patrol (~~breath test program~~) for grants and  
35 activities to increase the conviction rate and decrease the incidence  
36 of persons driving under the influence of alcohol or drugs.

1 (b) Upon a verified petition by the person assessed the fee, the  
2 court may suspend payment of all or part of the fee if it finds that  
3 the person does not have the ability to pay.

4 (c) When a minor has been adjudicated a juvenile offender for an  
5 offense which, if committed by an adult, would constitute a violation  
6 of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall  
7 assess the one hundred twenty-five dollar fee under (a) of this  
8 subsection. Upon a verified petition by a minor assessed the fee, the  
9 court may suspend payment of all or part of the fee if it finds that  
10 the minor does not have the ability to pay the fee.

11 (2) The fee assessed under subsection (1) of this section shall be  
12 collected by the clerk of the court and distributed as follows:

13 (a) Forty percent shall be subject to distribution under RCW  
14 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

15 (b) ~~((If the case involves a blood test by the state toxicology  
16 laboratory,))~~ The remainder of the fee shall be forwarded to the state  
17 treasurer ((for)) who shall, through June 30, 1997, deposit: Fifty  
18 percent in the death investigations' account to be used solely for  
19 funding the state toxicology laboratory blood or breath testing  
20 programs((-

21 ~~(c) Otherwise, the remainder of the fee shall be forwarded to the  
22 state treasurer for deposit)); and fifty percent in the state patrol  
23 highway account to be used solely for funding ((the Washington state  
24 patrol breath test program)) activities to increase the conviction rate  
25 and decrease the incidence of persons driving under the influence of  
26 alcohol or drugs. Effective July 1, 1997, the remainder of the fee  
27 shall be forwarded to the state treasurer who shall deposit: Fifteen  
28 percent in the death investigations' account to be used solely for  
29 funding the state toxicology laboratory blood or breath testing  
30 programs; and eighty-five percent in the state patrol highway account  
31 to be used solely for funding activities to increase the conviction  
32 rate and decrease the incidence of persons driving under the influence  
33 of alcohol or drugs.~~

34 **Sec. 16.** RCW 66.08.180 and 1987 c 458 s 10 are each amended to  
35 read as follows:

36 Moneys in the liquor revolving fund shall be distributed by the  
37 board at least once every three months in accordance with RCW  
38 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall

1 reserve from distribution such amount not exceeding five hundred  
2 thousand dollars as may be necessary for the proper administration of  
3 this title(~~(:—AND PROVIDED FURTHER, That))~~).

4 (1) All license fees, penalties and forfeitures derived under this  
5 act from class H licenses or class H licensees shall every three months  
6 be disbursed by the board as follows:

7 ~~((1) 5.95 percent to the University of Washington and 3.97 percent~~  
8 ~~to Washington State University for alcoholism and drug abuse research~~  
9 ~~and for the dissemination of such research;~~

10 ~~(2) 1.75 percent, but in no event less than one)) (a) Three hundred~~  
11 ~~((fifty)) thousand dollars per biennium, to the University of~~  
12 ~~Washington for the forensic investigations council to conduct the state~~  
13 ~~toxicological laboratory pursuant to RCW ((68.08.107)) 68.50.107; and~~

14 ~~((3) 88.33)) (b) Of the remaining funds:~~

15 ~~(i) 6.06 percent to the University of Washington and 4.04 percent~~  
16 ~~to Washington State University for alcoholism and drug abuse research~~  
17 ~~and for the dissemination of such research; and~~

18 ~~(ii) 89.9 percent to the general fund to be used by the department~~  
19 ~~of social and health services solely to carry out the purposes of RCW~~  
20 ~~((70.96.085, as now or hereafter amended)) 70.96A.050;~~

21 ~~((4)) (2) The first fifty-five dollars per license fee provided~~  
22 ~~in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty~~  
23 ~~thousand dollars annually shall be disbursed every three months by the~~  
24 ~~board to the general fund to be used for juvenile alcohol and drug~~  
25 ~~prevention programs for kindergarten through third grade to be~~  
26 ~~administered by the superintendent of public instruction;~~

27 ~~((5)) (3) Twenty percent of the remaining total amount derived~~  
28 ~~from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340,~~  
29 ~~66.24.350, 66.24.360, and 66.24.370, shall be transferred to the~~  
30 ~~general fund to be used by the department of social and health services~~  
31 ~~solely to carry out the purposes of RCW ((70.96.085)) 70.96A.050; and~~

32 ~~((6)) (4) One-fourth cent per liter of the tax imposed by RCW~~  
33 ~~66.24.210 shall every three months be disbursed by the board to~~  
34 ~~Washington State University solely for wine and wine grape research,~~  
35 ~~extension programs related to wine and wine grape research, and~~  
36 ~~resident instruction in both wine grape production and the processing~~  
37 ~~aspects of the wine industry in accordance with RCW 28B.30.068. The~~  
38 ~~director of financial management shall prescribe suitable accounting~~  
39 ~~procedures to ensure that the funds transferred to the general fund to~~



1 be used by the department of social and health services and  
2 appropriated are separately accounted for.

3 NEW SECTION. **Sec. 17.** 1994 c 275 s 44 (uncodified) is repealed.

4 NEW SECTION. **Sec. 18.** Section 17 of this act is necessary for the  
5 immediate preservation of the public peace, health, or safety, or  
6 support of the state government and its existing public institutions,  
7 and shall take effect immediately.

Passed the Senate April 19, 1995.

Passed the House April 11, 1995.

Approved by the Governor May 16, 1995.

Filed in Office of Secretary of State May 16, 1995.