

SENATE BILL REPORT

SSB 6100

As Amended by House, April 4, 2007

Title: An act relating to charitable donations.

Brief Description: Limiting the use of charitable donations in charging decisions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline and Brandland).

Brief History:

Committee Activity: Judiciary: 1/10/07, 2/28/07 [DPS].

Passed Senate: 3/14/07, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

Staff: Lidia Mori (786-7755)

Background: Concern has been expressed regarding the propriety of some city practices that allow the city prosecuting attorney to dismiss or reduce misdemeanor charges based upon contributions to charitable organizations chosen by the prosecuting attorney. This practice is neither authorized nor prohibited by state law.

There are a number of state authorized funds supported by monies collected as part of criminal penalties, including: the Public Safety and Education Account, the Judicial Information Systems Account, the City General Fund, the City General Fund to Local Courts, the County Current Expense Fund, the County Current Expense Fund to Local Courts, the Death Investigations Account, the State Patrol Highway Account, and a County fund for support of crime victims and facilitation of testimony of victims and witnesses of crime. The monetary penalties going to these funds are ordered by a judge and disposition of money in these funds is subject to audit.

Summary of Substitute Bill: A city attorney, county prosecutor, or other prosecuting authority may not dismiss, amend, or agree not to file a criminal charge or traffic infraction in exchange for a contribution, donation, or payment to any person, corporation, or organization. Payments to any specific fund authorized by state statute, or collection of costs

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associated with actual supervision, treatment, or collection of restitution under a pretrial diversion program are permitted.

A city attorney or prosecutor is not prohibited from the collection of costs associated with actual supervision.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Even though this bill restricts prosecutors' discretion, the Washington Association of Prosecuting Attorneys is supporting it. If someone is going to be coerced into doing something, it should be authorized by the state. The crimes that were involved in the issue addressed by this bill occurred in Pasco and Kennewick and included offenses like driving under the influence and other public safety crimes.

CON: This legislation is not necessary; the behavior on which the bill is focused did not occur throughout the state. It happened in Franklin County. There are concerns that this bill might conflict with RCW 10.22, the compromise of misdemeanors statute.

Persons Testifying: PRO: Tom McBride, Washington Association of Prosecuting Attorneys.

CON: John Sinclair, Washington Association of Criminal Defense Lawyers.

House Amendment(s): It is clarified that payment of costs of pretrial supervision are not prohibited by the act.