
SENATE BILL 5872

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline, Fraser and Pridemore

Read first time 02/05/2007. Referred to Committee on Ways & Means.

1 AN ACT Relating to requiring the projected costs of certain
2 criminal justice legislation to be appropriated into accounts to be
3 used for capital costs; adding a new section to chapter 43.88A RCW;
4 adding a new section to chapter 43.132 RCW; adding a new section to
5 chapter 43.330 RCW; adding new sections to chapter 43.79 RCW; and
6 adding a new section to chapter 43.135 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88A RCW
9 to read as follows:

10 (1) The office of financial management shall prepare a fiscal note
11 under this chapter for any bill introduced before the legislature that
12 would result in a net increase in periods of incarceration in state
13 adult or juvenile correctional facilities.

14 (2) The office of financial management shall forward a copy of each
15 required fiscal note under subsection (1) of this section to the
16 sponsor of the bill that has been introduced before the legislature.
17 The sponsor shall, on a form devised or adopted by the office of
18 financial management, state a revenue source or budget reduction
19 declaring how the proposed bill will be funded. The sponsor must

1 return the form back to the office of financial management. The office
2 of financial management shall transmit copies of the response form to
3 the chairperson of the committee to which the bill was referred upon
4 introduction in the house of origin and the appropriate legislative
5 fiscal committees.

6 (3) The fiscal note requirement in subsection (1) of this section
7 applies, at a minimum, to bills that:

8 (a) Add new crimes for which incarceration is authorized;

9 (b) Increase the periods of incarceration authorized for existing
10 crimes;

11 (c) Impose or increase mandatory minimum terms of incarceration; or

12 (d) Modify the law governing the release of adult or juvenile
13 offenders in such a way that the time of incarceration is increased.

14 (4)(a) For each law enacted for which a fiscal note is required
15 under this section, the legislature shall make a one-time transfer from
16 the general fund to the state corrections special reserve account.
17 Except as provided in (b) of this subsection, the transfer required
18 under this subsection shall be in an amount equal to the estimated
19 increase in state operating costs associated with the law for the year
20 containing the highest increase in such costs on the fiscal note.

21 (b) The transfer may be in an amount determined by the legislature
22 if:

23 (i) The fiscal note estimates the increased operating costs as
24 indeterminate; or

25 (ii) The legislature's best estimate of the increased operating
26 costs differs from the amount estimated in the fiscal note.

27 (5) The fiscal note required by this section shall estimate any
28 identified increased operating costs associated with the proposed
29 legislation for the succeeding twelve-year period. If the estimated
30 twelve-year increase in operating costs exceeds one million dollars,
31 the fiscal note shall estimate any identified increased operating costs
32 associated with the proposed legislation for an additional eight-year
33 period.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.132 RCW
35 to read as follows:

36 (1) The office of financial management shall prepare a fiscal note

1 under this chapter for any bill introduced before the legislature that
2 would result in a net increase in periods of incarceration in local
3 adult or juvenile correctional facilities.

4 (2) The fiscal note requirement in subsection (1) of this section
5 applies, at a minimum, to bills that:

6 (a) Add new crimes for which incarceration is authorized;

7 (b) Increase the periods of incarceration authorized for existing
8 crimes;

9 (c) Impose or increase mandatory minimum terms of incarceration; or

10 (d) Modify the law governing the release of adult or juvenile
11 offenders in such a way that the time of incarceration is increased.

12 (3)(a) For each law enacted for which a fiscal note is required
13 under this section, the legislature shall make a one-time transfer from
14 the general fund to the local corrections special reserve account.
15 Except as provided in (b) of this subsection, the transfer required
16 under this subsection shall be in an amount equal to the estimated
17 increase in local operating costs associated with the law for the year
18 containing the highest increase in such costs on the fiscal note.

19 (b) The transfer may be in an amount determined by the legislature
20 if:

21 (i) The fiscal note estimates the increased operating costs as
22 indeterminate; or

23 (ii) The legislature's best estimate of the increased operating
24 costs differs from the amount estimated in the fiscal note.

25 (4) The fiscal note required by this section shall estimate any
26 identified increased operating costs associated with the proposed
27 legislation for the succeeding twelve-year period. If the estimated
28 twelve-year increase in operating costs exceeds one million dollars,
29 the fiscal note shall estimate any identified increased operating costs
30 associated with the proposed legislation for an additional eight-year
31 period.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.330 RCW
33 to read as follows:

34 (1) Counties, cities, towns, and other units of local government
35 may submit petitions to the department for reimbursement of increased
36 capital costs associated with increased offender populations in locally

1 operated adult or juvenile correctional facilities, including the cost
2 of planning or preplanning studies that may be required to initiate
3 capital projects.

4 (2) The department, in consultation with the Washington association
5 of sheriffs and police chiefs, shall develop procedures for processing
6 the petitions, for auditing the validity of the petitions, and for
7 prioritizing the petitions. Prioritization of the petitions shall be
8 based on, but not limited to, factors such as disproportionate fiscal
9 impact relative to the county budget, efficient use of resources, and
10 whether the costs were mainly incurred because of changes in state
11 criminal law.

12 (3) Before January 1st of each year, the department, in
13 consultation with the Washington association of sheriffs and police
14 chiefs, shall develop and submit to the appropriate fiscal committees
15 of the legislature a prioritized list of submitted petitions that are
16 recommended for funding by the legislature.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.79 RCW
18 to read as follows:

19 The local corrections special reserve account is created in the
20 state treasury. Revenues to the account shall consist of moneys
21 transferred into the account under section 2 of this act and any
22 interest thereon. Moneys in the account may be spent only after
23 appropriation. Expenditures from the account may be used only for
24 reimbursement of local government capital expenses pursuant to the
25 prioritized list developed in section 3 of this act.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.79 RCW
27 to read as follows:

28 The state corrections special reserve account is created in the
29 state treasury. Revenues to the account shall consist of moneys
30 transferred into the account under section 1 of this act and any
31 interest thereon. Moneys in the account may be spent only after
32 appropriation. Expenditures from the account may be used only for
33 capital expenses relating to state correctional institutions, including
34 the cost of planning or preplanning studies that may be required to
35 initiate capital projects.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.135 RCW
2 to read as follows:
3 RCW 43.135.035(4) does not apply to the transfers established in
4 sections 1 and 2 of this act.

--- END ---