
HOUSE BILL 1823

State of Washington 61st Legislature 2009 Regular Session

By Representatives Springer, O'Brien, Moeller, Goodman, Green, and Morrell

Read first time 01/30/09. Referred to Committee on Judiciary.

1 AN ACT Relating to recovering costs of prosecuting cases that meet
2 the statutory definition of felony; and amending RCW 39.34.180.

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

4 **Sec. 1.** RCW 39.34.180 and 2001 c 68 s 4 are each amended to read
5 as follows:

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

1 (2) If a county declines to file a charge that meets the statutory
2 definition of a felony and refers the case to a city or town to
3 consider filing the charge as a misdemeanor or gross misdemeanor, the
4 county shall reimburse the city or town for the costs of the referral.
5 For purposes of this subsection, reimbursement shall not be required
6 for such a referral if the county's decision to decline to file is
7 based on proof issues that reduce the potential charge to a misdemeanor
8 or gross misdemeanor, as opposed to a county's filing standards. Costs
9 of such a referral shall include attorney time, support staff time,
10 photocopying costs, and the cost of any other materials relating to the
11 case. The costs shall begin accruing at the time the city or town
12 receives the referral and shall continue to accrue until the case is
13 closed, which may include any appellate or writ proceedings. In lieu
14 of reimbursing costs as required by this subsection, cities and
15 counties may enter into interlocal agreements pursuant to this section,
16 in the manner described in this section.

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

23 ~~((3))~~ (4) If an agreement as to the levels of compensation within
24 an interlocal agreement or contract for gross misdemeanor and
25 misdemeanor services cannot be reached between a city and county, then
26 either party may invoke binding arbitration on the compensation issued
27 by notice to the other party. In the case of establishing initial
28 compensation, the notice shall request arbitration within thirty days.
29 In the case of nonrenewal of an existing contract or interlocal
30 agreement, the notice must be given one hundred twenty days prior to
31 the expiration of the existing contract or agreement and the existing
32 contract or agreement remains in effect until a new agreement is
33 reached or until an arbitration award on the matter of fees is made.
34 The city and county each select one arbitrator, and the initial two
35 arbitrators pick a third arbitrator.

36 ~~((4))~~ (5) A city or county that wishes to terminate an agreement
37 for the provision of court services must provide written notice of the

1 intent to terminate the agreement in accordance with RCW 3.50.810 and
2 35.20.010.

3 ((+5+)) (6) For cities or towns that have not adopted, in whole or
4 in part, criminal code or ordinance provisions related to misdemeanor
5 and gross misdemeanor crimes as defined by state law, this section
6 shall have no application until July 1, 1998.

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