

**E2SHB 2872** - S AMD TO S-5145.3 747

By Senators Benton, Baumgartner, Miloscia

NOT ADOPTED 03/08/2016

1 On page 4, after line 7 of the amendment, insert the following:

2

3 "Sec. 8. RCW 43.43.050 and 1965 c 8 s 43.43.050 are each  
4 amended to read as follows:

5 (1) Washington state patrol officers ((shall be)) are entitled  
6 to retain their ranks and positions until death or resignation, or  
7 until suspended, demoted, or discharged in the manner hereinafter  
8 provided.

9 (2) Any Washington state local law enforcement agency that  
10 employs a current or former state patrol officer within thirty-six  
11 months of the officer's initial appointment as a state patrol  
12 officer must incur the costs of training the officer. The state  
13 treasurer must withhold from distribution to individual cities and  
14 counties under RCW 82.14.310 and 82.14.320 an amount equal to the  
15 costs incurred by the state patrol in recruiting and training the  
16 state patrol officer, as determined jointly by the state treasurer  
17 and the chief of the Washington state patrol. The amount withheld  
18 must be deposited into the state patrol highway account to be used  
19 solely for the Washington state patrol academy.

20

21 **Sec. 9.** RCW 82.14.310 and 2013 2nd sp.s. c 4 s 1004 are each  
22 amended to read as follows:

23 (1) The county criminal justice assistance account is created in  
24 the state treasury. Beginning in fiscal year 2000, the state  
25 treasurer must transfer into the county criminal justice assistance  
26 account from the general fund the sum of twenty-three million two  
27 hundred thousand dollars divided into four equal deposits occurring

1 on July 1, October 1, January 1, and April 1. For each fiscal year  
2 thereafter, the state treasurer must increase the total transfer by  
3 the fiscal growth factor, as defined in RCW 43.135.025, forecast for  
4 that fiscal year by the office of financial management in November  
5 of the preceding year.

6 (2) The moneys deposited in the county criminal justice  
7 assistance account for distribution under this section, less any  
8 moneys deducted under RCW 43.43.050(2) or appropriated for purposes  
9 under subsection (4) of this section, must be distributed at such  
10 times as distributions are made under RCW 82.44.150 and on the  
11 relative basis of each county's funding factor as determined under  
12 this subsection.

13 (a) A county's funding factor is the sum of:

14 (i) The population of the county, divided by one thousand, and  
15 multiplied by two-tenths;

16 (ii) The crime rate of the county, multiplied by three-tenths;  
17 and

18 (iii) The annual number of criminal cases filed in the county  
19 superior court, for each one thousand in population, multiplied by  
20 five-tenths.

21 (b) Under this section and RCW 82.14.320 and 82.14.330:

22 (i) The population of the county or city is as last determined  
23 by the office of financial management;

24 (ii) The crime rate of the county or city is the annual  
25 occurrence of specified criminal offenses, as calculated in the most  
26 recent annual report on crime in Washington state as published by  
27 the Washington association of sheriffs and police chiefs, for each  
28 one thousand in population;

29 (iii) The annual number of criminal cases filed in the county  
30 superior court must be determined by the most recent annual report  
31 of the courts of Washington, as published by the administrative  
32 office of the courts;

33 (iv) Distributions and eligibility for distributions in the  
34 1989-1991 biennium must be based on 1988 figures for both the crime

1 rate as described under (ii) of this subsection and the annual  
2 number of criminal cases that are filed as described under (iii) of  
3 this subsection. Future distributions must be based on the most  
4 recent figures for both the crime rate as described under (ii) of  
5 this subsection and the annual number of criminal cases that are  
6 filed as described under (iii) of this subsection.

7 (3) Moneys distributed under this section must be expended  
8 exclusively for criminal justice purposes and may not be used to  
9 replace or supplant existing funding. Criminal justice purposes are  
10 defined as activities that substantially assist the criminal justice  
11 system, which may include circumstances where ancillary benefit to  
12 the civil or juvenile justice system occurs, and which includes (a)  
13 domestic violence services such as those provided by domestic  
14 violence programs, community advocates, and legal advocates, as  
15 defined in RCW 70.123.020, and (b) during the 2001-2003 fiscal  
16 biennium, juvenile dispositional hearings relating to petitions for  
17 at-risk youth, truancy, and children in need of services. Existing  
18 funding for purposes of this subsection is defined as calendar year  
19 1989 actual operating expenditures for criminal justice purposes.  
20 Calendar year 1989 actual operating expenditures for criminal  
21 justice purposes exclude the following: Expenditures for  
22 extraordinary events not likely to reoccur, changes in contract  
23 provisions for criminal justice services, beyond the control of the  
24 local jurisdiction receiving the services, and major nonrecurring  
25 capital expenditures.

26 (4) Not more than five percent of the funds deposited to the  
27 county criminal justice assistance account may be available for  
28 appropriations for enhancements to the state patrol crime laboratory  
29 system and the continuing costs related to these enhancements. Funds  
30 appropriated from this account for such enhancements may not  
31 supplant existing funds from the state general fund.

32 (5) During the 2011-2013 fiscal biennium, the amount that would  
33 otherwise be transferred into the county criminal justice assistance  
34

1 account from the general fund under subsection (1) of this section  
2 must be reduced by 3.4 percent.

3 (6) During the 2013-2015 fiscal biennium, for the purposes of  
4 substance abuse and other programs for offenders, the legislature  
5 may appropriate from the county criminal justice assistance account  
6 such amounts as are in excess of the amounts necessary to fully meet  
7 the state's obligations to the counties and to the Washington state  
8 patrol. Excess amounts in this account are not the result of  
9 subsection (5) of this section.

10

11 **Sec. 10.** RCW 82.14.320 and 2011 1st sp.s. c 50 s 971 are each  
12 amended to read as follows:

13 (1) The municipal criminal justice assistance account is created  
14 in the state treasury. Beginning in fiscal year 2000, the state  
15 treasurer must transfer into the municipal criminal justice  
16 assistance account for distribution under this section from the  
17 general fund the sum of four million six hundred thousand dollars  
18 divided into four equal deposits occurring on July 1, October 1,  
19 January 1, and April 1. For each fiscal year thereafter, the state  
20 treasurer must increase the total transfer by the fiscal growth  
21 factor, as defined in RCW 43.135.025, forecast for that fiscal year  
22 by the office of financial management in November of the preceding  
23 year.

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

26 (a) The city has a crime rate in excess of one hundred twenty-  
27 five percent of the statewide average as calculated in the most  
28 recent annual report on crime in Washington state as published by  
29 the Washington association of sheriffs and police chiefs;

30 (b) The city has levied the tax authorized in RCW 82.14.030(2)  
31 at the maximum rate or the tax authorized in RCW 82.46.010(3) at the  
32 maximum rate; and

33 (c) The city has a per capita yield from the tax imposed under  
34 RCW 82.14.030(1) at the maximum rate of less than one hundred fifty

1 percent of the statewide average per capita yield for all cities  
2 from such local sales and use tax.

3 (3) The moneys deposited in the municipal criminal justice  
4 assistance account for distribution under this section, less any  
5 moneys deducted under RCW 43.43.050(2) or appropriated for purposes  
6 under subsection (7) of this section, must be distributed at such  
7 times as distributions are made under RCW 82.44.150. The  
8 distributions must be made as follows:

9 (a) Unless reduced by this subsection, thirty percent of the  
10 moneys must be distributed ratably based on population as last  
11 determined by the office of financial management to those cities  
12 eligible under subsection (2) of this section that have a crime rate  
13 determined under subsection (2)(a) of this section which is greater  
14 than one hundred seventy-five percent of the statewide average crime  
15 rate. No city may receive more than fifty percent of any moneys  
16 distributed under this subsection (a) but, if a city distribution is  
17 reduced as a result of exceeding the fifty percent limitation, the  
18 amount not distributed must be distributed under (b) of this  
19 subsection.

20 (b) The remainder of the moneys, including any moneys not  
21 distributed in subsection (2)(a) of this section, must be  
22 distributed to all cities eligible under subsection (2) of this  
23 section ratably based on population as last determined by the office  
24 of financial management.

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

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

33 (6) Moneys distributed under this section must be expended  
34 exclusively for criminal justice purposes and may not be used to

1 replace or supplant existing funding. Criminal justice purposes are  
2 defined as activities that substantially assist the criminal justice  
3 system, which may include circumstances where ancillary benefit to  
4 the civil justice system occurs, and which includes domestic  
5 violence services such as those provided by domestic violence  
6 programs, community advocates, and legal advocates, as defined in  
7 RCW 70.123.020, and publications and public educational efforts  
8 designed to provide information and assistance to parents in dealing  
9 with runaway or at-risk youth. Existing funding for purposes of this  
10 subsection is defined as calendar year 1989 actual operating  
11 expenditures for criminal justice purposes. Calendar year 1989  
12 actual operating expenditures for criminal justice purposes exclude  
13 the following: Expenditures for extraordinary events not likely to  
14 reoccur, changes in contract provisions for criminal justice  
15 services, beyond the control of the local jurisdiction receiving the  
16 services, and major nonrecurring capital expenditures.

17 (7) Not more than five percent of the funds deposited to the  
18 municipal criminal justice assistance account may be available for  
19 appropriations for enhancements to the state patrol crime laboratory  
20 system and the continuing costs related to these enhancements. Funds  
21 appropriated from this account for such enhancements may not  
22 supplant existing funds from the state general fund.

23 (8) During the 2011-2013 fiscal biennium, the amount that would  
24 otherwise be transferred into the municipal criminal justice  
25 assistance account from the general fund under subsection (1) of  
26 this section must be reduced by 3.4 percent."

27 Renumber the remaining sections consecutively and correct any  
28 internal references accordingly.

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30 **E2SHB 2872** S AMD TO S-5145.3

31 By Senator Benton

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1           On page 4, line 11 of the title amendment, after "46.68.030"  
2 strike "and 43.43.380" and insert ", 43.43.380, 43.43.050,  
3 82.14.310, and 82.14.320"

EFFECT:

Requires city or county law enforcement agencies that employ a current or former state patrol officer within 36 months of their initial employment to have the equivalent amount of the cost to train the officer deducted from their distribution of municipal criminal justice assistance funds by the state treasurer's office.

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