

SB 5339 - H AMD 721

By Representative Goehner

NOT CONSIDERED 12/23/2019

1 Beginning on page 1, line 9, strike all of sections 1 and 2 and
2 insert the following:

3 **"Sec. 1.** RCW 43.330.190 and 1999 c 303 s 1 are each amended to
4 read as follows:

5 (1) Counties may ((submit a)) petition ((for relief to)) the
6 office of public defense for reimbursement of ((extraordinary))
7 criminal justice costs((. Extraordinary criminal justice costs are
8 defined as those)) arising from aggravated first degree murder cases,
9 including costs associated with investigation, prosecution, indigent
10 defense, jury impanelment, expert witnesses, interpreters,
11 incarceration, and other adjudication costs ((of aggravated murder
12 cases)).

13 ~~((1) The office of public defense, in consultation with the~~
14 ~~Washington association of prosecuting attorneys and the Washington~~
15 ~~association of sheriffs and police chiefs, shall develop procedures~~
16 ~~for processing the petitions, for auditing the veracity of the~~
17 ~~petitions, and for prioritizing the petitions. Prioritization of the~~
18 ~~petitions shall be based on, but not limited to, such factors as~~
19 ~~disproportionate fiscal impact relative to the county budget,~~
20 ~~efficient use of resources, and whether the costs are extraordinary~~
21 ~~and could not be reasonably accommodated and anticipated in the~~
22 ~~normal budget process.))~~

23 ~~(2) ((Before January 1st of each year, the office of public~~
24 ~~defense, in consultation with the Washington association of~~
25 ~~prosecuting attorneys and the Washington association of sheriffs and~~
26 ~~police chiefs, shall develop and submit to the appropriate fiscal~~
27 ~~committees of the senate and house of representatives a prioritized~~
28 ~~list of submitted petitions that are recommended for funding by the~~
29 ~~legislature.))~~ The office of public defense shall reimburse counties
30 for the costs under subsection (1) of this section. The office of
31 public defense shall establish: (a) Reasonable rates for
32 reimbursements; (b) procedures for the submission and review of
33 petitions; and (c) procedures for disbursement of funds to counties.

1 Reimbursement applications and disbursements may be made on a
2 quarterly basis.

3 (3) The office of public defense shall consult with the caseload
4 forecast council to develop recommendations for annual appropriations
5 to maintain adequate funding for reimbursements required under this
6 section.

7 (4) The office of public defense shall submit an annual report by
8 December 1st of each year to the governor and the appropriate
9 committees of the legislature with recommended appropriations and a
10 summary of the relevant caseload and rates and reimbursements under
11 this section."

12 Correct the title.

EFFECT: (1) Restores the statutory authority to impose the death penalty for convictions of aggravated first degree murder.

(2) Modifies the current law allowing counties to seek reimbursement from the state for extraordinary criminal justice costs arising from aggravated first degree murder cases by:

(a) Allowing petitions to cover any costs associated with aggravated first degree murder cases, rather than extraordinary costs only;

(b) Requiring the Office of Public Defense (OPD) to reimburse counties for all reasonable costs, rather than requiring OPD to consult with specified entities to make recommendations on reimbursements;

(c) Requiring OPD to establish procedures for reviewing petitions and disbursing funds; and

(d) Requiring OPD to consult with the Caseload Forecast Council to make annual recommendations regarding appropriations to fund reimbursements.

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