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**SENATE BILL 6235**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators L. Wilson, Braun, Hasegawa, Rivers, Warnick, and J. Wilson

AN ACT Relating to the city and county criminal justice assistance accounts; amending RCW 82.14.310, 82.14.320, and 82.14.330; creating a new section; and decodifying RCW 82.14.300.

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

NEW SECTION. **Sec.**  The legislature finds and declares that local governments need assistance to be more responsive to 21st century criminal justice concerns. The priority given to such assistance has not been commensurate with the growing number of important challenges communities face. Washington continues to rank last in the nation for the number of law enforcement officers per capita, and local governments continue to have difficulty attracting, retaining, and supporting officers to address this shortage.

The legislature intends to enhance ongoing criminal justice assistance efforts so that local governments may more quickly rebuild and reinforce their justice infrastructures and support additional strategies such as therapeutic courts and comprehensive responses to substance use disorders and related public safety issues that may bring people into contact with the justice system.

**Sec.**  RCW 82.14.310 and 2022 c 157 s 21 are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year ((~~2000~~)) 2025, the state treasurer must transfer into the county criminal justice assistance account from the general fund the sum of ((~~$23,200,000~~)) $125,000,000 divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the ((~~office of financial management~~)) economic and revenue forecast council in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsections (4) and (5) of this section, must be distributed ((~~at such times as distributions are made under RCW 82.44.150 and~~)) on the relative basis of each county's funding factor as determined under this subsection.

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

(i) The population of the county, divided by 1,000, and multiplied by two-tenths;

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

(iii) The annual number of criminal cases filed in the county superior court, for each 1,000 in population, multiplied by five-tenths.

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

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

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each 1,000 in population;

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

(iv) Distributions ((~~and eligibility for distributions in the 1989-1991 biennium must be based on 1988 figures for both the crime rate as described under (b)(ii) of this subsection and the annual number of criminal cases that are filed as described under (b)(iii) of this subsection. Future distributions~~)) must be based on the most recent figures for both the crime rate as described under (b)(ii) of this subsection and the annual number of criminal cases that are filed as described under (b)(iii) of this subsection.

(3) Moneys distributed under this section must be expended exclusively for criminal justice purposes. ((~~Except after May 13, 2021, through December 31, 2023, these~~)) These funds may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes: (a) ((~~domestic~~)) Domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020((~~, and~~)); (b) ((~~during the 2001-2003 fiscal biennium,~~)) juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services; and (c) therapeutic courts. Existing funding for purposes of this subsection is defined as calendar year ((~~1989~~)) 2023 actual operating expenditures for criminal justice purposes. Calendar year ((~~1989~~)) 2023 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

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

(5) Each fiscal biennium, the sum of $510,000, may be appropriated for the Washington state patrol to provide investigative assistance and report services to assist local law enforcement agencies to prosecute criminals.

**Sec.**  RCW 82.14.320 and 2021 c 296 s 3 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. Beginning in fiscal year ((~~2000~~)) 2025, the state treasurer must transfer into the municipal criminal justice assistance account for distribution under this section from the general fund the sum of ((~~$4,600,000~~)) $25,000,000 divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the ((~~office of financial management~~)) economic and revenue forecast council in November of the preceding year.

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

(a) The city has a crime rate in excess of 125 percent of the statewide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

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

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than 150 percent of the statewide average per capita yield for all cities from such local sales and use tax.

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

(a) Unless reduced by this subsection, 30 percent of the moneys must be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than 175 percent of the statewide average crime rate. No city may receive more than 50 percent of any moneys distributed under this subsection ((~~[(3)]~~)) (3)(a) but, if a city distribution is reduced as a result of exceeding the 50 percent limitation, the amount not distributed must be distributed under (b) of this subsection.

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

(4) No city may receive more than 30 percent of all moneys distributed under subsection (3) of this section.

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

(6) Moneys distributed under this section must be expended exclusively for criminal justice purposes. ((~~Except after May 13, 2021, through December 31, 2023, these~~)) These funds may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes ((~~domestic~~)): (a) Domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020((~~, and~~)); (b) publications and public educational efforts designed to provide information and assistance to parents in dealing with runaway or at-risk youth; and (c) therapeutic courts. Existing funding for purposes of this subsection is defined as calendar year ((~~1989~~)) 2023 actual operating expenditures for criminal justice purposes. Calendar year ((~~1989~~)) 2023 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

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

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

**Sec.**  RCW 82.14.330 and 2021 c 296 s 4 are each amended to read as follows:

(1)(a) Beginning in fiscal year ((~~2000~~)) 2025, the state treasurer must transfer into the municipal criminal justice assistance account for distribution under this section from the general fund the sum of ((~~$4,600,000~~)) $25,000,000 divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer must increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the ((~~office of financial management~~)) economic and revenue forecast council in November of the preceding year. The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, must be distributed to the cities of the state as follows:

(i) 20 percent appropriated for distribution must be distributed to cities with a three-year average violent crime rate for each 1,000 in population in excess of 150 percent of the statewide three-year average violent crime rate for each 1,000 in population. The three-year average violent crime rate must be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys must be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year must be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with 10 or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(ii) 16 percent must be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than $1,000.

(b) ((~~The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection (1) must be distributed at such times as distributions are made under RCW 82.44.150.~~

~~(c)~~)) Moneys distributed under this subsection (1) must be expended exclusively for criminal justice purposes. ((~~Except after May 13, 2021, through December 31, 2023, these~~)) These funds may not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes ((~~domestic~~)): (i) Domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020; and (ii) therapeutic courts. Existing funding for purposes of this subsection is defined as calendar year ((~~1989~~)) 2023 actual operating expenditures for criminal justice purposes. Calendar year ((~~1989~~)) 2023 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2)(a) In addition to the distributions under subsection (1) of this section:

(i) 10 percent must be distributed on a per capita basis to cities that contract with another governmental agency for the majority of the city's law enforcement services. Cities that subsequently qualify for this distribution must notify the department of commerce by November 30th for the upcoming calendar year. The department of commerce must provide a list of eligible cities to the state treasurer by December 31st. The state treasurer must modify the distribution of these funds in the following year. Cities have the responsibility to notify the department of commerce of any changes regarding these contractual relationships. Adjustments in the distribution formula to add or delete cities may be made only for the upcoming calendar year; no adjustments may be made retroactively.

(ii) The remaining 54 percent must be distributed to cities and towns by the state treasurer on a per capita basis. These funds must be used for: (A) Innovative law enforcement strategies; (B) programs to help at-risk children or child abuse victim response programs; ((~~and~~)) (C) programs designed to reduce the level of domestic violence or to provide counseling for domestic violence victims; and (D) therapeutic courts.

(b) ((~~The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection (2), less any moneys appropriated for purposes under subsection (4) of this section, must be distributed at the times as distributions are made under RCW 82.44.150.~~)) Moneys remaining undistributed under this subsection at the end of each calendar year must be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with 10 or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(c) If a city is found by the state auditor to have expended funds received under this subsection (2) in a manner that does not comply with the criteria under which the moneys were received, the city is ineligible to receive future distributions under this subsection (2) until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund.

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

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

((~~(5) During the 2011-2013 fiscal biennium, the amount that would otherwise be transferred into the municipal criminal justice assistance account from the general fund under subsection (1) of this section must be reduced by 3.4 percent.~~))

NEW SECTION. **Sec.**  RCW 82.14.300 (Local government criminal justice assistance—Finding) is decodified.

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