
HOUSE BILL 2202

State of Washington

68th Legislature

2024 Regular Session

By Representatives Couture, Griffey, and Hutchins

Read first time 01/09/24. Referred to Committee on Appropriations.

1 AN ACT Relating to providing a state program of assistance for
2 local government indigent public defense and law enforcement costs;
3 adding new sections to chapter 36.26 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.26
6 RCW to read as follows:

7 The legislature recognizes that under the constitution, statutes,
8 and case law, counties bring charges in the name of the state and
9 that the state has delegated to the local governments the duty to
10 provide indigent public defense. Under this legal framework, the
11 legislature fulfills its duty to fund indigent public defense by
12 enacting general laws to provide counties and cities with taxing
13 authority.

14 The state recognizes the significance of indigent defense costs
15 due to criminal case filings. In addition to taxing authority already
16 provided, the legislature intends to provide local governments with
17 state aid for these costs through formula-based funding that is
18 proportional based upon the number of criminal cases filed in the
19 county superior court as a percentage of the total annual number of
20 criminal cases filed in the superior courts of all counties, but also

1 contingent on local governments' commitment to provide law
2 enforcement services to their communities.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.26
4 RCW to read as follows:

5 (1) The state indigent defense and law enforcement assistance
6 account is created in the state treasury. Revenues to the account
7 consist of moneys appropriated by the legislature for distribution to
8 local governments as financial assistance to support law enforcement
9 and indigent public defense services.

10 (2) Pursuant to appropriation the state treasurer must annually
11 distribute moneys deposited in the state indigent defense and law
12 enforcement assistance account pursuant to this section to local
13 governments determined to be eligible to receive moneys by the
14 department of commerce. These funds may only be used for law
15 enforcement and indigent defense as described in this section. The
16 county moneys appropriated shall be distributed among the eligible
17 counties as follows:

18 (a) 50 percent of this amount shall be distributed on a pro rata
19 basis to each eligible county based upon the population of the county
20 as a percentage of the total population of all eligible counties; and

21 (b) 50 percent of this amount shall be distributed on a pro rata
22 basis to each eligible county based upon the annual number of
23 criminal cases filed in the county superior court as a percentage of
24 the total annual number of criminal cases filed in the superior
25 courts of all eligible counties.

26 (3) Under this section:

27 (a) The population and residents of the county is the most recent
28 number determined by the office of financial management;

29 (b) The annual number of criminal cases filed in the county
30 superior court is determined by the most recent annual report of the
31 courts of Washington, as published by the office of the administrator
32 for the courts;

33 (c) Distributions and eligibility for distributions in fiscal
34 year 2025 shall be based on 2024 figures for the annual number of
35 criminal cases that are filed as described under (b) of this
36 subsection. Future distributions shall be based on the most recent
37 figures for the annual number of criminal cases that are filed as
38 described under (b) of this subsection; and

1 (d) A local law enforcement officer has the same meaning as a
2 "general authority Washington peace officer" as defined in RCW
3 10.93.020 who is employed by a unit of local government of this
4 state.

5 (4) Local governments may expend moneys distributed under this
6 section as follows:

7 (a) For distributions made in fiscal year 2025, a county and the
8 municipalities within that county that employ 1.5 full-time local law
9 enforcement officers per 1,000 residents residing in that county may
10 use its allocated funding for indigent defense costs in that county.
11 Both the number of full-time local law enforcement officers employed
12 by the county and those employed by municipalities in total must be
13 included in the determination of whether the 1.5 local law
14 enforcement officers per 1,000 county residents threshold has been
15 met. If the department of commerce determines that a local government
16 cannot verify the full-time employment of 1.5 local law enforcement
17 officers per 1,000 residents residing in that county, then the local
18 government must use its allocated funding to hire additional law
19 enforcement officers until the ratio of 1.5 law enforcement officers
20 to 1,000 residents is met.

21 (b) For distributions made in fiscal year 2026, a county and the
22 municipalities within that county that employ 1.75 full-time local
23 law enforcement officers per 1,000 residents residing in that county
24 may use its allocated funding for indigent defense costs in that
25 county. Both the number of full-time local law enforcement officers
26 employed by the county and those employed by municipalities in total
27 must be included in the determination of whether the 1.75 local law
28 enforcement officers per 1,000 county residents threshold has been
29 met. If the department of commerce determines that a local government
30 cannot verify the full-time employment of 1.75 local law enforcement
31 officers per 1,000 residents residing in that county, then the local
32 government must use its allocated funding to hire additional law
33 enforcement officers until the ratio of 1.75 law enforcement officers
34 to 1,000 residents is met.

35 (c) For distributions made in fiscal year 2027 and thereafter, a
36 county and the municipalities within that county that employs 2.33
37 full-time local law enforcement officers or more per 1,000 residents
38 residing in that county may use its allocated funding for indigent
39 defense costs in that county. Both the number of full-time local law
40 enforcement officers employed by the county and those employed by

1 municipalities in total must be included in the determination of
2 whether the 2.33 local law enforcement officers per 1,000 county
3 residents threshold has been met. If the department of commerce
4 determines that a county cannot verify the full-time employment of
5 2.33 local law enforcement officers per 1,000 residents residing in
6 that county, then the local government must use its allocated funding
7 to hire additional law enforcement officers until the ratio of 2.33
8 law enforcement officers to 1,000 residents is met.

9 (5) The department of commerce must annually consult with experts
10 to determine if the law enforcement officer to resident ratios
11 established under subsection (4) of this section need to be updated
12 or recalibrated and make recommendations to the legislature regarding
13 proposed changes. Any changes to the established ratios must be
14 approved by the legislature before going into effect.

15 (6) (a) Beginning September 1, 2024, and September 1st of each
16 year thereafter, the department of commerce shall jointly consult
17 with the administrative office of the courts, the office of public
18 defense, the Washington association of sheriffs and police chiefs,
19 the Washington state association of counties, and the association of
20 Washington cities to:

21 (i) Review how funds are distributed proportionally to the
22 counties and the municipalities within the county to provide
23 financial assistance for the hiring of county and municipal law
24 enforcement officers;

25 (ii) Ensure that the formula in subsection (2) (b) of this section
26 includes procedures for distributing funding proportionally based
27 upon each county's actual criminal case filings from the previous
28 state fiscal year. In adjusting for proportionality, these costs may
29 be adjusted annually for inflation, population growth, or changes in
30 criminal court filings; and

31 (iii) Review whether local governments have spent funds as
32 authorized in subsection (4) of this section.

33 (b) Beginning October 1, 2024, and October 1st of each year
34 thereafter, the department must, prior to the annual distribution
35 date, determine whether each local government has in the previous
36 calendar year maintained a law enforcement per capita ratio as
37 defined in subsection (4) of this section. If the department
38 determines that a local government has not maintained the required
39 law enforcement per-capita ratio, then it must notify the office of
40 the state treasurer by no later than October 30th of the same year

1 that limitations apply to the local government's use of the moneys
2 distributed under this section.

3 (c) By November 15th of each year, the department must inform
4 each local government what proportion of its allocated funding must
5 be used to employ additional law enforcement officers and what
6 proportion of their remaining allocated funding may be used for
7 indigent defense costs in that county.

8 (7) The department of commerce may require any funding not
9 distributed under subsection (2) of this section or in instances
10 where local governments cannot hire law enforcement officers to
11 fulfill their respective annual ratio, that such moneys be returned
12 to the state treasurer for deposit in the state indigent defense and
13 law enforcement assistance account.

14 NEW SECTION. **Sec. 3.** Beginning July 1, 2024, the state
15 treasurer shall annually transfer a minimum of \$200,000,000 to the
16 state indigent defense and law enforcement assistance account created
17 in section 2 of this act.

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