
SENATE BILL 6235

State of Washington

68th Legislature

2024 Regular Session

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

Read first time 01/15/24. Referred to Committee on Ways & Means.

1 AN ACT Relating to the city and county criminal justice
2 assistance accounts; amending RCW 82.14.310, 82.14.320, and
3 82.14.330; creating a new section; and decodifying RCW 82.14.300.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that
6 local governments need assistance to be more responsive to 21st
7 century criminal justice concerns. The priority given to such
8 assistance has not been commensurate with the growing number of
9 important challenges communities face. Washington continues to rank
10 last in the nation for the number of law enforcement officers per
11 capita, and local governments continue to have difficulty attracting,
12 retaining, and supporting officers to address this shortage.

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

19 **Sec. 2.** RCW 82.14.310 and 2022 c 157 s 21 are each amended to
20 read as follows:

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

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

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

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

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

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

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

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

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

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

37 (iv) Distributions (~~and eligibility for distributions in the~~
38 ~~1989-1991 biennium must be based on 1988 figures for both the crime~~
39 ~~rate as described under (b) (ii) of this subsection and the annual~~
40 ~~number of criminal cases that are filed as described under (b) (iii)~~

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

5 (3) Moneys distributed under this section must be expended
6 exclusively for criminal justice purposes. (~~Except after May 13,~~
7 ~~2021, through December 31, 2023, these~~) These funds may not be used
8 to replace or supplant existing funding. Criminal justice purposes
9 are defined as activities that substantially assist the criminal
10 justice system, which may include circumstances where ancillary
11 benefit to the civil or juvenile justice system occurs, and which
12 includes: (a) (~~domestic~~) Domestic violence services such as those
13 provided by domestic violence programs, community advocates, and
14 legal advocates, as defined in RCW 70.123.020(~~, and~~); (b) (~~during~~
15 ~~the 2001-2003 fiscal biennium,~~) juvenile dispositional hearings
16 relating to petitions for at-risk youth, truancy, and children in
17 need of services; and (c) therapeutic courts. Existing funding for
18 purposes of this subsection is defined as calendar year (~~1989~~) 2023
19 actual operating expenditures for criminal justice purposes. Calendar
20 year (~~1989~~) 2023 actual operating expenditures for criminal justice
21 purposes exclude the following: Expenditures for extraordinary events
22 not likely to reoccur, changes in contract provisions for criminal
23 justice services, beyond the control of the local jurisdiction
24 receiving the services, and major nonrecurring capital expenditures.

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

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

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

37 (1) The municipal criminal justice assistance account is created
38 in the state treasury. Beginning in fiscal year (~~2000~~) 2025, the
39 state treasurer must transfer into the municipal criminal justice

1 assistance account for distribution under this section from the
2 general fund the sum of (~~(\$4,600,000)~~) \$25,000,000 divided into four
3 equal deposits occurring on July 1, October 1, January 1, and April
4 1. For each fiscal year thereafter, the state treasurer must increase
5 the total transfer by the fiscal growth factor, as defined in RCW
6 43.135.025, forecast for that fiscal year by the (~~office of~~
7 ~~financial management~~) economic and revenue forecast council in
8 November of the preceding year.

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

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

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

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

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

28 (a) Unless reduced by this subsection, 30 percent of the moneys
29 must be distributed ratably based on population as last determined by
30 the office of financial management to those cities eligible under
31 subsection (2) of this section that have a crime rate determined
32 under subsection (2)(a) of this section which is greater than 175
33 percent of the statewide average crime rate. No city may receive more
34 than 50 percent of any moneys distributed under this subsection
35 (~~(+3+)~~) (3)(a) but, if a city distribution is reduced as a result
36 of exceeding the 50 percent limitation, the amount not distributed
37 must be distributed under (b) of this subsection.

38 (b) The remainder of the moneys, including any moneys not
39 distributed in subsection (2)(a) of this section, must be distributed
40 to all cities eligible under subsection (2) of this section ratably

1 based on population as last determined by the office of financial
2 management.

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

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

11 (6) Moneys distributed under this section must be expended
12 exclusively for criminal justice purposes. (~~Except after May 13,~~
13 ~~2021, through December 31, 2023, these~~) These funds may not be used
14 to replace or supplant existing funding. Criminal justice purposes
15 are defined as activities that substantially assist the criminal
16 justice system, which may include circumstances where ancillary
17 benefit to the civil justice system occurs, and which includes
18 (~~domestic~~): (a) Domestic violence services such as those provided
19 by domestic violence programs, community advocates, and legal
20 advocates, as defined in RCW 70.123.020(~~, and~~); (b) publications
21 and public educational efforts designed to provide information and
22 assistance to parents in dealing with runaway or at-risk youth; and
23 (c) therapeutic courts. Existing funding for purposes of this
24 subsection is defined as calendar year (~~1989~~) 2023 actual operating
25 expenditures for criminal justice purposes. Calendar year (~~1989~~)
26 2023 actual operating expenditures for criminal justice purposes
27 exclude the following: Expenditures for extraordinary events not
28 likely to reoccur, changes in contract provisions for criminal
29 justice services, beyond the control of the local jurisdiction
30 receiving the services, and major nonrecurring capital expenditures.

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

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

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

3 (1)(a) Beginning in fiscal year ~~((2000))~~ 2025, the state
4 treasurer must transfer into the municipal criminal justice
5 assistance account for distribution under this section from the
6 general fund the sum of ~~((\$4,600,000))~~ \$25,000,000 divided into four
7 equal deposits occurring on July 1, October 1, January 1, and April
8 1. For each fiscal year thereafter, the state treasurer must increase
9 the total transfer by the fiscal growth factor, as defined in RCW
10 43.135.025, forecast for that fiscal year by the ~~((office of~~
11 ~~financial management))~~ economic and revenue forecast council in
12 November of the preceding year. The moneys deposited in the municipal
13 criminal justice assistance account for distribution under this
14 section, less any moneys appropriated for purposes under subsection
15 (4) of this section, must be distributed to the cities of the state
16 as follows:

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

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

37 (b) ~~((The moneys deposited in the municipal criminal justice~~
38 ~~assistance account for distribution under this subsection (1) must be~~
39 ~~distributed at such times as distributions are made under RCW~~
40 ~~82.44.150.~~

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

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

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

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

1 (b) ~~((The moneys deposited in the municipal criminal justice~~
2 ~~assistance account for distribution under this subsection (2), less~~
3 ~~any moneys appropriated for purposes under subsection (4) of this~~
4 ~~section, must be distributed at the times as distributions are made~~
5 ~~under RCW 82.44.150.))~~ Moneys remaining undistributed under this
6 subsection at the end of each calendar year must be distributed to
7 the criminal justice training commission to reimburse participating
8 city law enforcement agencies with 10 or fewer full-time commissioned
9 patrol officers the cost of temporary replacement of each officer who
10 is enrolled in basic law enforcement training, as provided in RCW
11 43.101.200.

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

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

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

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

34 NEW SECTION. **Sec. 5.** RCW 82.14.300 (Local government criminal
35 justice assistance—Finding) is decodified.

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