

**SENATE BILL REPORT**

**SB 5521**

**AS REPORTED BY COMMITTEE ON WAYS & MEANS, APRIL 7, 1993**

**Brief Description:** Funding criminal justice programs.

**SPONSORS:** Senators Loveland, Prince, Vognild, Sheldon, Quigley, Jesernig, Skratek, McAuliffe and Snyder

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

**Staff:** Eugene Green (786-7405)

**Hearing Dates:** February 4, 1993; February 26, 1993

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Second Substitute Senate Bill No. 5521 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Jesernig, Moyer, Pelz, Quigley, Snyder, West, and Williams.

**Staff:** Cindi Holmstrom (786-7715)

**Hearing Dates:** March 4, 1993; April 7, 1993

**BACKGROUND:**

In 1990, the Legislature passed the Local Criminal Justice Fiscal Assistance Act. The act was passed in response to concerns expressed by counties and cities as to the adequacy of their resources to provide for a variety of efficient criminal justice activities. A one-time general fund distribution was given to counties based on each county's size, crime rate and criminal case filings. A one-time general fund distribution was also given to cities: one-half based on crime rates; one-half based on population. For the period July 1, 1990 to January 1, 1994, the act distributes 5.9686 percent of the state Motor Vehicle Excise Tax (MVET) to counties based on population, crime rate, and number of criminal cases filed in the county superior court. For the 1991-1993 biennium, the county distribution is estimated at \$58.3 million. For the period July 1, 1990 to January 1, 1994, the act provides for two distributions of the state MVET to cities. The first distribution is 1.1937 percent of the MVET based on crime rates in excess of 125 percent of the

statewide average. The second city distribution is also 1.1937 percent of the state MVET based on population. For the 1991-1993 biennium, the city distributions are estimated at \$23.3 million. All three of these distributions must be used exclusively for criminal justice programs.

Seven counties are authorized to impose a temporary one-tenth of 1 percent sales tax. King, Snohomish, Spokane, Thurston and Yakima counties have imposed this tax. The revenues from this tax are distributed to the county and the cities within the county essentially ratably based on population. This tax must be approved by the voters and its authorization expires on January 1, 1994. This tax must be used exclusively for criminal justice programs.

The act also created a Task Force on City and County Finances consisting of five members of the Senate, five members of the House, and two nonvoting representatives of the Governor. The task force was to examine and make recommendations on the need for fiscal assistance to cities and counties, the adequacy of city and county revenues, the promotion of efficiencies in local government, and revisions to Initiative 62. The task force was to submit a report to the Legislature by September 1, 1992. It expired on December 31, 1992.

A county legislative authority may establish a local law and justice council, whose membership is determined, in part, by statute. The local law and justice council must develop a local law and justice plan for the county. The general intent of the plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan must also include a section on jail management.

**SUMMARY:**

The state Motor Vehicle Excise Tax distributions to counties and cities for criminal justice programs are continued indefinitely.

Authorization for the one-tenth of 1 percent sales tax for criminal justice programs is made permanent and is extended to all counties. The sales tax is non-voter approved, but is subject to referendum.

A local law and justice council is made mandatory in every county.

The Task Force on City and County Finances is reenacted until December 31, 1995. \$100,000 is appropriated for the task force.

**EFFECT OF PROPOSED SUBSTITUTE:**

The task force is not reenacted. The \$100,000 for the task force is deleted.

**EFFECT OF PROPOSED SECOND SUBSTITUTE:**

Ninety million dollars is appropriated from the general fund to be distributed for local criminal justice assistance programs. The current MVET distributions will sunset on January 1, 1994.

Appropriated funds for counties and for high crime rate cities will be distributed using the same formulas as the current MVET distributions. The city population distribution is eliminated and a new city distribution is provided. The new distribution is divided into the following allocations:

- 1) 20 percent will go to cities based on violent crime rates;
- 2) 16 percent will be distributed based on population;

The remaining city allocation will be distributed based on funding requests to the Department of Community Development (DCD). Criteria for distribution will be established by an advisory committee consisting of a representative from DCD, representatives from the Association of Washington Cities, and representatives from the Association of Washington Sheriffs and Police Chiefs. The allocations through this process will be distributed for the following programs:

- 3) 14 percent will go to cities with innovative law enforcement strategies;
- 4) 20 percent will be allocated to at risk children programs and for child abuse victim response programs;
- 5) 20 percent to reduce the level of domestic violence and for counseling for domestic violence victims; and
- 6) 10 percent to cities who contract with other governmental entities for law enforcement services.

Any remaining funding not distributed will be used to reimburse local law enforcement agencies with fewer than 10 employees for manpower replacement costs when their employees attend training with the Criminal Justice Training Commission.

Also, the requirement that the state reimburse criminal defendants, through the sundry claims process, for legal costs and lost wages when the defendant is acquitted on the basis of self defense is eliminated.

**Appropriation:** \$90,000,000

**Revenue:** yes

**Fiscal Note:** available

**TESTIMONY FOR (Government Operations):**

Counties and cities badly need a continuance of these funds. The money has made an impact and will continue to be well spent.

**TESTIMONY AGAINST (Government Operations):** None

**TESTIFIED (Government Operations):** PRO: Sheriff Montgomery, King Co.; Chief Hamilton, Chehalis; Jim Lynch, Mayor, Wenatchee; Al Ogden, Mayor, Cheney; Mike McCarty; Margaret Casey, WA Assn. of Juvenile Ct. Adm.; Jay Weber, Gary Lowe, WSAC; Siri Wood, WACO; Elaine Willman, Comm. Dev. Dir., City of Toppenish

**TESTIMONY FOR (Ways & Means):**

Continuation of funding for local criminal justice assistance is necessary to keep our commitment to public safety.

**TESTIMONY AGAINST (Ways & Means):** None

**TESTIFIED (Ways & Means):** Senator Valoria Loveland, sponsor; Norm Maleng, King County Prosecutor (pro); Jim Montgomery, King County Sheriff (pro); Jim Scharff, Snohomish County Sheriff (pro); Ron Sims, King County Council (pro).