
HOUSE BILL 1818

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By Representatives R. Fisher, Robertson, Scott, Costa, Mason, Ogden, Wolfe, Conway and Cody; by request of Washington State Patrol

Read first time 02/10/95. Referred to Committee on Transportation.

1 AN ACT Relating to criminal justice funding; amending RCW 82.14.310
2 and 82.14.320; and reenacting and amending RCW 82.44.110.

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

4 **Sec. 1.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to
5 read as follows:

6 (1) The county criminal justice assistance account is created in
7 the state treasury.

8 (2) The moneys deposited in the county criminal justice assistance
9 account for distribution under this section, less any moneys
10 appropriated for purposes under RCW 82.44.110, shall be distributed at
11 such times as distributions are made under RCW 82.44.150 and on the
12 relative basis of each county's funding factor as determined under this
13 subsection.

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

15 (i) The population of the county, divided by one thousand, and
16 multiplied by two-tenths;

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

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

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

5 (i) The population of the county or city shall be as last
6 determined by the office of financial management;

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

12 (iii) The annual number of criminal cases filed in the county
13 superior court shall be determined by the most recent annual report of
14 the courts of Washington, as published by the office of the
15 administrator for the courts.

16 (iv) Distributions and eligibility for distributions in the 1989-91
17 biennium shall be based on 1988 figures for both the crime rate as
18 described under (ii) of this subsection and the annual number of
19 criminal cases that are filed as described under (iii) of this
20 subsection. Future distributions shall be based on the most recent
21 figures for both the crime rate as described under (ii) of this
22 subsection and the annual number of criminal cases that are filed as
23 described under (iii) of this subsection.

24 (3) Moneys distributed under this section shall be expended
25 exclusively for criminal justice purposes and shall not be used to
26 replace or supplant existing funding. Criminal justice purposes are
27 defined as activities that substantially assist the criminal justice
28 system, which may include circumstances where ancillary benefit to the
29 civil justice system occurs, and which includes domestic violence
30 services such as those provided by domestic violence programs,
31 community advocates, and legal advocates, as defined in RCW 70.123.020.
32 Existing funding for purposes of this subsection is defined as calendar
33 year 1989 actual operating expenditures for criminal justice purposes.
34 Calendar year 1989 actual operating expenditures for criminal justice
35 purposes exclude the following: Expenditures for extraordinary events
36 not likely to reoccur, changes in contract provisions for criminal
37 justice services, beyond the control of the local jurisdiction
38 receiving the services, and major nonrecurring capital expenditures.

1 **Sec. 2.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
2 read as follows:

3 (1) The municipal criminal justice assistance account is created in
4 the state treasury.

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

7 (a) The city has a crime rate in excess of one hundred twenty-five
8 percent of the state-wide average as calculated in the most recent
9 annual report on crime in Washington state as published by the
10 Washington association of sheriffs and police chiefs;

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

14 (c) The city has a per capita yield from the tax imposed under RCW
15 82.14.030(1) at the maximum rate of less than one hundred fifty percent
16 of the state-wide average per capita yield for all cities from such
17 local sales and use tax.

18 (3) The moneys deposited in the municipal criminal justice
19 assistance account for distribution under this section, less any moneys
20 appropriated for purposes under RCW 82.44.110, shall be distributed at
21 such times as distributions are made under RCW 82.44.150. The
22 distributions shall be made as follows:

23 (a) Unless reduced by this subsection, thirty percent of the moneys
24 shall be distributed ratably based on population as last determined by
25 the office of financial management to those cities eligible under
26 subsection (2) of this section that have a crime rate determined under
27 subsection (2)(a) of this section which is greater than one hundred
28 seventy-five percent of the state-wide average crime rate. No city may
29 receive more than fifty percent of any moneys distributed under this
30 subsection (a) but, if a city distribution is reduced as a result of
31 exceeding the fifty percent limitation, the amount not distributed
32 shall be distributed under (b) of this subsection.

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

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

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

6 (6) Moneys distributed under this section shall be expended
7 exclusively for criminal justice purposes and shall not be used to
8 replace or supplant existing funding. Criminal justice purposes are
9 defined as activities that substantially assist the criminal justice
10 system, which may include circumstances where ancillary benefit to the
11 civil justice system occurs, and which includes domestic violence
12 services such as those provided by domestic violence programs,
13 community advocates, and legal advocates, as defined in RCW 70.123.020.
14 Existing funding for purposes of this subsection is defined as calendar
15 year 1989 actual operating expenditures for criminal justice purposes.
16 Calendar year 1989 actual operating expenditures for criminal justice
17 purposes exclude the following: Expenditures for extraordinary events
18 not likely to reoccur, changes in contract provisions for criminal
19 justice services, beyond the control of the local jurisdiction
20 receiving the services, and major nonrecurring capital expenditures.

21 **Sec. 3.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s 253
22 are each reenacted and amended to read as follows:

23 The county auditor shall regularly, when remitting license fee
24 receipts, pay over and account to the director of licensing for the
25 excise taxes collected under the provisions of this chapter. The
26 director shall forthwith transmit the excise taxes to the state
27 treasurer.

28 (1) The state treasurer shall deposit the excise taxes collected
29 under RCW 82.44.020(1) as follows:

30 (a) 1.60 percent into the motor vehicle fund to defray
31 administrative and other expenses incurred by the department in the
32 collection of the excise tax.

33 (b) 8.15 percent into the Puget Sound capital construction account
34 in the motor vehicle fund.

35 (c) 4.07 percent into the Puget Sound ferry operations account in
36 the motor vehicle fund.

37 (d) 5.88 percent into the general fund to be distributed under RCW
38 82.44.155.

1 (e) 4.75 percent into the municipal sales and use tax equalization
2 account in the general fund created in RCW 82.14.210.

3 (f) 1.60 percent into the county sales and use tax equalization
4 account in the general fund created in RCW 82.14.200.

5 (g) 62.6440 percent into the general fund through June 30, 1995,
6 and 57.6440 percent into the general fund beginning July 1, 1995.

7 (h) 5 percent into the transportation fund created in RCW 82.44.180
8 beginning July 1, 1995.

9 (i) 5.9686 percent into the county criminal justice assistance
10 account created in RCW 82.14.310.

11 (j) 1.1937 percent into the municipal criminal justice assistance
12 account for distribution under RCW 82.14.320.

13 (k) 1.1937 percent into the municipal criminal justice assistance
14 account for distribution under RCW 82.14.330.

15 (l) 2.95 percent into the general fund to be distributed by the
16 state treasurer to county health departments to be used exclusively for
17 public health. The state treasurer shall distribute these funds
18 proportionately among the counties based on population as determined by
19 the most recent United States census.

20 Notwithstanding (i) through (k) of this subsection, no more than
21 sixty million dollars shall be deposited into the accounts specified in
22 (i) through (k) of this subsection for the period January 1, 1994,
23 through June 30, 1995. Not more than seven percent of the funds
24 deposited to these accounts shall be available for appropriations for
25 enhancements to the telecommunication and criminal history information
26 systems and the state patrol crime laboratory system and the continuing
27 costs related to these enhancements. For the fiscal year ending June
28 30, 1998, and for each fiscal year thereafter, the amounts deposited
29 into the accounts specified in (i) through (k) of this subsection shall
30 not increase by more than the amounts deposited into those accounts in
31 the previous fiscal year increased by the implicit price deflator for
32 the previous fiscal year. Any revenues in excess of this amount shall
33 be deposited into the general fund.

34 (2) The state treasurer shall deposit the excise taxes collected
35 under RCW 82.44.020(2) into the transportation fund.

1 (3) The state treasurer shall deposit the excise tax imposed by RCW
2 82.44.020(3) into the air pollution control account created by RCW
3 70.94.015.

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