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HOUSE BILL 3103

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State of Washington

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By Representatives G. Chandler, Sump, Doumit, Mastin, Cox, B. Chandler, Mulliken, McMorris, Clements, Schoesler, Eickmeyer, Wolfe and Boldt

Read first time 01/31/2000. Referred to Committee on Appropriations.

1 AN ACT Relating to a revenue source for local criminal justice  
2 funding; amending RCW 82.08.160, 82.14.310, 82.14.320, and 82.14.330;  
3 and providing an effective date.

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

5 **Sec. 1.** RCW 82.08.160 and 1982 1st ex.s. c 35 s 4 are each amended  
6 to read as follows:

7 On or before the twenty-fifth day of each month, all taxes  
8 collected under RCW 82.08.150 during the preceding month shall be  
9 remitted to the state department of revenue, to be deposited with the  
10 state treasurer. Upon receipt of such moneys the state treasurer shall  
11 credit (~~sixty-five percent of the sums collected and remitted under~~  
12 ~~RCW 82.08.150 (1) and (2) and one hundred percent of the sums collected~~  
13 ~~and remitted under RCW 82.08.150 (3) and (4) to the state general fund~~  
14 ~~and~~) thirty-five percent of the sums collected and remitted under RCW  
15 82.08.150 (1) and (2) to a fund which is hereby created to be known as  
16 the "liquor excise tax fund." Of the remaining sums collected and  
17 remitted under RCW 82.08.150 (1), (2), (3), and (4), the state  
18 treasurer shall credit thirty-five percent to the county criminal  
19 justice assistance account for distribution under RCW 82.14.310, seven

1 percent to the municipal criminal justice assistance account for  
2 distribution under RCW 82.14.320, seven percent to the municipal  
3 criminal justice assistance account for distribution under RCW  
4 82.14.330, and the remainder to the state general fund.

5 **Sec. 2.** RCW 82.14.310 and 1999 c 309 s 920 are each amended to  
6 read as follows:

7 (1) The county criminal justice assistance account is created in  
8 the state treasury. Beginning in fiscal year 2000, the state treasurer  
9 shall transfer into the county criminal justice assistance account from  
10 the general fund the sum of twenty-three million two hundred thousand  
11 dollars divided into four equal deposits occurring on July 1, October  
12 1, January 1, and April 1. For each fiscal year thereafter, the state  
13 treasurer shall increase the total transfer by the fiscal growth  
14 factor, as defined in RCW 43.135.025, forecast for that fiscal year by  
15 the office of financial management in November of the preceding year.

16 (2) The moneys deposited in the county criminal justice assistance  
17 account for distribution under this section, less any moneys  
18 appropriated for purposes under subsection (4) of this section, shall  
19 be distributed (~~(at such times as distributions are made under RCW~~  
20 ~~82.44.150)) on the first day of the months of January, April, July, and  
21 October of each year and on the relative basis of each county's funding  
22 factor as determined under this subsection.~~

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

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

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

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

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

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

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

1 (iii) The annual number of criminal cases filed in the county  
2 superior court shall be determined by the most recent annual report of  
3 the courts of Washington, as published by the office of the  
4 administrator for the courts;

5 (iv) Distributions and eligibility for distributions in the 1989-91  
6 biennium shall be based on 1988 figures for both the crime rate as  
7 described under (ii) of this subsection and the annual number of  
8 criminal cases that are filed as described under (iii) of this  
9 subsection. Future distributions shall be based on the most recent  
10 figures for both the crime rate as described under (ii) of this  
11 subsection and the annual number of criminal cases that are filed as  
12 described under (iii) of this subsection.

13 (3) Moneys distributed under this section shall be expended  
14 exclusively for criminal justice purposes and shall not be used to  
15 replace or supplant existing funding. Criminal justice purposes are  
16 defined as activities that substantially assist the criminal justice  
17 system, which may include circumstances where ancillary benefit to the  
18 civil or juvenile justice system occurs, and which includes (a)  
19 domestic violence services such as those provided by domestic violence  
20 programs, community advocates, and legal advocates, as defined in RCW  
21 70.123.020, and (b) during the 1999-2001 fiscal biennium, juvenile  
22 dispositional hearings relating to petitions for at-risk youth,  
23 truancy, and children in need of services. Existing funding for  
24 purposes of this subsection is defined as calendar year 1989 actual  
25 operating expenditures for criminal justice purposes. Calendar year  
26 1989 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 justice  
29 services, beyond the control of the local jurisdiction receiving the  
30 services, and major nonrecurring capital expenditures.

31 (4) Not more than five percent of the funds deposited to the county  
32 criminal justice assistance account shall 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 shall not supplant  
36 existing funds from the state general fund.

37 **Sec. 3.** RCW 82.14.320 and 1998 c 321 s 12 (Referendum Bill No. 49)  
38 are each amended to read as follows:

1 (1) The municipal criminal justice assistance account is created in  
2 the state treasury. Beginning in fiscal year 2000, the state treasurer  
3 shall transfer into the municipal criminal justice assistance account  
4 for distribution under this section from the general fund the sum of  
5 four million six hundred thousand dollars divided into four equal  
6 deposits occurring on July 1, October 1, January 1, and April 1. For  
7 each fiscal year thereafter, the state treasurer shall increase the  
8 total transfer by the fiscal growth factor, as defined in RCW  
9 43.135.025, forecast for that fiscal year by the office of financial  
10 management in November of the preceding year.

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

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

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

20 (c) The city has a per capita yield from the tax imposed under RCW  
21 82.14.030(1) at the maximum rate of less than one hundred fifty percent  
22 of the state-wide average per capita yield for all cities from such  
23 local sales and use tax.

24 (3) The moneys deposited in the municipal criminal justice  
25 assistance account for distribution under this section, less any moneys  
26 appropriated for purposes under subsection (7) of this section, shall  
27 be distributed (~~((at such times as distributions are made under RCW~~  
28 ~~82.44.150))~~ on the first day of the months of January, April, July, and  
29 October of each year. The distributions shall be made as follows:

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

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

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

8 (5) Notwithstanding other provisions of this section, the  
9 distributions to any city that substantially decriminalizes or repeals  
10 its criminal code after July 1, 1990, and that does not reimburse the  
11 county for costs associated with criminal cases under RCW 3.50.800 or  
12 3.50.805(2), shall be made to the county in which the city is located.

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

31 (7) Not more than five percent of the funds deposited to the  
32 municipal criminal justice assistance account shall 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 shall not supplant  
36 existing funds from the state general fund.

37 **Sec. 4.** RCW 82.14.330 and 1998 c 321 s 13 (Referendum Bill No. 49)  
38 are each amended to read as follows:

1 (1) Beginning in fiscal year 2000, the state treasurer shall  
2 transfer into the municipal criminal justice assistance account for  
3 distribution under this section from the general fund the sum of four  
4 million six hundred thousand dollars divided into four equal deposits  
5 occurring on July 1, October 1, January 1, and April 1. For each  
6 fiscal year thereafter, the state treasurer shall increase the total  
7 transfer by the fiscal growth factor, as defined in RCW 43.135.025,  
8 forecast for that fiscal year by the office of financial management in  
9 November of the preceding year. The moneys deposited in the municipal  
10 criminal justice assistance account for distribution under this  
11 section, less any moneys appropriated for purposes under subsection (4)  
12 of this section, shall be distributed to the cities of the state as  
13 follows:

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

31 (b) Sixteen percent shall be distributed to cities ratably based on  
32 population as last determined by the office of financial management,  
33 but no city may receive less than one thousand dollars.

34 The moneys deposited in the municipal criminal justice assistance  
35 account for distribution under this subsection shall be distributed  
36 ~~((at such times as distributions are made under RCW 82.44.150))~~ on the  
37 first day of the months of January, April, July, and October of each  
38 year.

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

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

18 (a) Fourteen percent shall be distributed to cities that have  
19 initiated innovative law enforcement strategies, including alternative  
20 sentencing and crime prevention programs. No city may receive more  
21 than one dollar per capita under this subsection (2)(a).

22 (b) Twenty percent shall be distributed to cities that have  
23 initiated programs to help at-risk children or child abuse victim  
24 response programs. No city may receive more than fifty cents per  
25 capita under this subsection (2)(b).

26 (c) Twenty percent shall be distributed to cities that have  
27 initiated programs designed to reduce the level of domestic violence  
28 within their jurisdictions or to provide counseling for domestic  
29 violence victims. No city may receive more than fifty cents per capita  
30 under this subsection (2)(c).

31 (d) Ten percent shall be distributed to cities that contract with  
32 another governmental agency for a majority of the city's law  
33 enforcement services.

34 Moneys distributed under this subsection shall be distributed to  
35 those cities that submit funding requests under this subsection to the  
36 department of community, trade, and economic development based on  
37 criteria developed under RCW 82.14.335. Allocation of funds shall be  
38 in proportion to the population of qualified jurisdictions, but the  
39 distribution to a city shall not exceed the amount of funds requested.

1 Cities shall submit requests for program funding to the department of  
2 community, trade, and economic development by November 1 of each year  
3 for funding the following year. The department shall certify to the  
4 state treasurer the cities eligible for funding under this subsection  
5 and the amount of each allocation.

6 The moneys deposited in the municipal criminal justice assistance  
7 account for distribution under this subsection, less any moneys  
8 appropriated for purposes under subsection (4) of this section, shall  
9 be distributed (~~(at the times as distributions are made under RCW~~  
10 ~~82.44.150))~~ on the first day of the months of January, April, July, and  
11 October of each year. Moneys remaining undistributed under this  
12 subsection at the end of each calendar year shall be distributed to the  
13 criminal justice training commission to reimburse participating city  
14 law enforcement agencies with ten or fewer full-time commissioned  
15 patrol officers the cost of temporary replacement of each officer who  
16 is enrolled in basic law enforcement training, as provided in RCW  
17 43.101.200.

18 If a city is found by the state auditor to have expended funds  
19 received under this subsection in a manner that does not comply with  
20 the criteria under which the moneys were received, the city shall be  
21 ineligible to receive future distributions under this subsection until  
22 the use of the moneys are justified to the satisfaction of the director  
23 or are repaid to the state general fund. The director may allow  
24 noncomplying use of moneys received under this subsection upon a  
25 showing of hardship or other emergent need.

26 (3) Notwithstanding other provisions of this section, the  
27 distributions to any city that substantially decriminalizes or repeals  
28 its criminal code after July 1, 1990, and that does not reimburse the  
29 county for costs associated with criminal cases under RCW 3.50.800 or  
30 3.50.805(2), shall be made to the county in which the city is located.

31 (4) Not more than five percent of the funds deposited to the  
32 municipal criminal justice assistance account shall 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 shall not supplant  
36 existing funds from the state general fund.

1      NEW SECTION.    **Sec. 5.**    This act takes effect July 1, 2000.

--- **END** ---