

(17) Section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170;

(18) Section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess., section 3, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.180;

(19) Section 41, chapter 290, Laws of 1953 and RCW 68.05.190;

(20) Section 47, chapter 290, Laws of 1953 and RCW 68.05.200;

(21) Section 48, chapter 290, Laws of 1953, section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210;

(22) Section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220;

(23) Section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess., section 4, chapter 351, Laws of 1977 ex. sess. and RCW 68.05.230;

(24) Section 52, chapter 290, Laws of 1953 and RCW 68.05.240;

(25) Section 49, chapter 290, Laws of 1953 and RCW 68.05.250;

(26) Section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255;

(27) Section 53, chapter 290, Laws of 1953 and RCW 68.05.260;

(28) Section 29, chapter 290, Laws of 1953 and RCW 68.05.270; and

(29) Section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05.280.

Passed the Senate April 24, 1981.

Passed the House April 20, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 335

[Substitute Senate Bill No. 3640]

ATTORNEY GENERAL—CRIMINAL PROSECUTORIAL AUTHORITY

AN ACT Relating to the criminal enforcement authority of the attorney general; adding new sections to chapter 43.10 RCW; and adding a new section to chapter 10.01 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 43.10 RCW a new section to read as follows:

The purpose of section 2 of this act is to grant authority to the attorney general concurrent with the county prosecuting attorneys to investigate and prosecute crimes. The purpose of section 3 of this act is to insure access by the attorney general to the procedural powers of the various prosecuting attorneys in exercising criminal prosecutorial authority granted in section 2 of this act or otherwise granted by the legislature.

NEW SECTION. Sec. 2. There is added to chapter 43.10 RCW a new section to read as follows:

The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

- (1) The county prosecuting attorney of the jurisdiction in which the offense has occurred;
- (2) The governor of the state of Washington; or
- (3) A majority of the committee charged with the oversight of the organized crime intelligence unit.

Such request or concurrence shall be communicated in writing to the attorney general.

NEW SECTION. Sec. 3. There is added to chapter 43.10 RCW a new section to read as follows:

If both a prosecuting attorney and the attorney general file an information or indictment charging a defendant with substantially the same offense(s), the court shall, upon motion of either the prosecuting attorney or the attorney general:

- (1) Determine whose prosecution of the case will best promote the interests of justice and enter an order designating that person as the prosecuting authority in the case; and
- (2) Enter an order dismissing the information or indictment filed by the person who was not designated the prosecuting authority.

NEW SECTION. Sec. 4. There is added to chapter 10.01 RCW a new section to read as follows:

In any criminal proceeding instituted or conducted by the attorney general, the attorney general and assistants are deemed to be prosecuting attorneys and have all prosecutorial powers vested in prosecuting attorneys of the state of Washington by statute or court rule.

NEW SECTION. Sec. 5. This act shall terminate on June 30, 1985, unless extended by law. The legislative budget committee shall cause a performance audit to be conducted on the operation of this act. The final audit report shall be available to the legislature at least six months prior to the scheduled termination date. The audit shall include, but is not limited to, objective findings of fact, conclusions and recommendations as to continuation, modification, or termination of this act.

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