

CHAPTER 123

[Engrossed Senate Bill No. 2491]

ADULT PROBATION SERVICES--SPECIAL ADULT
SUPERVISION PROGRAMS

AN ACT Relating to adult probation services; authorizing the department of social and health services to make payment of state funds to counties for special adult supervision programs; creating a new chapter in Title 9 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to permit a more even administration of justice in the courts, to rehabilitate adult offenders, and to reduce the necessity for commitment of adults to either state or county institutions for convicted persons by developing, strengthening and improving both public and private resources available in the local communities and counties and the care, treatment and supervision of adults placed in "special adult supervision programs" by the courts of this state.

NEW SECTION. Sec. 2. From any state moneys made available for such purpose, the state of Washington, through the department of social and health services, shall, in accordance with this chapter, share in the cost of supervising and providing services for persons processed in the courts as nondangerous adults who could otherwise be committed by the superior courts to the custody of the department of social and health services, but who are instead granted probation and placed in "special adult supervision programs".

NEW SECTION. Sec. 3. AS used in this chapter:

(1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Special adult supervision program" means a program (a) directly operated by the county or (b) provided for by the county by purchase, contract or agreement, or (c) a combination of subsections (a) and (b), which embodies a degree of supervision substantially above or better than the usual, individualized so as to deal with the individual and his family in the context of his total life, or which embodies the use of new techniques in addition to, or instead of, routine supervision techniques or those otherwise or ordinarily available in the applying county, and which meets the standards prescribed pursuant to this chapter. A person may only be placed in a special adult supervision program pursuant to court order. The

court is hereby authorized to make such order.

(4) "Deferred prosecution" means a special supervision program, for an individual, ordered for a specified period of time by the court prior to a guilty plea to, or a trial on, a felony charge, pursuant to either:

(a) A written agreement of the prosecuting attorney, defendant, and defense counsel, with concurrence by the court; or

(b) A motion by the prosecuting attorney or defendant, the court being satisfied based upon all appropriate evidence, that a deferred prosecution program for the indicated individual is in the best interests of society and of the individual.

A deferred prosecution program shall provide that at the end of the court ordered specified time, if the defendant has satisfied all the conditions of the program, the charge shall be dismissed; but if the defendant does not meet any of the conditions of the program at any time prior to completion of the specified period, the court may enter an order rescinding the deferred prosecution program and authorizing the prosecution to proceed.

The court is hereby authorized to make such orders as are described in this section.

(5) "County" means one county or two or more counties acting jointly or in combination by agreement.

(6) "Court" means a superior court of the state of Washington for a county or judicial district.

NEW SECTION. Sec. 4. The department of social and health services shall adopt rules prescribing minimum standards for the operation of "special adult supervision programs," including those authorized in section 7 of this act, and such other rules as may be necessary for the administration and implementation of the provisions of this chapter. Such standards shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitative practices. The secretary shall seek advice from appropriate county and local officials as well as concerned and involved private citizens in developing standards and procedures for the content and operation of "special adult supervision programs", but the implementation of all such programs shall first be approved by the secretary.

NEW SECTION. Sec. 5. Any county may make application to the department in the manner and form prescribed by the department for financial aid for the cost of "special adult supervision programs". Any such application must include a comprehensive plan or plans developed for providing special adult supervision programs for appropriate persons, and a method of certifying that moneys received are spent only for such "special adult supervision programs".

NEW SECTION. Sec. 6. No county shall be entitled to receive

any state funds provided for the purposes of this chapter until its application is approved, and unless and until the standards prescribed by the department are complied with, and then only on such terms as are set forth in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department. The base commitment rate shall be determined by computing the ratio of the number of persons convicted of felonies and committed to state correctional institutions for convicted felons to the number of persons convicted of felonies, such ratio to be expressed as a rate per hundred persons convicted of felonies for each of the calendar years 1966 through 1970: PROVIDED, That deferred prosecution, deferred and suspended sentences pursuant to Chapters 9.95 RCW and 9.92 RCW, as well as other convictions of felonies shall, for purpose of these computations only, be counted as "convictions of felonies". The average of these rates for a county for the five year period, or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: PROVIDED, FURTHER, That a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described in this subsection.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1) of this section. In addition, the department shall at the same time determine the number of persons placed in special adult supervision programs in each participating county.

(3) The "commitment reduction number" is the amount obtained by subtracting (a) the product of the most recent annual commitment rate and the number of persons convicted of felonies in the county for the same year, from (b) the product of the base commitment rate and the number of persons convicted of felonies in the county for the same year employed in (a).

(4) Except as provided in this chapter, the amount that may be paid to a county pursuant to this chapter shall not exceed the actual cost of the operation of a special adult supervision program. Reimbursement shall be computed by multiplying the commitment reduction number by actual program cost or four thousand eight hundred dollars, whichever is less; and by adding thereto the product obtained by multiplying (a) the number of persons charged with or convicted of felonies in excess of the commitment reduction number who have been placed in a special adult supervision program, if any, by (b) actual program cost or three thousand dollars, whichever is less: PROVIDED, That reimbursement shall not be authorized when a

county exceeds its base commitment rate.

Notwithstanding the limitations set forth in this subsection, there shall be paid to the county on account of each person placed in a deferred prosecution special adult supervision program, one hundred fifteen percent of the amount paid on account of each person placed in a special adult supervision program, but not in a deferred prosecution program.

(5) The secretary shall reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate, and placing appropriate persons in special adult supervision programs. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(6) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary, the secretary may pay to the county a sum not to exceed actual program expenditures: PROVIDED, That in subsequent periods the county will be paid only the amount earned.

(7) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (4) of this section, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(8) Funds received by participating counties pursuant to this chapter shall not be used to replace local funds for existing programs for adults on probation based on either felony or misdemeanor offenses. Such funds may also not be used to develop or build county institutional programs or facilities, except such as qualify pursuant to section 4 of this act.

(9) Any county averaging less than twenty felony commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) of this section may:

(a) Apply for subsidies under subsections (1) through (7) of this section; or

(b) As an alternative, elect to receive from the state the salary of one full-time probation officer and related employee benefits; or

(c) Elect to receive from the state the salary and related

employee benefits of one full-time additional probation officer, and in addition, reimbursement for certain supporting services other than capital outlay and equipment, the total cost of which will not exceed a maximum limit established by the secretary; or

(d) Elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment, the total cost of which will not exceed a maximum limit established by the secretary.

(10) In the event a county chooses one of the alternative proposals set forth in subparagraphs (b), (c) or (d) of subsection (9) of this section, it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of services to provide supervision of persons eligible for state commitment and in special adult supervision programs, and are paid in accordance with a salary schedule adopted by rule of the department, and:

(a) If its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) If its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by four its own base commitment rate.

(11) Where any county does not have a probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties by agreement mutually provide special adult supervision program services for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with such services were one geographical unit.

(12) Notwithstanding the limitations imposed by this section, the secretary may make additional reimbursement of not to exceed ten percent of earnings pursuant to sections 1 through 6 of this act to counties operating and providing special adult supervision program services mutually, jointly, or in combination, in accordance with rules and standards adopted by the secretary.

NEW SECTION. Sec. 7. In the event a participating county elects to broaden its special adult supervision program to provide services and care for misdemeanor offenders, the county, either itself or acting jointly with another county or city, may receive from any state moneys made available for such purpose an additional reimbursement of program costs not to exceed thirty percent of its earnings pursuant to sections 1 through 6 of this act: PROVIDED, That to receive such additional reimbursement, the county, or combination of counties or county and city, must provide a like sum for the purpose of equally matching the state's payment for

misdeemeanant offender special supervision programs.

NEW SECTION. Sec. 8. The secretary may make pro rata payments to eligible counties for periods of less than one year, but for periods of not less than six months, upon satisfactory demonstration of a reduction in commitments and placement of persons in special adult supervision programs in accordance with the provisions of this chapter and the regulations of the department of social and health services.

NEW SECTION. Sec. 9. Notwithstanding any other provision of this chapter, for the first twelve month period of a county's participation, the county shall be paid no less than the product obtained by multiplying (a) the number of persons charged with or convicted of felonies who have been placed in a special adult supervision program, by (b) the actual program cost or three thousand dollars, whichever is less.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 11. The effective date of this act shall be January 1, 1974.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 124

[Senate Bill No. 2552]

PUGET SOUND RESERVE ACCOUNT

AN ACT Relating to revenue and taxation; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 24, Laws of 1972 ex. sess. and RCW 46.68.100; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 24, Laws of 1972 ex. sess. and RCW 82.36.020; and amending section 19, chapter 22, Laws of 1963 ex. sess. as amended by section 5, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.190.

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

Section 1. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 24, Laws of 1972 ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

- (1) ((~~to~~ the cities and towns of the state sums equal to ten