
HOUSE BILL 1538

State of Washington

68th Legislature

2023 Regular Session

By Representatives Griffey, Couture, Walsh, Goehner, and Jacobsen

Read first time 01/24/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to special purpose district malfeasance; amending
2 RCW 36.27.020; adding a new section to chapter 36.96 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there currently
6 exists confusion over the responsibility for prosecuting official
7 malfeasance and misuse of funds in special purpose districts within
8 the state, and that the attorney general and county prosecutors may
9 have overlapping jurisdiction in some matters. It is the intent of
10 the legislature to confirm that county prosecutors may bring charges
11 against the governing members of special purpose districts that
12 operate within their counties when a crime has been committed within
13 their counties or involving people in their counties. In amending RCW
14 36.27.020, it is not the intent of the legislature to indicate that
15 county prosecutors did not previously possess such authority or to
16 substantively change the jurisdiction of county prosecuting
17 attorneys.

18 **Sec. 2.** RCW 36.27.020 and 2016 c 173 s 7 are each amended to
19 read as follows:

20 The prosecuting attorney shall:

1 (1) Be legal adviser of the legislative authority, giving it his
2 or her written opinion when required by the legislative authority or
3 the chairperson thereof touching any subject which the legislative
4 authority may be called or required to act upon relating to the
5 management of county affairs;

6 (2) Be legal adviser to all county and precinct officers and
7 school directors in all matters relating to their official business,
8 and when required draw up all instruments of an official nature for
9 the use of said officers;

10 (3) Appear for and represent the state, county, and all school
11 districts subject to the supervisory control and direction of the
12 attorney general in all criminal and civil proceedings in which the
13 state or the county or any school district in the county may be a
14 party;

15 (4) Prosecute all criminal and civil actions in which the state
16 or the county may be a party, defend all suits brought against the
17 state or the county, and prosecute actions upon forfeited
18 recognizances and bonds and actions for the recovery of debts, fines,
19 penalties, and forfeitures accruing to the state or the county;

20 (5) Attend and appear before and give advice to the grand jury
21 when cases are presented to it for consideration and draw all
22 indictments when required by the grand jury;

23 (6) Institute and prosecute proceedings before magistrates for
24 the arrest of persons charged with or reasonably suspected of
25 felonies when the prosecuting attorney has information that any such
26 offense has been committed and the prosecuting attorney shall for
27 that purpose attend when required by them if the prosecuting attorney
28 is not then in attendance upon the superior court;

29 (7) Carefully tax all cost bills in criminal cases and take care
30 that no useless witness fees are taxed as part of the costs and that
31 the officers authorized to execute process tax no other or greater
32 fees than the fees allowed by law;

33 (8) Receive all cost bills in criminal cases before district
34 judges at the trial of which the prosecuting attorney was not
35 present, before they are lodged with the legislative authority for
36 payment, whereupon the prosecuting attorney may retax the same and
37 the prosecuting attorney must do so if the legislative authority
38 deems any bill exorbitant or improperly taxed;

1 (9) Present all violations of the election laws which may come to
2 the prosecuting attorney's knowledge to the special consideration of
3 the proper jury;

4 (10) Examine once in each year the official bonds of all county
5 and precinct officers and report to the legislative authority any
6 defect in the bonds of any such officer;

7 (11) Seek to reform and improve the administration of criminal
8 justice and stimulate efforts to remedy inadequacies or injustice in
9 substantive or procedural law;

10 (12) Participate in the statewide sexual assault kit tracking
11 system established in RCW 43.43.545 for the purpose of tracking the
12 status of all sexual assault kits connected to criminal
13 investigations and prosecutions within the county. Prosecuting
14 attorneys shall begin full participation in the system according to
15 the implementation schedule established by the Washington state
16 patrol.

17 (13) Prosecute any criminal or civil actions involving a special
18 purpose district as defined in RCW 36.96.010 that is located within
19 the boundaries of the county or that imposes taxes, fees, penalties,
20 or legal authority upon any person that resides or works within the
21 county when the conduct or other action giving rise to the civil or
22 criminal action occurred within the county, or as otherwise
23 authorized by law.

24 NEW SECTION. Sec. 3. A new section is added to chapter 36.96
25 RCW to read as follows:

26 (1) Whenever an action based upon chapter 42.20 RCW or otherwise
27 based on official misconduct is commenced against a member of a
28 governing body, a county legislative authority of a county in which
29 the special purpose district is located may suspend the member of the
30 governing body from office until such action is concluded, and may
31 appoint a person to fill the vacancy as necessary.

32 (2) Upon conviction of any offense under chapter 42.20 RCW or of
33 any conviction involving misconduct in office, the office of any
34 governing body member so convicted shall become vacant as provided
35 for in RCW 42.12.010.

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