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**HOUSE BILL 1538**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

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

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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