

SENATE BILL REPORT

SB 6253

As Passed Senate, February 10, 1996

Title: An act relating to the sentencing guidelines commission.

Brief Description: Revising the duties of the sentencing guidelines commission.

Sponsors: Senators Smith, Kohl and Long; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity: Law & Justice: 1/25/96, 1/31/96 [DP-WM].

Ways & Means: 2/6/96 [DP].

Passed Senate, 2/10/96, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, Winsley and Wojahn.

Staff: Lidia Mori (786-7755)

Background: The 1995 Legislature passed a bill which gave the responsibilities of the Juvenile Disposition Standards Commission to the Sentencing Guidelines Commission effective after June 30, 1997. However, the legislation did not provide any specific policy directives.

The basic powers and duties of the Sentencing Guidelines Commission were defined in 1981, and current law directs the commission to perform tasks that were needed in 1981. It is recommended that the law be updated to reflect what the Legislature now wants the commission to do.

Summary of Bill: The responsibilities of the Sentencing Guidelines Commission include evaluating the effectiveness of existing juvenile disposition standards and preparing biennial reports on state sentencing policy, racial disproportionality, juvenile and adult corrections capacity, and recidivism. The commission must recommend new juvenile disposition

standards by December 1, 1997, and produce a preliminary report by July 1, 1997. The Sentencing Guidelines Commission takes over the responsibilities of the Juvenile Dispositions Standards Commission on July 1, 1996, and the Juvenile Dispositions Standards Commission ceases to exist on June 30, 1996.

The membership of the Sentencing Guidelines Commission is expanded to include an elected official from county government, one from city government, an administrator of juvenile court services, and the head of the state agency having responsibility for juvenile corrections programs. One of the three citizen members is required to be a representative of crime victims. The chair of the Clemency and Pardons Board is removed as a commission member.

Juvenile courts are required to release to the Sentencing Guidelines Commission records needed for its research and data-gathering functions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Sections 1 through 8 take effect immediately and Section 9 takes effect July 1, 1996.

Testimony For (Law & Justice): This bill recognizes the system that is in place and directs the commission to take on duties that reflect the current system. The bill also provides the Sentencing Guidelines Commission with members that are knowledgeable about juvenile justice issues.

Testimony Against (Law & Justice): None.

Testified (Law & Justice): Dick Van Wagenen, Executive Officer, Sentencing Guidelines Commission (pro); John Steiger, Sentencing Guidelines Commission (pro).

Testimony For (Ways & Means): This bill responds to the fact that last session the Legislature directed the Sentencing Guidelines Commission to take over the duties of the Juvenile Disposition Standards Commission but did not set out any specific duties.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Richard Van Wagenen, Executive Officer, Sentencing Guidelines Commission (pro).

House Amendment(s): The Sentencing Guidelines Commission is not required to recommend prosecuting standards in respect to charging of offenses and plea agreements. However, the commission is directed to recommend revisions or modifications of the prosecuting standards to the Legislature.

The Sentencing Guidelines Commission is required to recommend to the Legislature disposition standards for all offenses subject to the Juvenile Justice Act no later than December 1, 1996. The commission is not required to take into account the capacity of state juvenile facilities.

The commission must study the feasibility of creating a disposition option that allows a court to order minor/first or middle offenders into inpatient substance abuse treatment.

Disposition and institutional options for serious or chronic offenders between the ages of 15 and 25 must also be recommended by the commission. One option must include development of a youthful offender disposition option.

The commission must consider (1) whether juveniles prosecuted for committing violent, sex, or repeated property offenses should be automatically prosecuted as adults; and (2) whether prosecutors should be allowed to determine in which system a juvenile should be prosecuted.

The commission consists of 20 voting members including four members of the public, one of whom is a victim of crime or a crime victims' advocate.