

HOUSE BILL REPORT

SB 6253

As Reported By House Committee On:

Corrections
Appropriations

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:

Corrections: 2/20/96, 2/21/96 [DPA];

Appropriations: 2/22/96, 2/24/96 [DPA(APP w/o COR)s].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass as amended. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

Background:

Sentencing Guidelines Commission's Original Duties. The Sentencing Guidelines Commission was created as part of the Sentencing Reform Act of 1981 (SRA). The commission was originally assigned the duty of recommending to the Legislature the sentencing guidelines and standards to be used in sentencing adult felons. The Legislature enacted the SRA's guidelines and standards in 1983 and 1984.

Since 1984, the commission's ongoing role has included monitoring and reporting on sentencing practices under the SRA, as well as advising state government on sentencing policy for adult felons.

The Commission's Duties Regarding Juvenile Offenders. Last year the Legislature directed the commission to take on new duties as of July 1, 1997, regarding the

sentencing of juvenile offenders. One of these duties is to recommend to the Legislature, on an ongoing basis, any changes to the juvenile disposition (sentencing) standards. Until July 1, 1997, these duties are being performed by the Juvenile Disposition Standards Commission.

Membership of the Commission. The Sentencing Guidelines Commission has 16 voting members, who are by statute required to be

- the secretary of the Department of Corrections;
- the director of the Office of Financial Management;
- the chair of the Indeterminate Sentence Review Board;
- the chair of the Clemency and Pardons Board;
- two prosecuting attorneys;
- two defense attorneys;
- four superior court judges;
- a county or city chief of police; and
- three members of the public who are not and have never been prosecutors, attorneys, judges or law enforcement officers.

The commission also has four legislators, two from each house, serving as non-voting members.

Summary of Amended Bill:

Sentencing Guidelines Commission's Original Duties. The commission's duties are updated to reflect the fact that the original guidelines have been enacted and to clarify the commission's current role. The commission is to issue biennial reports to the Legislature, beginning in December 1996, on state sentencing policy, racial disproportionality, juvenile and adult corrections capacity, and recidivism.

The Commission's Duties Regarding Juvenile Offenders. The commission's assumption of duties from the Juvenile Disposition Standards Commission regarding the sentencing of juvenile offenders is to begin on July 1, 1996, one year earlier than is currently mandated.

The Sentencing Guidelines Commission is directed to recommend new juvenile disposition standards by December 1, 1996. The new standards are to result in a simplified system that emphasizes confinement for violent and repeat offenders. The new standards are to include broader ranges and to be based primarily on the seriousness of the current offense. The commission is to provide for use of juvenile offender basic training camp programs. The commission is to consider alternatives to confinement for nonviolent offenders.

In developing these new standards, the commission is to

- study the feasibility of creating a disposition alternative involving inpatient substance abuse treatment for minor/first or middle offenders;
- recommend options for addressing youthful offenders between the ages of 15 and 25 years;
- review disposition options in other states and consult with interested parties;
- consider whether certain juveniles should be prosecuted as adults;
- consider the option of giving prosecutors discretion to determine in which system the juvenile should be prosecuted.

In order for the commission to carry out its duties regarding juvenile offenders, the Department of Social and Health Services (DSHS), the Office of the Administrator for the Courts (OAC), juvenile detention facilities, and juvenile courts are required to provide information to the commission.

Membership of the Commission. The commission's membership is expanded to 20 voting members. The additional voting members are specified as (1) a representative of county government; (2) a representative of city government; (3) a representative of juvenile court administrators; (4) a representative of the state agency responsible for juvenile offenders; and (5) a member of the public who is a crime victim or crime victims' advocate. The chair of the Clemency and Pardons Board is removed as a voting member.

The four voting members from the public may include former, but not current, prosecutors, defense attorneys, judges, or law enforcement officers.

The Governor, when appointing the new members, is to consult with various specified organizations being represented by the new members.

These changes in the commission's membership are to be repealed on June 30, 1999.

Amended Bill Compared to Original Bill: The changes made in the amended bill are (1) accelerating by one year the date for the Sentencing Guidelines Commission's report to the Legislature on new recommendations for a juvenile; (2) including language directing the commission to provide for use of basic training camp programs; (3) repealing on June 30, 1999, of the additional commission members provided for under the bill; (4) removing language that would have required the commission to take into account capacity issues in setting the new standards; (5) making clear that the commission's duties with regard to prosecutor standards are simply that of recommending modifications; and (6) adding the requirements that the commission study substance abuse treatment alternatives, options for youthful offenders, disposition options in other states, and the prosecution of juveniles as adults. Also, the original bill converted one of the existing public members of the commission into a representative of crime victims, rather than adding a new public member for this purpose.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and contains several effective dates. Please refer to the bill.

Testimony For: This bill addresses important sentencing policy for both juveniles and adults. It is needed even though some of its provisions are already included in a broader bill on juvenile justice.

Testimony Against: The bill should be amended to reflect the fact that the prosecutor standards have already been enacted, and that the commission's continuing duties in this area are now only to recommend modifications to the standards.

Testified: Dick VanWagenen, Sentencing Guidelines Commission (pro); and Tom McBride, Washington Association of Prosecuting Attorneys (suggesting amendment). (Note: The concern raised is addressed in the amended bill.)

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Corrections. Signed by 25 members: Representatives Huff, Chairman; Pelesky, Vice Chairman; H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Brumsickle; Carlson; Cooke; Crouse; Dyer; Foreman; Grant; Hickel; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Silver; Smith; Talcott and Wolfe.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Corrections: A provision was added which makes the bill null and void if it is not referenced in the 1996 supplemental budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and contains several effective dates. Please refer to the bill. However, the bill is null and void if not funded in the budget.

Testimony For: The current juvenile sentencing system is complex and confusing. We have tried the last several sessions to reach a consensus on how to reform juvenile sentencing. Although we are hopeful that will happen this session, this allows the Sentencing Guidelines Commission to develop recommendations to consider next session. The expansion of the commission is temporary, and the membership returns to its current size after the additional duties are completed.

Testimony Against: None.

Testified: Rep. Ida Ballasiotes, prime sponsor; Dick VanWagenen, Sentencing Guidelines Commission; and Margaret Casey, Washington State Catholic Conference.