
SENATE BILL 5188

State of Washington

54th Legislature

1995 Regular Session

By Senators Roach, Smith and Long

Read first time 01/13/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to juvenile disposition standards; and amending RCW
2 13.40.025, 13.40.027, and 13.40.030.

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

4 **Sec. 1.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read
5 as follows:

6 ~~((1))~~ There is established a juvenile disposition standards
7 ~~((commission to propose disposition standards to the legislature in
8 accordance with RCW 13.40.030 and perform the other responsibilities
9 set forth in this chapter.~~

10 ~~(2) The commission))~~ subcommittee under the sentencing guidelines
11 commission. The subcommittee shall be composed of ~~((the secretary or
12 the secretary's designee and the following nine members appointed by
13 the governor, subject to confirmation by the senate:—(a)))~~: (1) A
14 superior court judge; ~~((b))~~ (2) a prosecuting attorney or deputy
15 prosecuting attorney; ~~((c))~~ (3) a representative from law enforcement
16 ~~((officer))~~; ~~((d)—an administrator of))~~ (4) a juvenile court
17 ~~((services))~~ administrator; ~~((e))~~ (5) a public defender actively
18 practicing in juvenile court; ~~((f))~~ (6) a ~~((county legislative
19 official or))~~ representative from county ~~((executive))~~ government; and

1 ((g) three other persons who have demonstrated significant interest in
2 the adjudication and disposition of juvenile offenders. In making the
3 appointments, the governor shall seek the recommendations of the
4 association of superior court judges in respect to the member who is a
5 superior court judge; of Washington prosecutors in respect to the
6 prosecuting attorney or deputy prosecuting attorney member; of the
7 Washington association of sheriffs and police chiefs in respect to the
8 member who is a law enforcement officer; of juvenile court
9 administrators in respect to the member who is a juvenile court
10 administrator; and of the state bar association in respect to the
11 public defender member; and of the Washington association of counties
12 in respect to the member who is either a county legislative official or
13 county executive.

14 (3) The secretary or the secretary's designee shall serve as
15 chairman of the commission.

16 (4) The secretary shall serve on the commission during the
17 secretary's tenure as secretary of the department. The term of the
18 remaining members of the commission shall be three years. The initial
19 terms shall be determined by lot conducted at the commission's first
20 meeting as follows: (a) Four members shall serve a two-year term; and
21 (b) four members shall serve a three-year term. In the event of a
22 vacancy, the appointing authority shall designate a new member to
23 complete the remainder of the unexpired term.

24 (5) Commission members shall be reimbursed for travel expenses as
25 provided in RCW 43.03.050 and 43.03.060. Members shall be compensated
26 in accordance with RCW 43.03.240.

27 (6) The commission shall meet at least once every three months))

28 (7) a representative from the juvenile rehabilitation administration.
29 The members of the subcommittee shall be selected from the above groups
30 in the same manner as members of the sentencing guidelines commission
31 as set forth in RCW 9.94A.060. The sentencing guidelines commission
32 shall provide staff support to the subcommittee.

33 **Sec. 2.** RCW 13.40.027 and 1993 c 415 s 9 are each amended to read
34 as follows:

35 ((1)) It is the responsibility of the ((commission)) subcommittee
36 to((:—(a)(i))) evaluate the effectiveness of existing disposition
37 standards and related statutes in implementing policies set forth in
38 RCW 13.40.010 ((generally, (ii) specifically review the guidelines

1 relating to the confinement of minor and first offenders as well as the
2 use of diversion, and (iii) review the application of current and
3 proposed juvenile sentencing standards and guidelines for potential
4 adverse impacts on the sentencing outcomes of racial and ethnic
5 minority youth; (b) solicit the comments and suggestions of the
6 juvenile justice community concerning disposition standards; and (c)
7 make recommendations to the legislature regarding revisions or
8 modifications of the disposition standards in accordance with RCW
9 13.40.030. The evaluations shall be submitted to the legislature on
10 December 1 of each even numbered year thereafter.

11 (2) It is the responsibility of the department to: (a) Provide the
12 commission with available data concerning the implementation of the
13 disposition standards and related statutes and their effect on the
14 performance of the department's responsibilities relating to juvenile
15 offenders; (b) at the request of the commission, provide technical and
16 administrative assistance to the commission in the performance of its
17 responsibilities; and (c) provide the commission and legislature with
18 recommendations for modification of the disposition standards)). The
19 subcommittee shall report to the sentencing guidelines commission by
20 August 30 of each year, on the effectiveness of current disposition
21 standards and proposed legislative changes.

22 The juvenile rehabilitation administration shall provide all
23 available data to subcommittee staff concerning juvenile dispositions
24 within the administration and report on the effect of current statutes
25 on the performance of the administration's responsibilities.

26 **Sec. 3.** RCW 13.40.030 and 1989 c 407 s 3 are each amended to read
27 as follows:

28 (1)(a) The juvenile disposition standards ((commission))
29 subcommittee shall recommend to the legislature no later than November
30 1st of each year disposition standards for all offenses. The standards
31 shall establish, in accordance with the purposes of this chapter,
32 ranges which may include terms of confinement and/or community
33 supervision established on the basis of a youth's age, the instant
34 offense, and the history and seriousness of previous offenses, but in
35 no case may the period of confinement and supervision exceed that to
36 which an adult may be subjected for the same offense(s). Standards
37 recommended for offenders listed in RCW 13.40.020(1) shall include a
38 range of confinement which may not be less than thirty days. No

1 standard range may include a period of confinement which includes both
2 more than thirty, and thirty or less, days. Disposition standards
3 recommended by the ((~~commission~~)) subcommittee shall provide that in
4 all cases where a youth is sentenced to a term of confinement in excess
5 of thirty days the department may impose an additional period of parole
6 not to exceed eighteen months. Standards of confinement which may be
7 proposed may relate only to the length of the proposed terms and not to
8 the nature of the security to be imposed. In developing recommended
9 disposition standards, the ((~~commission~~)) subcommittee shall consider
10 the capacity of the state juvenile facilities and the projected impact
11 of the proposed standards on that capacity.

12 (b) The secretary shall submit guidelines pertaining to the nature
13 of the security to be imposed on youth placed in his or her custody
14 based on the age, offense(s), and criminal history of the juvenile
15 offender. Such guidelines shall be submitted to the legislature for
16 its review no later than November 1st of each year. At the same time
17 the secretary shall submit a report on security at juvenile facilities
18 during the preceding year. The report shall include the number of
19 escapes from each juvenile facility, the most serious offense for which
20 each escapee had been confined, the number and nature of offenses found
21 to have been committed by juveniles while on escape status, the number
22 of authorized leaves granted, the number of failures to comply with
23 leave requirements, the number and nature of offenses committed while
24 on leave, and the number and nature of offenses committed by juveniles
25 while in the community on minimum security status; to the extent this
26 information is available to the secretary. The department shall
27 include security status definitions in the security guidelines it
28 submits to the legislature pursuant to this section.

29 (2) In developing recommendations for the permissible ranges of
30 confinement under this section the ((~~commission~~)) subcommittee shall be
31 subject to the following limitations:

32 (a) Where the maximum term in the range is ninety days or less, the
33 minimum term in the range may be no less than fifty percent of the
34 maximum term in the range;

35 (b) Where the maximum term in the range is greater than ninety days
36 but not greater than one year, the minimum term in the range may be no
37 less than seventy-five percent of the maximum term in the range; and

1 (c) Where the maximum term in the range is more than one year, the
2 minimum term in the range may be no less than eighty percent of the
3 maximum term in the range.

--- END ---