

HOUSE BILL REPORT

E3SHB 3900

As Passed Legislature

Title: An act relating to offenders.

Brief Description: Revising the Juvenile Code (Introduced with Senate sponsors).

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Sheahan, Ballasiotes, Schoesler, Bush, Honeyford, Carrell, Chandler, Mitchell, Clements, Huff, Thompson, Hankins, Mulliken, Koster, Carlson, Cairnes, Cooke, Johnson, Skinner, Mastin, Smith, Crouse, Benson, Alexander, Talcott, Robertson, Lisk, Zellinsky, Boldt, Delvin, Sterk, Lambert, Hickel, Backlund and Pennington).

Brief History:

Committee Activity:

Law & Justice: 2/18/97, 2/27/97 [DPS];

Criminal Justice & Corrections: 2/18/97, 3/5/97 [DP2S(w/o sub LJ)];

Appropriations: 3/7/97, 3/8/97 [DP3S].

Floor Activity:

Passed House: 3/17/97, 70-28.

Senate Amended.

House Insisted on Position.

Conference Committee Report Adopted.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Radcliff; Sherstad and Skinner.

Minority Report: Do not pass. Signed by 5 members: Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney and Lantz.

Staff: Edie Adams (786-7180).

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Law & Justice. Signed by 10 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Cairnes; Delvin; Hickel; Mitchell; Robertson and Sullivan.

Minority Report: Do not pass. Signed by 3 members: Representatives Quall, Ranking Minority Member; Blalock and Dickerson.

Staff: Pat Shelledy (786-7149).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by 17 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; Benson; Cooke; Crouse; Dyer; Lambert; Lisk; Mastin; McMorris; Parlette; D. Schmidt; Sehlin; Sheahan and Talcott.

Minority Report: Do not pass. Signed by 14 members: Representatives H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky; Carlson; Chopp; Cody; Grant; Keiser; Kenney; Kessler; Linville; Poulsen; Regala and Tokuda.

Staff: Dave Johnson (786-7154).

Background:

1. JUVENILE COURT JURISDICTION

The juvenile court generally has exclusive original jurisdiction over a juvenile under the age of 18 who is alleged to have committed an offense, traffic infraction, or violation. There is no specific provision granting the juvenile court jurisdiction over civil infractions.

A juvenile may be prosecuted as an adult in adult criminal court if the juvenile is subject to "automatic decline" or if the juvenile court declines to exercise jurisdiction over the juvenile after a decline hearing.

Automatic Decline: A juvenile will be automatically prosecuted as an adult if the juvenile is 16 or 17 years old and the alleged offense is: (1) a serious violent offense; or (2) a violent offense and the offender has a specified level and type of criminal history.

Decline Hearings: The juvenile court may decline to exercise jurisdiction over a juvenile offender and transfer the offender to adult court under a procedure called a decline hearing. The prosecutor, the juvenile, or the court may file a motion for the transfer of any juvenile to adult court.

The court must hold a decline hearing, unless waived by all parties, if the juvenile is: (1) 15, 16, or 17 years old and the alleged offense is a class A offense; or (2) 17 years old and the alleged offense is second-degree assault, first-degree extortion, indecent liberties, second-degree child molestation, second-degree kidnapping, or second-degree robbery.

2. DISPOSITION STANDARDS

If a juvenile is adjudicated of an offense, the court determines the offender's disposition based on a formula that considers the following factors: (1) the seriousness level of the current offense; (2) the age of the offender; (3) the seriousness level of any prior criminal history; and (3) the recency of any prior criminal history.

Based on these four factors, the juvenile offender receives a certain number of "points" that will determine the standard range disposition for the offense, based on whether the offender is a "minor/first," "middle," or "serious" offender.

A. Offense Category Schedule: The seriousness of an offense is determined according to the offense category schedule. The offense category schedule ranks offenses from A+ to E, with A+ offenses being the most serious and E offenses being the least serious. Murder in the first degree and murder in the second degree are the only A+ offenses.

B. Standard Range Disposition: The standard range disposition for an offender is determined by reference to a "grid" developed for each category of offender (minor/first, middle, or serious) that specifies the standard range based on the number of points calculated for the offender. A juvenile is generally under county jurisdiction if the offender is subject to a period of confinement of 30 days or less and under state Juvenile Rehabilitation Administration (JRA) jurisdiction if the offender is subject to confinement for more than 30 days.

In general, a minor/first offender is not subject to a disposition of confinement. A minor/first offender may receive community supervision, community service hours, and a fine. A middle offender with less than 110 points is under the jurisdiction of the county and may receive community supervision, community service hours, a fine, and in some cases, a period of confinement. A middle offender with more than 110 points is generally committed to the JRA, with a minimum commitment range of 8-12 weeks. A serious offender must be committed to the JRA. The minimum

commitment range for an offender committed to JRA is 8-12 weeks. An offender who commits an A+ offense receives a commitment range of 180-224 weeks.

C. Disposition Alternatives:

Deferred Adjudication: Some offenders are eligible for deferred adjudication. The adjudication and disposition for an offense may be deferred on the condition that the offender meet conditions of community supervision. If the offender complies with all conditions imposed by the court, the case is dismissed with prejudice and is not included in the offender's criminal history.

Option B: Minor/first offenders and middle offenders with less than 110 points may receive an "option B" disposition of up to 12 months of community supervision, up to 150 hours of community service, and/or a fine of up to \$100, and for middle offenders with less than 110 points, up to 30 days of confinement.

A middle offender with more than 110 points is eligible for an "option B" suspended sentence. The court imposes the standard range disposition of confinement and then suspends that disposition on the condition that the offender comply with conditions of community supervision and serve up to 30 days of confinement.

Manifest Injustice: "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious and clear danger to society. If the court finds that the standard range disposition would effectuate a manifest injustice, the court may impose a disposition outside the standard range. A manifest injustice disposition is available for minor/first, middle, and serious offenders.

Special Sex Offender Disposition Alternative (SSODA): Certain juvenile sex offenders may be ordered into treatment in the community, and placed on community supervision for up to two years, rather than serve a longer period in confinement. If the offender fails to comply with the treatment and supervision requirements, the offender is returned to custody. The state pays for the costs of initial evaluation and treatment of juvenile sex offenders who receive a SSODA disposition.

Firearms Enhancements: A juvenile found to have committed the offense of minor in possession of a firearm must receive a determinate disposition of 10 days of confinement and up to 12 months of community supervision. A juvenile who is armed with a firearm during the commission of a violent offense or certain other offenses must receive a firearms enhancement of 90 days of confinement added to the standard range disposition. A firearm enhancement may run concurrently with a term of confinement imposed in the same disposition for other offenses.

Juvenile Offender Basic Training Camp: A juvenile offender who is subject to a disposition of not more than 78 weeks, and who did not commit a violent offense or a sex offense is eligible for a 120-day basic training camp option. Upon successful completion of the basic training camp, the offender may serve the remaining term of confinement on intensive parole in the community.

3. PARENTAL INVOLVEMENT

When a juvenile is charged with an offense, the court must send the information to the juvenile's parents in order to notify them of the charges and to require them to appear and be parties to the arraignment proceedings. Parents are not required to appear at other hearings involving the juvenile.

Communications between an alleged juvenile offender and the juvenile's attorney are privileged, and the court may not compel the attorney to disclose those communications. This privilege does not extend to a parent who is present when the communication between the juvenile and the attorney is made.

4. RESTITUTION

A juvenile offender is required to make restitution payments to compensate any person who suffered loss or damage as a result of the juvenile's offense. The court must determine the restitution amount in the disposition hearing and include the payment of restitution in the order of disposition. The court does not have to impose restitution if the court determines that the juvenile lacks the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a 10-year period.

5. PAROLE

When a juvenile is released from confinement after serving the disposition term ordered by the court, the Department of Social and Health Services (DSHS) may require the juvenile to comply with a program of parole. Parole may extend for a period no longer than 18 months, except for certain sex offenders whose period of parole must be 24 months. The parole program must include requirements that the juvenile refrain from possessing firearms or deadly weapons and refrain from committing new offenses. In addition, the parole program may require the juvenile to comply with a number of conditions, including requirements to undergo available medical or psychiatric treatment, pursue a course of study or vocational training, and report to a parole officer.

The secretary of the DSHS has authority to issue an arrest warrant for a juvenile who escapes from an institution. The secretary does not have explicit power to issue an

arrest warrant for a juvenile offender who absconds from parole supervision or fails to meet conditions of parole.

6. APPEALS

A juvenile disposition that is outside the standard range disposition may be appealed. The court of appeals may uphold a disposition outside the standard range only if it finds that the reasons considered by the juvenile court judge clearly and convincingly support a finding of manifest injustice and that the sentence imposed was not clearly excessive or clearly too lenient. If the court of appeals determines that the manifest injustice finding was not clearly and convincingly supported by the reasons of the juvenile court judge, the court of appeals must remand the case for disposition within the standard range or for community supervision without confinement, if appropriate.

While an appeal is pending, the juvenile offender may not be committed or detained for a period in excess of the standard range for the offense, or 60 days, whichever is longer. Once this period expires, the court may impose conditions on the release of the offender pending the appeal.

7. JUVENILE RECORDS

A juvenile adjudicated of an offense may petition the court to vacate its order of adjudication and order the record sealed or destroyed. The court must grant the motion to seal if the court finds that two years have elapsed and that no criminal proceeding is pending against the person. If the court grants the motion, the proceedings are treated as if they never occurred.

A subsequent adjudication of a juvenile offense or crime nullifies a sealing order. A subsequent conviction for an adult felony nullifies the sealing order on records of prior juvenile adjudications for class A offenses or sex offenses.

A person may petition the court to destroy the person's juvenile record. The court may grant the motion if the court finds that the person is at least 23 years old, has not subsequently been convicted of a felony, has no criminal proceeding currently pending, and has never been found guilty of a serious offense. A person who is 18 and whose entire criminal history consists of one diversion may have the record destroyed if two years have elapsed since the completion of the diversion agreement.

8. MISCELLANEOUS JUVENILE PROVISIONS

Community-Based Rehabilitation and Sanctions: "Community-based sanctions" and "community-based rehabilitation" are components of "community supervision," which is a disposition that the court may impose on an adjudicated youth. Community-based sanctions include a fine not to exceed \$100 and community service hours.

Community-based rehabilitation includes attendance at school, counseling, treatment programs, and other informational or educational classes.

Courtesy Disposition Hearings: If a juvenile is adjudicated in one county, but resides in another, the case may be transferred to the offender's county of residence for the disposition hearing. The jurisdiction that receives the transfer of the juvenile is responsible for the costs of the transfer.

Violations of Orders to Pay Monetary Penalties or Perform Service: When a juvenile offender violates an order of the court, the court may impose additional sanctions on the juvenile for that violation, including confinement for up to 30 days. If the violation is of a court order to pay fines, penalties, or restitution, or to perform community service hours, the court may assess confinement at a rate of one day per each \$25 or eight hours owed.

9. ADULT PROVISIONS

A. Inclusion of Juvenile Adjudications in an Adult's Criminal History: Some, but not all, juvenile criminal history is included in an adult's offender score, which is used to determine the adult's sentence. Juvenile adjudications for sex offenses and serious violent offenses are always included in an adult offender's criminal history. Prior juvenile adjudications for other class A felony offenses are counted if the offender was 15 or older at the time of the offense. Prior adjudications for class B and C offenses or serious traffic offenses are counted if the offender was 15 or older at the time of the juvenile offense, and less than 23 at the time of the adult offense for which he or she is being sentenced.

Prior juvenile adjudications that are entered or sentenced on the same date count only as one prior offense, except that if the offenses were violent offenses with separate victims, the offenses are counted separately.

Under the adult sentencing code, a "first-time offender" is eligible for a waiver of the standard range sentence on the condition that the offender meet certain conditions. A "first-time offender" is an adult who is convicted of a felony that is not a violent or sex offense or certain drug offenses. A juvenile adjudication before the age of 15 does not count as a prior felony except for sex offenses and serious violent offenses.

B. Special Sex Offender Sentencing Alternative (SSOSA) Costs: SSOSA is a discretionary sentencing option allowing a judge to give an eligible sex offender a suspended sentence, including sex offender treatment in the community, if doing so will benefit the community and the offender. The costs of sex offender treatment under a SSOSA sentence must be paid by the offender.

C. Housing and Education of Offenders Under the Age of 18: An offender under the age of 18 who is convicted in adult criminal court and sentenced to the Department of Corrections (DOC) may be transferred to the JRA under certain circumstances. The Secretary of the DOC makes an independent assessment of the offender to determine if the offender's needs and correctional goals would be better served if the offender is housed in a juvenile facility. If the Secretary of the DSHS accepts the offender, the offender may reside in a JRA facility until age 21. The secretaries must review the placement regularly with a determination based on the offender's maturity and sophistication, behavior and progress, security needs, and program and treatment alternatives.

The DOC may place an inmate in education programs designed to allow the inmate to achieve a high school diploma or the equivalent to the extent those programs are available. There is no statutory requirement for the DOC to provide a program of basic education to an inmate who is under the age of eighteen.

10. MISCELLANEOUS PROVISIONS

Reckless Endangerment in the First Degree: A person is guilty of reckless endangerment in the first degree if the person recklessly discharges a firearm from a motor vehicle or the immediate area of a motor vehicle in a manner that creates a substantial risk of death or serious physical injury. First-degree reckless endangerment is a class B felony and is not included as a "violent offense."

Violence Reduction and Drug Enforcement Account: Revenue from various taxes, including taxes on alcohol, cigarettes, and pop syrup, is deposited into the violence reduction and drug enforcement account (VRDE). The account funds a variety of programs, such as substance abuse treatment and juvenile rehabilitation programs, including incarceration.

A portion of the motor vehicle excise tax (MVET) is distributed to local governments through the county criminal justice assistance account and the municipal criminal justice assistance account. Distributions to these accounts may only grow at the rate of inflation. MVET revenues in excess of this cap are deposited into the general fund.

Summary of Bill:

1. JUVENILE COURT JURISDICTION

Automatic Decline: The category of juvenile offenders who are subject to automatic decline to adult court is expanded to include any juvenile who is 16 or 17 and alleged to have committed: robbery in the first degree; rape of a child in the first degree;

drive-by shooting; burglary in the first degree if the offender has a prior adjudication; or any violent offense if the offender was armed with a firearm.

Decline Hearings: A mandatory decline hearing must be held for an escape charge if the juvenile is serving a minimum disposition to age 21.

Civil Infractions: The juvenile court is specifically granted jurisdiction over juveniles alleged to have committed a civil infraction.

2. DISPOSITION STANDARDS

A. Offense Category Schedule: The following changes are made to the offense category schedule:

- Reckless endangerment in the first degree is renamed "drive-by shooting" and is increased from a B to a B+ offense.
- Vehicle prowling is increased from a D to a C offense.
- Obstructing a law enforcement officer is increased from an E to a D offense.
- Rape of a child in the second degree is increased from a B to a B+ offense.
- Child molestation in the first degree is increased from a B+ to an A- offense.
- Child molestation in the second degree is increased from a C+ to a B offense.
- Residential burglary, theft of a firearm, and possession of a stolen firearm are specifically ranked as B offenses.

B. Standard Range Disposition: The current structure for determining an offender's standard range disposition is replaced with a new disposition grid that is based on two factors: the seriousness of the current offense and the number of prior adjudications. Prior felony adjudications count as one point and prior misdemeanor and gross misdemeanor adjudications count as 1/4 point in determining the number of prior adjudications. The age of the offender, the recency of prior adjudications, and the distinction between minor/first, middle, and serious offenders are no longer considered in determining the standard range disposition.

Based on the current offense seriousness level and the number of prior adjudications, a juvenile offender will receive a standard range disposition of either local sanctions or commitment to the Juvenile Rehabilitation Administration (JRA).

Local Sanctions: Local sanctions may consist of up to 30 days of confinement, up to 12 months of community supervision, up to 150 hours of community service hours, and up to a \$500 fine. A misdemeanor or gross misdemeanor offender receives a standard range disposition of local sanctions, regardless of prior adjudications.

Commitment to the JRA: The initial JRA commitment range is increased to 15-36 weeks, except that a 15-, 16-, or 17-year-old offender adjudicated of an A- offense

receives a standard range disposition of 30-40 weeks. An offender who commits an A+ offense is committed to the JRA for 180 weeks up to age 21.

C. Disposition Alternatives:

Deferred Adjudication: Deferred adjudication is replaced with deferred disposition. If a juvenile pleads guilty, or after a determination of guilt is made upon a reading of the record, the court may continue the case for disposition for up to one year and place the juvenile on community supervision. If the juvenile complies with all conditions of the deferral, the juvenile's adjudication is vacated and the case is dismissed with prejudice. A juvenile is not eligible for a deferred disposition if the current offense is a sex offense or violent offense, the juvenile's criminal history consists of any felony, or the juvenile has a prior deferred disposition, or more than two diversions.

Option B: The "option B" disposition alternative, which allows a judge to suspend a disposition of confinement to the JRA and place the offender in the community for supervision, is removed.

Manifest Injustice: The seriousness of prior adjudications may be considered by the court for the purposes of imposing a disposition outside the standard range.

Chemical Dependency Disposition Alternative (CDDA): A new disposition option is created for certain juveniles who are chemically dependent and who will benefit from a chemical dependency disposition. An offender with a standard range disposition of local sanctions or commitment to JRA for 15-36 weeks and who has not committed an A- or B+ offense is eligible for this disposition. The court may suspend the standard range disposition on the condition that the offender undergo available outpatient or inpatient drug/alcohol treatment and comply with conditions of community supervision. The court may impose up to 30 days of confinement. The sum of confinement time and inpatient treatment may not exceed 90 days.

Special Sex Offender Disposition Alternative (SSODA): If the court determines that an offender is eligible for the SSODA, the court may impose and then suspend a manifest injustice disposition in order to provide a greater incentive for the offender to comply with the conditions of the SSODA disposition. The length of community supervision that may be imposed on an offender given a SSODA disposition is changed to at least two years.

Firearms Enhancements: The disposition that the court must impose for an offender who is found in violation of minor in possession of a firearm is changed to at least 10 days. The firearm enhancement imposed on a juvenile who is armed with a firearm during the commission of an offense is changed to apply to any felony offense, other than firearm-related offenses. The enhancement is six months for a class A felony,

four months for a class B felony, and two months for a class C felony. The firearm enhancement must run consecutively to any other term of confinement imposed for other offenses.

Juvenile Offender Basic Training Camp: Eligibility for the basic training camp is changed to those offenders who receive a disposition of up to 65 weeks of confinement.

3. PARENTAL INVOLVEMENT

A new goal of the juvenile justice system is to encourage and require parents to participate in juvenile offender proceedings against their child. The court is required to give a parent notice of pertinent hearings, must require the parent to attend, and may hold the parent in contempt of court for failing to attend.

A limited testimonial privilege is established for communications made between a child and an attorney in the presence of a parent. A parent may not be examined concerning a communication between the parent's child and the child's attorney made in the presence of the parent and after the child's arrest.

A juvenile who is detained may be released only to a responsible adult or the DSHS.

4. RESTITUTION

In a disposition hearing, the court may set a hearing for a later date to determine the amount of restitution owed, rather than making that determination at the disposition hearing. The ability of the court to not impose restitution on an offender who does not have the means to make full or partial restitution is removed.

5. PAROLE

Certain sex offenders may receive up to 36 months of parole if the secretary of the Department of Social and Health Services (DSHS) determines that the extended parole period is necessary in the interests of public safety, or to meet the ongoing needs of the juvenile. The conditions of parole that may be imposed on a juvenile offender who is released from custody are expanded. The DSHS must base a decision to place an offender on parole on an assessment of an offender's risk of re-offending. The DSHS must prioritize parole resources to provide supervision to moderate to high-risk offenders.

An intensive supervision program is created as part of parole for up to the 25 percent highest-risk offenders. An offender placed on intensive supervision must comply with all conditions of parole and meet added conditions, including more frequent contact with the community case manager. The DSHS must implement an intensive

supervision program no later than January 1, 1999, and report annually to the Legislature on progress in meeting the goals of the intensive supervision program.

The secretary of the DSHS is given authority to issue arrest warrants for juveniles who abscond from parole or fail to meet parole conditions.

6. APPEALS

If the court of appeals determines that the juvenile court's reasons for finding a manifest injustice are not clearly and convincingly supported, the court of appeals must remand the case for a disposition within the standard range. The time restrictions that apply when detaining a juvenile pending appeal are removed so that the juvenile may be detained for the entire appeal period, even if this period exceeds the standard range disposition for the offense.

7. JUVENILE RECORDS

The requirements for the sealing of a juvenile's records are changed. Juvenile records relating to class A or sex offenses may not be sealed. Juvenile records relating to class B offenses may be sealed if the offender has spent 10 years in the community without committing an offense. Juvenile records relating to class C offenses may be sealed after the offender has spent five years in the community without committing an offense. A juvenile record for any offense may not be sealed until the offender has paid full restitution. The subsequent charging of an adult felony nullifies a sealing order on the offender's juvenile records.

The ability to destroy the records of a juvenile offender, other than an offender who only has a history of one diversion, is removed.

8. MISCELLANEOUS JUVENILE PROVISIONS

Community Juvenile Accountability Act: A community juvenile accountability grant program is created to enable local communities to develop and administer community-based programs designed to reduce youth violence and juvenile crime. Local governments may submit proposals to the DSHS for grants to fund community-based juvenile accountability and intervention programs that meet specified guidelines. Community juvenile accountability programs that are funded must comply with information collection requirements and reporting requirements.

Definition of "Adjudication": "Adjudication" is defined to mean the same as "conviction" under the adult sentencing reform act. The terms must be construed identically and may be used interchangeably.

Community-Based Rehabilitation and Sanctions: The definition of "community-based sanction" is amended to increase the amount of the fine to \$500. The definition of "community-based rehabilitation" is amended to include employment and literacy classes.

Courtesy Disposition Hearings: The ability of a court to transfer a disposition hearing to the jurisdiction where the juvenile offender resides is removed.

Violations of Orders to Pay Monetary Penalties or Perform Service: The provision specifying that violations of orders to pay monetary penalties or to perform community service are converted to confinement at a rate of one day for each \$25 or eight hours is removed.

Guardian Ad Litem: A guardian ad litem is not required in a proceeding in a court of limited jurisdiction where the alleged offender is 16 or 17 years old and the alleged offense is a traffic, fish, boating, or game offense, or a traffic or civil infraction.

9. ADULT PROVISIONS

A. Inclusion of Juvenile Adjudications in an Adult's Criminal History: An adult's criminal history includes all juvenile adjudications, regardless of the age of the juvenile at the time of the offense. Prior juvenile adjudications entered or sentenced on the same date are counted as separate offenses, unless they encompass the same criminal conduct.

A juvenile adjudication for a felony offense committed before the age of 15 counts as a prior offense in determining whether an adult offender is a "first-time offender."

B. SSOSA Costs: The state must pay the costs of the initial examination and treatment of an offender under adult court jurisdiction who is less than 18 and who is given an SSOSA sentence.

C. Housing and Education of Offenders Under the Age of 18: An offender under the age of 18 who is convicted in adult criminal court and sentenced to the Department of Corrections (DOC) must be placed in a housing unit, or a portion of a housing unit, separated from adult inmates. The offender may be housed in an intensive management unit or administrative segregation unit if necessary for the safety or security of the offender or the staff. An offender under the age of 18 who is convicted in adult criminal court and sentenced to jail must be placed in a jail cell that does not contain adult offenders.

The DOC must provide a program of education to an inmate under the age of 18 who has not met high school or general equivalency degree (GED) requirements. The

DOC must provide the inmate with a choice of a curriculum that will assist the inmate in achieving either a diploma or a GED.

10. MISCELLANEOUS PROVISIONS

Reckless Endangerment in the First Degree: Reckless endangerment in the first degree is renamed "drive-by shooting" and added to the definition of "violent offense."

Studies: The University of Washington must develop standards to measure the effectiveness of chemical dependency treatment programs by January 1, 1998. The JRA must use the standards to prioritize expenditures for treatment.

The Sentencing Guidelines Commission must review conviction data for the past 10 years and submit a proposed bill that ranks all unranked felony offenses for which there have been convictions.

The Institute for Public Policy must develop standards for measuring the effectiveness of community juvenile accountability programs by January 1, 1998, and evaluate the costs and benefits of programs funded under the Community Juvenile Accountability Act by December 1, 1998 and December 1, 2000. The Institute is required to study the sentencing revisions of this act starting January 1, 2001 and report its findings by July 1, 2002. The Institute must develop a uniform definition of "recidivism" by December 31, 1997.

Violence Reduction and Drug Enforcement Account: Motor vehicle excise tax revenues in excess of the inflation cap must be deposited into the violence reduction and drug enforcement account (VRDE). Funds from the VRDE account may be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation, including this act.

Repealers: A provision requiring the Sentencing Guidelines Commission to submit a report on juvenile disposition standards to the Legislature by December 1, 1996 is repealed. A provision establishing the Juvenile Disposition Standards Commission, which ceased to exist on June 30, 1996, is repealed. A provision requiring prosecutors to develop prosecutorial filing standards in juvenile cases based on a 1993 report is repealed.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 9, 1997.

Effective Date of Bill: There are several effective dates. Please refer to the bill.

Testimony For: (Law & Justice) The juvenile justice system doesn't respond effectively to today's juvenile offenders who are increasingly committing more violent crimes at a younger age. Most violent crimes are now committed by 15-, 16-, and 17-year-olds. The juvenile offenders of today don't care about anything and have little respect for society or laws. The current system is a joke, and juveniles know it. It does little or nothing with young offenders on their first few brushes with the law. The system needs to address juveniles up front with early intervention. Stronger laws are needed to let juveniles know that there will be consequences to their actions. Parental involvement is an important component, and the bill should include a privilege for the parent, child, and attorney. The bill simplifies the overly complex current system and provides early intervention and some real consequences for juveniles who engage in criminal activity. The bill appropriately draws the line at age 16 for violent offenders who need to be held accountable for their serious behavior. It counts juvenile criminal history for adult offenders who have continued to commit crimes. It increases the discretion of judges to impose an appropriate sentence on an offender, and it allows the system to address the chemical dependency problems of juveniles.

(Criminal Justice & Corrections) None.

(Appropriations) The juvenile justice system doesn't respond effectively to today's juvenile offenders who are increasingly committing more violent crimes at a younger age. There has been a 90 percent increase in violent juvenile crime in the last 10 years. The bill treats older, violent, offenders appropriately and focuses resources on more rehabilitatable youth. The current system is a joke, and juveniles know it. It does little or nothing with young offenders on their first few brushes with the law. The system needs to address juveniles up front with early intervention. The bill simplifies the overly complex current system and provides early intervention and some real consequences for juveniles who engage in criminal activity. It increases the discretion of judges to impose an appropriate sentence on an offender, and it allows the system to address the chemical dependency problems of juveniles.

Testimony Against: (Law & Justice) This bill misses the opportunity to help 16- and 17-year-old first-time offenders who will go straight to the adult system without a chance for rehabilitation. This bill flies in the face of research that indicates that sending juveniles to the adult system is a quick-fix that will not protect society in the long run, because juveniles who are prosecuted in the adult system have a higher rate of recidivism. The automatic decline of juveniles removes a judge's flexibility to determine which juveniles should be in the adult system and which should not. The Legislature directed the Sentencing Guidelines Commission to consider the age of the offender and non-confinement as an option in looking at revisions to the juvenile sentencing standards, and this bill does the exact opposite. The effect of the sentencing standards contained in this bill is to treat serious, older offenders the same as less serious, younger offenders, and this sends the wrong message. The age of

capacity should not be lowered, because there is a world of difference in maturity between a 10-year-old and a 17-year-old.

(Criminal Justice & Corrections) None.

(Appropriations) This bill misses the opportunity to help 16- and 17-year-old first-time offenders who will go straight to the adult system without a chance for rehabilitation. There should be more money given to the non-profits who provide service and education -- that is what youth need. A portion of the MVET should be dedicated to funding grants for local intervention program and this bill does not do that. This bill is contrary to research that indicates that sending juveniles to the adult system will not protect society in the long run, because juveniles who are prosecuted in the adult system have a higher rate of recidivism. The automatic decline of juveniles removes a judge's flexibility to determine which juveniles should be in the adult system and which should not. That decline hearing process under current law has worked, and is working well. The bill may impact local governments because of increased discretion but that concern can be managed and addressed.

Testified: (Law & Justice) Norm Maleng, King County Prosecuting Attorney (pro); Russ Hauge, Kitsap County Prosecuting Attorney (pro); Mike Patrick, Washington State Council of Police Officers (pro); Jim Scharf, Everett Police Chief (pro, with suggestions); Linda Grant, Association of Alcoholism and Addictions Programs (pro); Helen Harlowe, Tennis Shoe Brigade (pro); Melva Levick, citizen (pro); Anita Schaerhoff, citizen (pro); Judge Leonard Costello, Superior Court Judges Association (pro, in part); Pete Peterson, Washington Association of Juvenile Court Administrators (pro, in part); Donna Schram, Sentencing Guidelines Commission (pro, in part); Ned Dolejsi, Washington State Catholic Conference (concerns); Paula Maranan, Children's Alliance (concerns); Mike Shaw, Washington State Association of Counties (concerns); Lorraine Lee, Governor's Policy Office (concerns); Scott Blonien, Attorney General's Office (concerns); Sid Sidorowicz, Assistant Secretary, Juvenile Rehabilitation Administration, Department of Social and Health Services (suggestions); Robert Barnoski, Washington Institute for Public Policy; Simmie Baer, King County Public Defender's Office (con); Charles Hastings, citizen (con); Mike Seely, Mothers Against Violence in America (con); and Dan Bond, Governor's Juvenile Justice Advisory Committee (con).

(Criminal Justice & Corrections) None.

(Appropriations) Representative Larry Sheahan, prime sponsor (pro); John Kurry, citizen (con); Dick Carlson, Washington Association of Juvenile Court Administration (pro, in part); Lorraine Lee, Governor's policy office (concerns); Sid Sidorowicz, Juvenile Rehabilitation Administration (available for questions); Margaret Casey, Washington State Catholic Conference (concerns); and Tom McBride, Washington Association of Prosecuting Attorneys (pro).