

HOUSE BILL ANALYSIS

HB 1745

Title: An act relating to a juvenile offender community sanction sentencing alternative.

Brief Description: Creating a juvenile offender community sanction sentencing alternative.

Sponsors: Representatives Lambert and Kagi.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310).

Background:

Juveniles who commit criminal offenses are subject to the provisions of the Juvenile Justice Act, which is based on a determinative sentencing model and prescribes presumptive disposition ranges commensurate with the seriousness of the current offense and the offender's prior criminal history. In 1997, the Legislature made comprehensive changes to the sentencing options under the Juvenile Justice Act effective, generally, with respect to offenses committed on or after July 1, 1998. The options are now as follows:

Option A: Juvenile Offender Sentencing Grid. Offenses are ranked by categories from A+ to E, with A+ being the highest and E being the lowest. The standard disposition range for each of these offenses is calculated by determining, on the sentencing grid, the intersection of the offense category and the number of prior offenses. Each prior felony adjudication counts as one point on the sentencing grid. Each prior violation, misdemeanor, or gross misdemeanor adjudication counts as 1/4 point (fractions are rounded down). Dispositions range from local sanctions at the low end, to a term of confinement of 180 weeks through age 21 at the high end. Local sanctions can include 0-30 days confinement, 0-12 months community supervision, 0-150 hours community service, and/or a fine of up to \$500. When the standard range includes a term of confinement exceeding 30 days, commitment is to the state Juvenile Rehabilitation Administration.

Option B: Chemical Dependency Disposition Alternative (CDDA). If the juvenile offender is subject to a standard range disposition of local sanctions, or 15-36 weeks of confinement, and has not committed an A- or B+ offense, the court, under a finding that the offender is chemically dependent and amendable to treatment, may suspend an Option

A standard range disposition on the condition that the offender undergo inpatient/outpatient drug or alcohol treatment and community supervision of up to one year. The court may also require up to 30 days confinement, 150 hours of community service and/or payment of legal financial obligations and restitution. The suspension may be revoked and the disposition executed for violating conditions or failing to make satisfactory progress in treatment.

Option C: Manifest Injustice. If the court determines that a disposition under Option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range. The disposition shall be comprised of confinement or community supervision, or a combination of the two. The court's findings of manifest injustice must be supported by clear and convincing evidence. The disposition is appealable by the state or the offender.

Special Sex Offender Disposition Alternative (SSODA). Certain juvenile sex offenders may be ordered into treatment and placed on community supervision for at least two years and the disposition (either within the standard range or under Option C) is suspended. The court may impose conditions of community supervision and other conditions, including up to 30 days of confinement. A disposition entered under this option is not appealable.

Summary:

Sentencing Option D « Community Sanction Disposition Alternative « is added. The court may order this alternative in lieu of confinement in a state institution with respect to juvenile offenders who: (1) are presently subject to a standard range disposition of confinement in a state institution; (2) have not committed a sex offense, a serious violent offense, or other violent category A felony; and (3) have not been previously committed to a state institution. The court must assess the risk to the public safety and the probability of the offender's rehabilitation in the community before ordering this alternative. The court must also enter a finding of mitigating circumstances, such as that ***the respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury; the respondent acted under strong and immediate provocation; or the respondent was suffering from a mental or physical condition that significantly reduced his culpability for the offense though failing to establish a defense.***

Under this sentencing alternative, the standard range disposition is imposed, but it is suspended, and the offender is placed on community supervision for up to 12 months. The court must also impose up to 30 days of confinement, up to 150 hours of community service, and the payment of legal financial obligations and restitution. The court can also require the offender to participate in rehabilitation programming in the community, including school, employment, vocational programs, or outpatient mental health or substance abuse treatment. If the offender violates any of the conditions of the

disposition, the court may impose sanctions or revoke the suspended disposition and order execution of the standard disposition, with credit for time served.

This sentencing option is similar to Option B– in effect prior to July 1, 1998.

Fiscal Note: Requested on February 10, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research