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HOUSE BILL 2440

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representative R. Meyers

Read first time 01/14/94. Referred to Committee on Corrections.

1            AN ACT Relating to the juvenile disposition standards commission;  
2 amending RCW 13.40.025 and 13.40.027; creating a new section; and  
3 making an appropriation.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that juvenile violence  
6 and crime are serious problems. The legislature finds that the current  
7 system for establishing juvenile disposition standards and related  
8 statutes for juvenile offenders must be improved. The legislature  
9 further finds that the juvenile dispositions standards commission will  
10 benefit from additional representation from organizations concerned  
11 with juvenile justice. The legislature finds that an independent  
12 juvenile disposition standards commission will improve the  
13 effectiveness and efficiency of the juvenile justice.

14            **Sec. 2.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to read  
15 as follows:

16            (1) There is established a juvenile disposition standards  
17 commission to propose disposition standards to the legislature in

1 accordance with RCW 13.40.030 and perform the other responsibilities  
2 set forth in this chapter.

3 (2) The commission shall be composed of the secretary or the  
4 secretary's designee and the following ~~((nine))~~ thirteen members  
5 appointed by the governor, subject to confirmation by the senate: (a)  
6 ~~((A))~~ Two superior court judges; (b) ~~((a))~~ two prosecuting ~~((attorney))~~  
7 or deputy prosecuting attorneys; (c) a law enforcement officer; (d) an  
8 administrator of juvenile court services; (e) ~~((a))~~ two public  
9 defenders actively practicing in juvenile court; (f) a county  
10 legislative official or county executive; ~~((and))~~ (g) three other  
11 persons who have demonstrated significant interest in the adjudication  
12 and disposition of juvenile offenders; and (h) one member from each of  
13 the two largest caucuses of both the senate and the house of  
14 representatives, who shall be nonvoting members. In making the  
15 appointments, the governor shall seek the recommendations of the  
16 association of superior court judges in respect to the members who ~~((is~~  
17 ~~a))~~ are superior court judges; of Washington prosecutors in respect to  
18 the prosecuting ~~((attorney))~~ or deputy prosecuting attorney members; of  
19 the Washington association of sheriffs and police chiefs in respect to  
20 the member who is a law enforcement officer; of juvenile court  
21 administrators in respect to the member who is a juvenile court  
22 administrator; and of the state bar association in respect to the  
23 public defender members; and of the Washington association of counties  
24 in respect to the member who is either a county legislative official or  
25 county executive.

26 (3) The ~~((secretary or the secretary's designee))~~ governor shall  
27 ~~((serve as chairman))~~ designate the chair of the commission.

28 (4) The secretary shall serve on the commission during the  
29 secretary's tenure as secretary of the department. The term of the  
30 remaining members of the commission shall be three years. The initial  
31 terms shall be determined by lot conducted at the commission's first  
32 meeting as follows: (a) Four members shall serve ~~((a two-year))~~ one-  
33 year terms; ~~((and))~~ (b) four members shall serve ~~((a three-year))~~ two-  
34 year terms; and (c) six members shall serve three-year terms. In the  
35 event of a vacancy, the appointing authority shall designate a new  
36 member to complete the remainder of the unexpired term.

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

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

2 **Sec. 3.** RCW 13.40.027 and 1993 c 415 s 9 are each amended to read  
3 as follows:

4 (1) It is the responsibility of the commission to: (a)(i) Evaluate  
5 the effectiveness of existing disposition standards and related  
6 statutes in implementing policies set forth in RCW 13.40.010 generally,  
7 (ii) specifically review the guidelines relating to the confinement of  
8 minor and first offenders as well as the use of diversion, and (iii)  
9 review the application of current and proposed juvenile sentencing  
10 standards and guidelines for potential adverse impacts on the  
11 sentencing outcomes of racial and ethnic minority youth; (b) solicit  
12 the comments and suggestions of the juvenile justice community  
13 concerning disposition standards; and (c) make recommendations to the  
14 legislature regarding revisions or modifications of the disposition  
15 standards in accordance with RCW 13.40.030. The evaluations shall be  
16 submitted to the legislature on December 1 of each even-numbered year  
17 thereafter.

18 ~~(2) ((It is the responsibility of the department to:—(a) Provide~~  
19 ~~the commission with available data concerning the implementation of the~~  
20 ~~disposition standards and related statutes and their effect on the~~  
21 ~~performance of the department's responsibilities relating to juvenile~~  
22 ~~offenders; (b) at the request of the commission, provide technical and~~  
23 ~~administrative assistance to the commission in the performance of its~~  
24 ~~responsibilities; and (c) provide the commission and legislature with~~  
25 ~~recommendations for modification of the disposition standards.))~~ The  
26 office of financial management shall determine the appropriate staffing  
27 level for the commission to provide a research staff of sufficient size  
28 and with sufficient resources to accomplish its duties. The salary for  
29 a full-time executive officer, if any, shall be fixed by the governor  
30 pursuant to RCW 43.03.040.

31 (3) The commission may request from the office of financial  
32 management, the administrator for the courts, and the department of  
33 social and health services such data, information, and data processing  
34 assistance as it may need to accomplish its duties, and such services  
35 shall be provided without cost to the commission. The department of  
36 social and health services and other organizations or individuals shall  
37 provide the commission and the legislature with recommendations for  
38 modification of the disposition standards.

1       (4) The commission shall conduct a study to determine the capacity  
2 of correctional facilities and programs that are or will be available.  
3 While the commission need not consider such capacity in arriving at its  
4 recommendations, the commission shall project whether the  
5 implementation of its recommendations would result in exceeding such  
6 capacity. If the commission finds that this result would probably  
7 occur, then the commission shall prepare an additional list of standard  
8 sentences which shall be consistent with such capacity.

9       (5) The commission shall study the existing juvenile justice code  
10 and from time to time make recommendations to the legislature for  
11 modification.

12       (6) The commission shall adopt its own bylaws.

13       NEW SECTION. Sec. 4. The sum of one hundred fifty thousand  
14 dollars, or as much thereof as may be necessary, is appropriated for  
15 the biennium ending June 30, 1995, from the general fund to the  
16 juvenile disposition standards commission for the purposes of this act.

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