

SENATE BILL REPORT

E2SSB 5491

As of January 15, 1996

Title: An act relating to juvenile offenders.

Brief Description: Modifying juvenile disposition.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Smith, Oke, Wood, Winsley, Hale, Prince, Long and Schow; by request of Governor Lowry and Attorney General).

Brief History:

Committee Activity: Law & Justice: 2/2/95, 2/15/95 [DPS-WM]; 1/16/96.

Ways & Means: 3/2/95, 3/3/95 [DP2S].

Passed Senate, 3/14/95, 49-0.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: The Council on Families, Youth and Justice was established in June 1994 by Governor Lowry, with Attorney General Christine Gregoire. The council was directed to review the state's juvenile laws and recommend how to improve the juvenile system. The council was divided into four work groups. The Juvenile Offenders Work Group addressed issues including sentencing, rehabilitation, parental involvement in the court process, racial disproportionality, and chemically dependent offenders.

Summary of Bill: The disposition range for a minor/first offender with from 1 to 109 points is 0 to 12 months community supervision, and/or 0 to 150 hours of community service, and/or 0 to \$100 fine. The disposition range for a middle offender with from 1 to 109 points is 0 to 12 months community supervision, and/or 0 to 150 hours of community service, and/or a fine of 0 to \$100 and/or 0 to 30 days confinement. The mandatory minimum sentence for rape of a child in the first degree is 52 to 65 weeks, and for child molestation in the first degree it is 21 to 28 weeks.

Community supervision may include home detention which is a program of partial confinement in a private residence subject to electronic surveillance. Home detention may be used for adjudicated youths not committed to the juvenile rehabilitation administration or for juveniles who have been granted a deferral of adjudication. Home detention includes attendance in school or maintenance of current employment.

A juvenile's parent, guardian, or custodian is given notice of detention and dispositional hearings and is required to attend. Contempt of court may be pursued if the person fails to attend without good reason. A parent cannot be examined as to a communication made by the parent's minor child to the child's attorney after the filing of juvenile or adult criminal charges.

The juvenile disposition standards commission has 13 members, and on June 30, 1997, its powers and duties are transferred to the Sentencing Guidelines Commission.

A court may order an examination by a chemical dependency counselor for a middle offender with 110 points or more who is found to have committed a offense that is not a violent or sex offense. If the court determines that the chemical dependent disposition alternative is appropriate, it imposes the new standard range for the offense, suspends it, places the offender on community supervision for up to one year and requires outpatient or inpatient drug and/or alcohol treatment. The court may impose additional conditions, including requiring the offender to remain within prescribed geographical boundaries, payment of restitution, or performance of community service.

The Department of Corrections and the Department of Social and Health Services must develop recommendations for the creation of a youthful offender sentencing option by December 1, 1995.

Courts of limited jurisdiction may exercise concurrent original jurisdiction with juvenile court over traffic infractions, violations of school attendance provisions and misdemeanors when committed by juveniles. Certain conditions enumerated in the bill must be met in order for the concurrent jurisdiction to be exercised.

Appropriation: None.

Fiscal Note: Available.

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