
SENATE BILL 6115

State of Washington

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By Senators Anderson and McMullen

Read first time 01/15/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to juvenile serious habitual offenders; adding a
2 new section to chapter 2.56 RCW; and adding a new chapter to Title 13
3 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a substantial
6 and disproportionate amount of serious crime is committed by a
7 relatively small number of chronic juvenile offenders commonly known as
8 serious habitual offenders. It is the intent of the legislature that
9 law enforcement officials, prosecuting attorneys, juvenile probation
10 and detention departments, schools, and the division of juvenile
11 rehabilitation work cooperatively to identify these offenders early in
12 their careers, investigate and record their activities, prosecute them
13 aggressively, and supervise them intensively in institutions and in the
14 community. The legislature further intends to increase interagency

1 efforts to gather comprehensive data and actively disseminate it to the
2 agencies in the juvenile justice system, and produce more informed
3 decisions by all agencies in that system through effective
4 organizational and operational techniques.

5 NEW SECTION. **Sec. 2.** (1) The serious habitual offender grant
6 program is established within the department of community development.
7 All state funds appropriated to the department of community development
8 for the purposes of this chapter shall be coordinated or consolidated
9 with federal funds that may be made available for these purposes.

10 The program shall include:

11 (a) An advisory board consisting of representatives from
12 prosecuting attorney's offices, law enforcement agencies, juvenile
13 probation and detention departments, school districts, and the division
14 of children and family services and juvenile rehabilitation services in
15 the department of social and health services.

16 (b) The awarding of grants to local government, educational, or
17 nonprofit entities to create information gathering and analysis
18 projects responsible for the identification of juveniles who are
19 serious habitual offenders and for the dissemination of information
20 about the activities of those offenders to all elements of the juvenile
21 justice system.

22 (2) Each project shall:

23 (a) Establish criteria for labeling a juvenile as a serious
24 habitual offender and identify serious habitual offenders in accordance
25 with the established criteria.

26 (b) Compile and maintain active serious habitual offender lists and
27 circulate data on serious habitual offenders to participating agencies
28 on a routine basis.

1 (c) Compile comprehensive profiles on each serious habitual
2 offender and keep them updated as well as keep participating agencies
3 updated on serious habitual offender activities as they occur.

4 (d) Track the serious habitual offenders through all stages of the
5 justice system to insure that the offenders' cases do not become
6 displaced within the justice system and that offenders are held
7 strictly accountable to all orders of the court.

8 (3) Each applicant must demonstrate, via an interagency agreement,
9 the participation of the county's law enforcement officials,
10 prosecuting attorney's office, juvenile probation department, school
11 districts, and state and regional department of social and health
12 services officials, as provided in section 4 of this act. Projects
13 shall require that:

14 (a) Each participating law enforcement agency:

15 (i) Insure that all field contacts with identified serious habitual
16 offenders are documented and reports are routed to the program's
17 coordinating agency serious habitual offender coordinator.

18 (ii) Make an arrest if an identified serious habitual offender has
19 committed a violation of law and probable cause exists to arrest the
20 offender. Law enforcement officers shall arrest the offender at the
21 time of the offense, unless the arrest, at that time, would adversely
22 affect further investigation of the offense.

23 (iii) Take the offender to the juvenile detention facility for
24 booking if the identified serious habitual offender has committed any
25 bookable offense.

26 (b) Each participating prosecuting attorney's office:

27 (i) File charges based on the most serious provable offenses of
28 each arrest of a serious habitual offender.

1 (ii) Use all reasonable prosecutorial efforts to resist the
2 release, where appropriate, of the serious habitual offender at all
3 stages of the prosecution.

4 (iii) Seek an admission of guilt on all offenses charged in the
5 informations against the offender. The only cases in which the
6 prosecutor may request the court to reduce or dismiss the charges are
7 cases in which the prosecutor decides there is insufficient evidence to
8 prove the state's case, the testimony of a material witness cannot be
9 obtained, or a reduction or dismissal will not result in a substantial
10 change in sentence, or prosecution will not serve the public interest.
11 In those cases, the prosecutor shall inform the program agencies
12 stating the specific factual and legal basis for such a disposition.

13 (iv) Prosecute all cases involving serious habitual offenders with
14 the prosecutor who makes the initial filing decision or appearance
15 performing all subsequent court appearances on that case through its
16 conclusion, including the disposition phase.

17 (v) Make all reasonable prosecutorial efforts to persuade the court
18 to impose the most appropriate sentence upon such an offender at the
19 time of disposition.

20 (vi) Make all reasonable prosecutorial efforts to reduce the time
21 between arrest and disposition of the charge.

22 (vii) Act as a liaison with the court and other criminal justice
23 agencies to establish local policies regarding the program and to
24 ensure interagency cooperation in the planning and implementation of
25 the program.

26 (viii) Provide support and assistance to other agencies engaged in
27 the program.

28 (c) Each participating juvenile probation and detention department:

29 (i) Give priority to detaining serious habitual offenders in
30 custody who lack proper and effective parental care and control and who

1 have no one willing to assume or capable of assuming the parental role
2 and the serious habitual offender is serving a sentence, held pending
3 bail, or in violation of a court order.

4 (ii) Consider the data relating to serious habitual offenders when
5 making all decisions regarding the identified individual and include
6 relevant data in written reports to the court.

7 (iii) Immediately file petitions for warrants or reviews on all
8 serious habitual offenders' violations of probation, court orders, and
9 bond conditions.

10 (iv) Establish local policies in cooperation with law enforcement
11 and the prosecuting attorney, schools, and the juvenile court regarding
12 the program and provide support and assistance to other agencies
13 engaged in the program.

14 (d) Each participating school district:

15 (i) Cooperate in providing data on students identified by
16 definition of this chapter as serious habitual offenders, for profiling
17 by participating agencies pursuant to interagency agreement. Such data
18 shall include but not be limited to past and current accounts of
19 truancy, disruptive behavior, disciplinary actions, and suspension or
20 expulsion history.

21 (ii) Report all crimes that are committed on campus by serious
22 habitual offenders to law enforcement.

23 (iii) Report all violations of probation committed on campus by
24 serious habitual offenders to the probation officer and project
25 coordinator.

26 (iv) Provide educational supervision and social or educational
27 services appropriate to serious habitual offenders attending schools.

28 (v) Establish local policies in cooperation with law enforcement,
29 the prosecuting attorney, the probation department, and the juvenile

1 court regarding the program and provide support and assistance to other
2 agencies engaged in the program.

3 (vi) Have the option of notifying participating agencies under this
4 chapter, individually or collectively, about students of concern which
5 have come to their attention as being potentially at risk of becoming
6 serious habitual offenders, the purpose of which shall be to utilize
7 the combined agencies' resources for deterring juveniles from acquiring
8 serious habitual offender status.

9 (e) The department of social and health services:

10 (i) Coordinate with participating agencies under this chapter per
11 interagency agreement to identify serious habitual offenders.

12 (ii) Cooperate in providing data on juveniles identified by this
13 chapter as serious habitual offenders for profiling by participating
14 agencies pursuant to interagency agreement. Such data shall include,
15 but not be limited to, child protective services reports involving the
16 serious habitual offender, contacts, state or county-funded
17 intelligence and psychological evaluations, and group home placement
18 behavior reports.

19 (4) The administrator for the courts shall cooperate with projects
20 funded under this chapter, as provided for in section 7 of this act.

21 (5) By April 1, 1993, each funded project shall submit to the
22 department of community development a written report regarding
23 achievement of program goals. The department of community development
24 will then submit to the legislature a written summary of the reports.
25 The reports, individually and collectively shall do all of the
26 following:

27 (a) Document the amount of serious crime committed by serious
28 habitual offenders.

29 (b) Provide statistical documentation regarding the total number of
30 juveniles identified by the project, the types of offenses committed,

1 the manner in which cases are disposed, and a statistical profile of
2 the average juvenile who qualifies for the program.

3 (c) Evaluate program costs.

4 (d) Review new operational and organizational techniques used in
5 gathering and disseminating information, and in prosecution and in
6 monitoring and supervising serious habitual offenders.

7 (e) Compare this program and its effectiveness with the techniques
8 and methods used prior to the implementation of the program.

9 (6) All participating agencies shall establish standard operating
10 procedures with the programs's coordinating agency to facilitate the
11 exchange of information, reports, and data. All participating agencies
12 shall cooperate in providing the statistical information required by
13 the coordinating agency for the annual progress reports to the
14 department of community development.

15 NEW SECTION. **Sec. 3.** The division of juvenile rehabilitation
16 services of the department of social and health services shall give
17 priority to institutional placement of offenders convicted and
18 identified as serious habitual offenders.

19 NEW SECTION. **Sec. 4.** Prior to implementation of a serious
20 habitual offender project, all participating agencies in a county shall
21 execute a written interagency agreement outlining their role in the
22 project, including the duties they will perform, the duties other
23 agencies will perform for and with them, and the categories of
24 information to be collected and the plan for its distribution and use.
25 All participating agencies will meet no less than once each month to
26 plan, implement, and refine the operation of the project and to
27 exchange information about individuals subject to the project, and
28 other related topics.

1 NEW SECTION. **Sec. 5.** Law enforcement agencies and prosecuting
2 attorneys participating in projects pursuant to this chapter shall
3 adopt procedures to require a check of juvenile criminal history of all
4 adults whose cases are presented to the prosecuting attorney's office
5 for filing. The juvenile criminal history shall be considered by the
6 prosecuting attorney in the charging decision and establishing the
7 prosecuting attorney's position on the appropriate plea and sentence.

8 NEW SECTION. **Sec. 6.** For the purposes of this chapter, school
9 districts are juvenile care agencies as defined in RCW 13.50.010.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 2.56 RCW
11 to read as follows:

12 The administrator for the courts shall cooperate with serious
13 habitual offender projects funded by the department of community
14 development as provided in chapter 13.-- RCW (sections 1 through 6 of
15 this act) by providing them with quarterly reports identifying
16 juveniles by name and date of birth who meet the criteria established
17 by the project for serious habitual offenders.

18 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act shall
19 constitute a new chapter in Title 13 RCW.