

2 **SB 6253** - H COMM AMD **ADOPTED 2-28-96**

3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.94A.040 and 1995 c 269 s 303 are each amended to  
8 read as follows:

9 (1) A sentencing guidelines commission is established as an agency  
10 of state government.

11 (2) The legislature finds that the commission, having accomplished  
12 its original statutory directive to implement this chapter, and having  
13 expertise in sentencing practice and policies, shall~~((, following a~~  
14 ~~public hearing or hearings))~~:

15 (a) ~~((Devise a series of recommended standard sentence ranges for~~  
16 ~~all felony offenses and a system for determining which range of~~  
17 ~~punishment applies to each offender based on the extent and nature of~~  
18 ~~the offender's criminal history, if any;~~

19 (b) ~~Devise recommended prosecuting standards in respect to charging~~  
20 ~~of offenses and plea agreements; and~~

21 (c) ~~Devise recommended standards to govern whether sentences are to~~  
22 ~~be served consecutively or concurrently.~~

23 (3) ~~Each of the commission's recommended standard sentence ranges~~  
24 ~~shall include one or more of the following: Total confinement, partial~~  
25 ~~confinement, community supervision, community service, and a fine.~~

26 (4) ~~In devising the standard sentence ranges of total and partial~~  
27 ~~confinement under this section, the commission is subject to the~~  
28 ~~following limitations:~~

29 (a) ~~If the maximum term in the range is one year or less, the~~  
30 ~~minimum term in the range shall be no less than one third of the~~  
31 ~~maximum term in the range, except that if the maximum term in the range~~  
32 ~~is ninety days or less, the minimum term may be less than one third of~~  
33 ~~the maximum;~~

34 (b) ~~If the maximum term in the range is greater than one year, the~~  
35 ~~minimum term in the range shall be no less than seventy five percent of~~  
36 ~~the maximum term in the range; and~~

1       ~~(c) The maximum term of confinement in a range may not exceed the~~  
2 ~~statutory maximum for the crime as provided in RCW 9A.20.020.~~

3       ~~(5) In carrying out its duties under subsection (2) of this~~  
4 ~~section, the commission shall give consideration to the existing~~  
5 ~~guidelines adopted by the association of superior court judges and the~~  
6 ~~Washington association of prosecuting attorneys and the experience~~  
7 ~~gained through use of those guidelines. The commission shall emphasize~~  
8 ~~confinement for the violent offender and alternatives to total~~  
9 ~~confinement for the nonviolent offender.~~

10       ~~(6) This commission shall conduct a study to determine the capacity~~  
11 ~~of correctional facilities and programs which are or will be available.~~  
12 ~~While the commission need not consider such capacity in arriving at its~~  
13 ~~recommendations, the commission shall project whether the~~  
14 ~~implementation of its recommendations would result in exceeding such~~  
15 ~~capacity. If the commission finds that this result would probably~~  
16 ~~occur, then the commission shall prepare an additional list of standard~~  
17 ~~sentences which shall be consistent with such capacity.~~

18       ~~(7) The commission may))~~ Evaluate state sentencing policy, to  
19 include whether the sentencing ranges and standards are consistent with  
20 and further:

21       (i) The purposes of this chapter as defined in RCW 9.94A.010; and

22       (ii) The intent of the legislature to emphasize confinement for the  
23 violent offender and alternatives to confinement for the nonviolent  
24 offender.

25       The commission shall provide the governor and the legislature with  
26 its evaluation and recommendations under this subsection not later than  
27 December 1, 1996, and every two years thereafter;

28       (b) Recommend to the legislature revisions or modifications to the  
29 standard sentence ranges, state sentencing policy, prosecuting  
30 standards, and other standards. If implementation of the revisions or  
31 modifications would result in exceeding the capacity of correctional  
32 facilities, then the commission shall accompany its recommendation with  
33 an additional list of standard sentence ranges which are consistent  
34 with correction capacity((-))i

35       ~~((8) The commission shall))~~ (c) Study the existing criminal code  
36 and from time to time make recommendations to the legislature for  
37 modification((-))i

38       ~~((9) The commission may (a))~~ (d)(i) Serve as a clearinghouse and  
39 information center for the collection, preparation, analysis, and

1 dissemination of information on state and local adult and juvenile  
2 sentencing practices; ~~((b))~~ (ii) develop and maintain a computerized  
3 adult and juvenile sentencing information system by individual superior  
4 court judge consisting of offender, offense, history, and sentence  
5 information entered from judgment and sentence forms for all adult  
6 felons; and ~~((e))~~ (iii) conduct ongoing research regarding adult and  
7 juvenile sentencing guidelines, use of total confinement and  
8 alternatives to total confinement, plea bargaining, and other matters  
9 relating to the improvement of the adult criminal justice system~~((r))~~  
10 and the juvenile justice system;

11 ~~((10))~~ The staff and executive officer of the commission may  
12 provide staffing and services to the juvenile disposition standards  
13 commission, if authorized by RCW 13.40.025 and 13.40.027. The  
14 commission may conduct joint meetings with the juvenile disposition  
15 standards commission.

16 ~~((11))~~ The commission shall (e) Assume the powers and duties of the  
17 juvenile disposition standards commission after June 30, ~~((1997-))~~  
18 1996;

19 ~~((12))~~ (f) Evaluate the effectiveness of existing disposition  
20 standards and related statutes in implementing policies set forth in  
21 RCW 13.40.010 generally, specifically review the guidelines relating to  
22 the confinement of minor and first offenders as well as the use of  
23 diversion, and review the application of current and proposed juvenile  
24 sentencing standards and guidelines for potential adverse impacts on  
25 the sentencing outcomes of racial and ethnic minority youth;

26 (g) Solicit the comments and suggestions of the juvenile justice  
27 community concerning disposition standards, and make recommendations to  
28 the legislature regarding revisions or modifications of the standards  
29 in accordance with section 2 of this act. The evaluations shall be  
30 submitted to the legislature on December 1 of each odd-numbered year.  
31 The department of social and health services shall provide the  
32 commission with available data concerning the implementation of the  
33 disposition standards and related statutes and their effect on the  
34 performance of the department's responsibilities relating to juvenile  
35 offenders, and with recommendations for modification of the disposition  
36 standards. The office of the administrator for the courts shall  
37 provide the commission with available data on diversion and  
38 dispositions of juvenile offenders under chapter 13.40 RCW; and

1       (h) Not later than December 1, 1997, and at least every two years  
2 thereafter, based on available information, report to the governor and  
3 the legislature on:

4       (i) Racial disproportionality in juvenile and adult sentencing;

5       (ii) The capacity of state and local juvenile and adult facilities  
6 and resources; and

7       (iii) Recidivism information on adult and juvenile offenders.

8       (3) Each of the commission's recommended standard sentence ranges  
9 shall include one or more of the following: Total confinement, partial  
10 confinement, community supervision, community service, and a fine.

11       (4) The standard sentence ranges of total and partial confinement  
12 under this chapter are subject to the following limitations:

13       (a) If the maximum term in the range is one year or less, the  
14 minimum term in the range shall be no less than one-third of the  
15 maximum term in the range, except that if the maximum term in the range  
16 is ninety days or less, the minimum term may be less than one-third of  
17 the maximum;

18       (b) If the maximum term in the range is greater than one year, the  
19 minimum term in the range shall be no less than seventy-five percent of  
20 the maximum term in the range; and

21       (c) The maximum term of confinement in a range may not exceed the  
22 statutory maximum for the crime as provided in RCW 9A.20.021.

23       (5) The commission shall exercise its duties under this section in  
24 conformity with chapter 34.05 RCW.

25       NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW  
26 to read as follows:

27       (1) The sentencing guidelines commission shall recommend to the  
28 legislature no later than December 1, 1996, disposition standards for  
29 all offenses subject to the juvenile justice act, chapter 13.40 RCW.

30       (2) The standards shall establish, in accordance with the purposes  
31 of chapter 13.40 RCW, ranges that may include terms of confinement  
32 and/or community supervision established on the basis of the current  
33 offense and the history and seriousness of previous offenses, but in no  
34 case may the period of confinement and supervision exceed that to which  
35 an adult may be subjected for the same offense or offenses.

36       (3) Standards recommended for offenders listed in RCW 13.40.020(1)  
37 shall include a range of confinement that may not be less than thirty  
38 days. No standard range may include a period of confinement that

1 includes both more than thirty, and thirty or fewer, days. Disposition  
2 standards recommended by the commission shall provide that in all cases  
3 where a youth is sentenced to a term of confinement in excess of thirty  
4 days the department may impose an additional period of parole.

5 (4) Standards of confinement that may be proposed may relate only  
6 to the length of the proposed terms and not to the nature of the  
7 security to be imposed.

8 (5) The commission's recommendations for the disposition standards  
9 shall result in a simplified sentencing system. In setting the new  
10 standards, the commission shall focus on the need to protect public  
11 safety by emphasizing punishment, deterrence, and confinement for  
12 violent and repeat offenders. The seriousness of the offense shall be  
13 the most important factor in determining the length of confinement,  
14 while the offender's age and criminal history shall count as  
15 contributing factors. The commission shall increase judicial  
16 flexibility and discretion by broadening standard ranges of  
17 confinement. The commission shall provide for the use of basic  
18 training camp programs. Alternatives to total confinement shall be  
19 considered for nonviolent offenders.

20 (6) In setting new standards, the commission must also study the  
21 feasibility of creating a disposition option allowing a court to order  
22 minor/first or middle offenders into inpatient substance abuse  
23 treatment. To determine the feasibility of that option, the  
24 commission must review the number of existing beds and funding  
25 available through private, county, state, or federal resources,  
26 criteria for eligibility for funding, competing avenues of access to  
27 those beds, the current system's method of prioritizing the needs for  
28 limited bed space, the average length of stay in inpatient treatment,  
29 the costs of that treatment, and the cost-effectiveness of inpatient  
30 treatment compared to outpatient treatment.

31 (7) In setting new standards, the commission must also recommend  
32 disposition and institutional options for serious or chronic offenders  
33 between the ages of fifteen and twenty-five who currently must either  
34 be released from juvenile court jurisdiction at age twenty-one or who  
35 are prosecuted as adults because the juvenile system is inadequate to  
36 address the seriousness of their crimes, their rehabilitation needs, or  
37 public safety. One option must include development of a youthful  
38 offender disposition option that combines adult criminal sentencing  
39 guidelines and juvenile disposition standards and addresses: (a)

1 Whether youthful offenders would be under jurisdiction of the  
2 department of corrections or the department of social and health  
3 services; (b) whether current age restrictions on juvenile court  
4 jurisdiction would be modified; and (c) whether the department of  
5 social and health services or the department of corrections would  
6 provide institutional and community correctional services. The option  
7 must also recommend an implementation timeline and plan, identify  
8 funding and capital construction or improvement options to provide  
9 separate facilities for youthful offenders, and identify short and  
10 long-term fiscal impacts.

11 (8) In developing the new standards, the commission must review  
12 disposition options in other states and consult with interested parties  
13 including superior court judges, prosecutors, defense attorneys,  
14 juvenile court administrators, victims' advocates, the department of  
15 corrections and the department of social and health services, and  
16 members of the legislature.

17 (9) The commission shall consider whether juveniles prosecuted  
18 under the juvenile justice system for committing violent, sex, or  
19 repeated property offenses should be automatically prosecuted as adults  
20 when their term of confinement under the adult sentencing system is  
21 longer than their term of confinement under the juvenile system. The  
22 commission shall consider the option of allowing the prosecutor to  
23 determine in which system the juvenile should be prosecuted based on  
24 the anticipated length of confinement in both systems if the court  
25 imposes an exceptional sentence or manifest injustice above the  
26 standard range as requested by the prosecutor.

27 **Sec. 3.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read  
28 as follows:

29 (1) The commission consists of (~~sixteen~~) twenty voting members,  
30 one of whom the governor shall designate as chairperson. With the  
31 exception of ex officio voting members, the voting members of the  
32 commission shall be appointed by the governor, subject to confirmation  
33 by the senate.

34 (2) The voting membership consists of the following:

35 (a) The head of the state agency having general responsibility for  
36 adult correction programs, as an ex officio member;

37 (b) The director of financial management or designee, as an ex  
38 officio member;

1 (c) ~~Until ((June 30, 1998, the chair of))~~ the indeterminate  
2 sentence review board ceases to exist pursuant to RCW 9.95.0011, the  
3 chair of the board, as an ex officio member;

4 (d) ~~The ((chair of the clemency and pardons board))~~ head of the  
5 state agency, or the agency head's designee, having responsibility for  
6 juvenile corrections programs, as an ex officio member;

7 (e) Two prosecuting attorneys;

8 (f) Two attorneys with particular expertise in defense work;

9 (g) Four persons who are superior court judges;

10 (h) One person who is the chief law enforcement officer of a county  
11 or city;

12 (i) ~~((Three))~~ Four members of the public who are not ~~((and have~~  
13 ~~never been))~~ prosecutors, defense attorneys, judges, or law enforcement  
14 officers, one of whom is a victim of crime or a crime victims'  
15 advocate;

16 (j) One person who is an elected official of a county government,  
17 other than a prosecuting attorney or sheriff;

18 (k) One person who is an elected official of a city government;

19 (l) One person who is an administrator of juvenile court services.

20 In making the appointments, the governor shall endeavor to assure  
21 that the commission membership includes adequate representation and  
22 expertise relating to both the adult criminal justice system and the  
23 juvenile justice system. In making the appointments, the governor  
24 shall seek the recommendations of Washington prosecutors in respect to  
25 the prosecuting attorney members, of the Washington state bar  
26 association in respect to the defense attorney members, of the  
27 association of superior court judges in respect to the members who are  
28 judges, ((and)) of the Washington association of sheriffs and police  
29 chiefs in respect to the member who is a law enforcement officer, of  
30 the Washington state association of counties in respect to the member  
31 who is a county official, of the association of Washington cities in  
32 respect to the member who is a city official, of the office of crime  
33 victims advocacy and other organizations of crime victims in respect to  
34 the member who is a victim of crime or a crime victims' advocate, and  
35 of the Washington association of juvenile court administrators in  
36 respect to the member who is an administrator of juvenile court  
37 services.

38 (3)(a) All voting members of the commission, except ex officio  
39 voting members, shall serve terms of three years and until their

1 successors are appointed and confirmed. (~~However, the governor shall~~  
2 ~~stagger the terms by appointing four of the initial members for terms~~  
3 ~~of one year, four for terms of two years, and four for terms of three~~  
4 ~~years.~~)

5 (b) The governor shall stagger the terms of the members appointed  
6 under subsection (2)(j), (k), and (l) of this section by appointing one  
7 of them for a term of one year, one for a term of two years, and one  
8 for a term of three years.

9 (4) The speaker of the house of representatives and the president  
10 of the senate may each appoint two nonvoting members to the commission,  
11 one from each of the two largest caucuses in each house. The members  
12 so appointed shall serve two-year terms, or until they cease to be  
13 members of the house from which they were appointed, whichever occurs  
14 first.

15 (5) The members of the commission shall be reimbursed for travel  
16 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative  
17 members shall be reimbursed by their respective houses as provided  
18 under RCW 44.04.120, as now existing or hereafter amended. Members  
19 shall be compensated in accordance with RCW 43.03.250.

20 **Sec. 4.** RCW 13.40.025 and 1995 c 269 s 302 are each amended to  
21 read as follows:

22 (1) There is established a juvenile disposition standards  
23 commission to propose disposition standards to the legislature in  
24 accordance with RCW 13.40.030 and perform the other responsibilities  
25 set forth in this chapter.

26 (2) The commission shall be composed of the secretary or the  
27 secretary's designee and the following nine members appointed by the  
28 governor, subject to confirmation by the senate: (a) A superior court  
29 judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c)  
30 a law enforcement officer; (d) an administrator of juvenile court  
31 services; (e) a public defender actively practicing in juvenile court;  
32 (f) a county legislative official or county executive; and (g) three  
33 other persons who have demonstrated significant interest in the  
34 adjudication and disposition of juvenile offenders. In making the  
35 appointments, the governor shall seek the recommendations of the  
36 association of superior court judges in respect to the member who is a  
37 superior court judge; of Washington prosecutors in respect to the  
38 prosecuting attorney or deputy prosecuting attorney member; of the



1 Washington association of sheriffs and police chiefs in respect to the  
2 member who is a law enforcement officer; of juvenile court  
3 administrators in respect to the member who is a juvenile court  
4 administrator; and of the state bar association in respect to the  
5 public defender member; and of the Washington association of counties  
6 in respect to the member who is either a county legislative official or  
7 county executive.

8 (3) The secretary or the secretary's designee shall serve as  
9 chairman of the commission.

10 (4) The secretary shall serve on the commission during the  
11 secretary's tenure as secretary of the department. The term of the  
12 remaining members of the commission shall be three years. The initial  
13 terms shall be determined by lot conducted at the commission's first  
14 meeting as follows: (a) Four members shall serve a two-year term; and  
15 (b) four members shall serve a three-year term. In the event of a  
16 vacancy, the appointing authority shall designate a new member to  
17 complete the remainder of the unexpired term.

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

21 (6) The commission shall cease to exist on June 30, ((1997)) 1996,  
22 and its powers and duties shall be transferred to the sentencing  
23 guidelines commission established under RCW 9.94A.040.

24 **Sec. 5.** RCW 13.40.030 and 1989 c 407 s 3 are each amended to read  
25 as follows:

26 ~~(1)((a) The juvenile disposition standards commission shall~~  
27 ~~recommend to the legislature no later than November 1st of each year~~  
28 ~~disposition standards for all offenses. The standards shall establish,~~  
29 ~~in accordance with the purposes of this chapter, ranges which may~~  
30 ~~include terms of confinement and/or community supervision established~~  
31 ~~on the basis of a youth's age, the instant offense, and the history and~~  
32 ~~seriousness of previous offenses, but in no case may the period of~~  
33 ~~confinement and supervision exceed that to which an adult may be~~  
34 ~~subjected for the same offense(s). Standards recommended for offenders~~  
35 ~~listed in RCW 13.40.020(1) shall include a range of confinement which~~  
36 ~~may not be less than thirty days. No standard range may include a~~  
37 ~~period of confinement which includes both more than thirty, and thirty~~  
38 ~~or less, days. Disposition standards recommended by the commission~~

1 shall provide that in all cases where a youth is sentenced to a term of  
2 confinement in excess of thirty days the department may impose an  
3 additional period of parole not to exceed eighteen months. Standards  
4 of confinement which may be proposed may relate only to the length of  
5 the proposed terms and not to the nature of the security to be imposed.  
6 In developing recommended disposition standards, the commission shall  
7 consider the capacity of the state juvenile facilities and the  
8 projected impact of the proposed standards on that capacity.

9 (b)) The secretary shall submit guidelines pertaining to the  
10 nature of the security to be imposed on youth placed in his or her  
11 custody based on the age, offense(s), and criminal history of the  
12 juvenile offender. Such guidelines shall be submitted to the  
13 legislature for its review no later than November 1st of each year. At  
14 the same time the secretary shall submit a report on security at  
15 juvenile facilities during the preceding year. The report shall  
16 include the number of escapes from each juvenile facility, the most  
17 serious offense for which each escapee had been confined, the number  
18 and nature of offenses found to have been committed by juveniles while  
19 on escape status, the number of authorized leaves granted, the number  
20 of failures to comply with leave requirements, the number and nature of  
21 offenses committed while on leave, and the number and nature of  
22 offenses committed by juveniles while in the community on minimum  
23 security status; to the extent this information is available to the  
24 secretary. The department shall include security status definitions in  
25 the security guidelines it submits to the legislature pursuant to this  
26 section.

27 (2) ((In developing recommendations for)) The permissible ranges of  
28 confinement ((under this section the commission shall be)) resulting  
29 from a finding of manifest injustice under RCW 13.40.0357 are subject  
30 to the following limitations:

31 (a) Where the maximum term in the range is ninety days or less, the  
32 minimum term in the range may be no less than fifty percent of the  
33 maximum term in the range;

34 (b) Where the maximum term in the range is greater than ninety days  
35 but not greater than one year, the minimum term in the range may be no  
36 less than seventy-five percent of the maximum term in the range; and

37 (c) Where the maximum term in the range is more than one year, the  
38 minimum term in the range may be no less than eighty percent of the  
39 maximum term in the range.

1       **Sec. 6.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended to  
2 read as follows:

3       (1) For purposes of this chapter:

4       (a) "Juvenile justice or care agency" means any of the following:  
5 Police, diversion units, court, prosecuting attorney, defense attorney,  
6 detention center, attorney general, the department of social and health  
7 services and its contracting agencies, schools; and, in addition,  
8 persons or public or private agencies having children committed to  
9 their custody;

10       (b) "Official juvenile court file" means the legal file of the  
11 juvenile court containing the petition or information, motions,  
12 memorandums, briefs, findings of the court, and court orders;

13       (c) "Social file" means the juvenile court file containing the  
14 records and reports of the probation counselor;

15       (d) "Records" means the official juvenile court file, the social  
16 file, and records of any other juvenile justice or care agency in the  
17 case.

18       (2) Each petition or information filed with the court may include  
19 only one juvenile and each petition or information shall be filed under  
20 a separate docket number. The social file shall be filed separately  
21 from the official juvenile court file.

22       (3) It is the duty of any juvenile justice or care agency to  
23 maintain accurate records. To this end:

24       (a) The agency may never knowingly record inaccurate information.  
25 Any information in records maintained by the department of social and  
26 health services relating to a petition filed pursuant to chapter 13.34  
27 RCW that is found by the court, upon proof presented, to be false or  
28 inaccurate shall be corrected or expunged from such records by the  
29 agency;

30       (b) An agency shall take reasonable steps to assure the security of  
31 its records and prevent tampering with them; and

32       (c) An agency shall make reasonable efforts to insure the  
33 completeness of its records, including action taken by other agencies  
34 with respect to matters in its files.

35       (4) Each juvenile justice or care agency shall implement procedures  
36 consistent with the provisions of this chapter to facilitate inquiries  
37 concerning records.

38       (5) Any person who has reasonable cause to believe information  
39 concerning that person is included in the records of a juvenile justice

1 or care agency and who has been denied access to those records by the  
2 agency may make a motion to the court for an order authorizing that  
3 person to inspect the juvenile justice or care agency record concerning  
4 that person. The court shall grant the motion to examine records  
5 unless it finds that in the interests of justice or in the best  
6 interests of the juvenile the records or parts of them should remain  
7 confidential.

8 (6) A juvenile, or his or her parents, or any person who has  
9 reasonable cause to believe information concerning that person is  
10 included in the records of a juvenile justice or care agency may make  
11 a motion to the court challenging the accuracy of any information  
12 concerning the moving party in the record or challenging the continued  
13 possession of the record by the agency. If the court grants the  
14 motion, it shall order the record or information to be corrected or  
15 destroyed.

16 (7) The person making a motion under subsection (5) or (6) of this  
17 section shall give reasonable notice of the motion to all parties to  
18 the original action and to any agency whose records will be affected by  
19 the motion.

20 (8) The court may permit inspection of records by, or release of  
21 information to, any clinic, hospital, or agency which has the subject  
22 person under care or treatment. The court may also permit inspection  
23 by or release to individuals or agencies, including juvenile justice  
24 advisory committees of county law and justice councils, engaged in  
25 legitimate research for educational, scientific, or public purposes.  
26 The court may also permit inspection of, or release of information  
27 from, records which have been sealed pursuant to RCW 13.50.050(11).  
28 The court shall release to the sentencing guidelines commission records  
29 needed for its research and data-gathering functions under RCW  
30 9.94A.040 and other statutes. Access to records or information for  
31 research purposes shall be permitted only if the anonymity of all  
32 persons mentioned in the records or information will be preserved.  
33 Each person granted permission to inspect juvenile justice or care  
34 agency records for research purposes shall present a notarized  
35 statement to the court stating that the names of juveniles and parents  
36 will remain confidential.

37 (9) Juvenile detention facilities shall release records to the  
38 (~~juvenile disposition standards~~) sentencing guidelines commission  
39 under RCW 13.40.025 and 9.94A.040 upon request. The commission shall

1 not disclose the names of any juveniles or parents mentioned in the  
2 records without the named individual's written permission.

3 **Sec. 7.** RCW 72.09.300 and 1994 sp.s. c 7 s 542 are each amended to  
4 read as follows:

5 (1) Every county legislative authority shall by resolution or  
6 ordinance establish a local law and justice council. The county  
7 legislative authority shall determine the size and composition of the  
8 council, which shall include the county sheriff and a representative of  
9 the municipal police departments within the county, the county  
10 prosecutor and a representative of the municipal prosecutors within the  
11 county, a representative of the city legislative authorities within the  
12 county, a representative of the county's superior, juvenile, district,  
13 and municipal courts, the county jail administrator, the county clerk,  
14 the county risk manager, and the secretary of corrections. Officials  
15 designated may appoint representatives.

16 (2) A combination of counties may establish a local law and justice  
17 council by intergovernmental agreement. The agreement shall comply  
18 with the requirements of this section.

19 (3) The local law and justice council shall develop a local law and  
20 justice plan for the county. The council shall design the elements and  
21 scope of the plan, subject to final approval by the county legislative  
22 authority. The general intent of the plan shall include seeking means  
23 to maximize local resources including personnel and facilities, reduce  
24 duplication of services, and share resources between local and state  
25 government in order to accomplish local efficiencies without  
26 diminishing effectiveness. The plan shall also include a section on  
27 jail management. This section may include the following elements:

28 (a) A description of current jail conditions, including whether the  
29 jail is overcrowded;

30 (b) A description of potential alternatives to incarceration;

31 (c) A description of current jail resources;

32 (d) A description of the jail population as it presently exists and  
33 how it is projected to change in the future;

34 (e) A description of projected future resource requirements;

35 (f) A proposed action plan, which shall include recommendations to  
36 maximize resources, maximize the use of intermediate sanctions,  
37 minimize overcrowding, avoid duplication of services, and effectively  
38 manage the jail and the offender population;

1 (g) A list of proposed advisory jail standards and methods to  
2 effect periodic quality assurance inspections of the jail;

3 (h) A proposed plan to collect, synthesize, and disseminate  
4 technical information concerning local criminal justice activities,  
5 facilities, and procedures;

6 (i) A description of existing and potential services for offenders  
7 including employment services, substance abuse treatment, mental health  
8 services, and housing referral services.

9 (4) The council may propose other elements of the plan, which shall  
10 be subject to review and approval by the county legislative authority,  
11 prior to their inclusion into the plan.

12 (5) The county legislative authority may request technical  
13 assistance in developing or implementing the plan from other units or  
14 agencies of state or local government, which shall include the  
15 department, the office of financial management, and the Washington  
16 association of sheriffs and police chiefs.

17 (6) Upon receiving a request for assistance from a county, the  
18 department may provide the requested assistance.

19 (7) The secretary may adopt rules for the submittal, review, and  
20 approval of all requests for assistance made to the department. The  
21 secretary may also appoint an advisory committee of local and state  
22 government officials to recommend policies and procedures relating to  
23 the state and local correctional systems and to assist the department  
24 in providing technical assistance to local governments. The committee  
25 shall include representatives of the county sheriffs, the police  
26 chiefs, the county prosecuting attorneys, the county and city  
27 legislative authorities, and the jail administrators. The secretary  
28 may contract with other state and local agencies and provide funding in  
29 order to provide the assistance requested by counties.

30 (8) The department shall establish a base level of state  
31 correctional services, which shall be determined and distributed in a  
32 consistent manner state-wide. The department's contributions to any  
33 local government, approved pursuant to this section, shall not operate  
34 to reduce this base level of services.

35 (9) The council shall establish an advisory committee on juvenile  
36 justice proportionality. The council shall appoint the county juvenile  
37 court administrator and at least five citizens as advisory committee  
38 members. The citizen advisory committee members shall be  
39 representative of the county's ethnic and geographic diversity. The

1 advisory committee members shall serve two-year terms and may be  
2 reappointed. The duties of the advisory committee include:

3 (a) Monitoring and reporting to the (~~juvenile disposition~~  
4 ~~standards~~) sentencing guidelines commission on the proportionality,  
5 effectiveness, and cultural relevance of:

6 (i) The rehabilitative services offered by county and state  
7 institutions to juvenile offenders; and

8 (ii) The rehabilitative services offered in conjunction with  
9 diversions, deferred dispositions, community supervision, and parole;

10 (b) Reviewing citizen complaints regarding bias or  
11 disproportionality in that county's juvenile justice system;

12 (c) By September 1 of each year, beginning with 1995, submit to the  
13 (~~juvenile disposition standards~~) sentencing guidelines commission a  
14 report summarizing the advisory committee's findings under (a) and (b)  
15 of this subsection.

16 **Sec. 8.** 1995 c 269 s 3603 (uncodified) is amended to read as  
17 follows:

18 Section 301 of this act shall take effect June 30, (~~1997~~) 1996.

19 NEW SECTION. **Sec. 9.** RCW 13.40.027 and 1993 c 415 s 9, 1992 c 205  
20 s 103, 1989 c 407 s 2, 1986 c 288 s 9, & 1981 c 299 s 4 are each  
21 repealed.

22 NEW SECTION. **Sec. 10.** 1996 c . . . s 3 (section 3 of this act) is  
23 repealed, effective June 30, 1999.

24 NEW SECTION. **Sec. 11.** If specific funding for the purposes of  
25 this act, referencing this act by bill or chapter number, is not  
26 provided by June 30, 1996, in the supplemental omnibus appropriations  
27 act, this act is null and void.

28 NEW SECTION. **Sec. 12.** (1) Sections 1 through 8 of this act are  
29 necessary for the immediate preservation of the public peace, health,  
30 or safety, or support of the state government and its existing public  
31 institutions, and take effect immediately.

32 (2) Section 9 of this act takes effect July 1, 1996."

1 **SB 6253** - H COMM AMD  
2 By Committee on Appropriations

3  
4 On page 1, line 1 of the title, after "commission;" strike the  
5 remainder of the title and insert "amending RCW 9.94A.040, 9.94A.060,  
6 13.40.025, 13.40.030, 13.50.010, and 72.09.300; amending 1995 c 269 s  
7 3603 (uncodified); adding a new section to chapter 9.94A RCW; creating  
8 a new section; repealing RCW 13.40.027; providing an effective date;  
9 and declaring an emergency."

--- END ---