

2 **SB 6253** - H COMM AMD NOT ADOPTED 2-28-96
3 By Committee on Corrections

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((-))
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.** (1) Sections 1 through 8 of this act are
25 necessary for the immediate preservation of the public peace, health,
26 or safety, or support of the state government and its existing public
27 institutions, and take effect immediately.

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

29 **SB 6253** - H COMM AMD
30 By Committee on Corrections

31

32 On page 1, line 1 of the title, after "commission;" strike the
33 remainder of the title and insert "amending RCW 9.94A.040, 9.94A.060,

1 13.40.025, 13.40.030, 13.50.010, and 72.09.300; amending 1995 c 269 s
2 3603 (uncodified); adding a new section to chapter 9.94A RCW; repealing
3 RCW 13.40.027; providing an effective date; and declaring an
4 emergency."

--- END ---