

# HOUSE BILL REPORT

## HB 2392

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### As Passed Legislature

**Title:** An act relating to recommended prosecuting standards for juvenile charging and plea dispositions.

**Brief Description:** Adopting recommended prosecuting standards for juvenile charging and plea dispositions.

**Sponsors:** By House Committee on Corrections (originally sponsored by Representatives Tokuda, Ballasiotes, Chopp, Mason, Wolfe, Radcliff, Poulsen, Schoesler, Veloria, Cooke, Murray, Blanton and Costa).

**Brief History:**

**Committee Activity:**

Corrections: 1/24/96, 1/26/96 [DP].

**Floor Activity:**

Passed House: 2/5/96, 96-0.

Passed Legislature.

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### HOUSE COMMITTEE ON CORRECTIONS

**Majority Report:** Do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

**Staff:** Rick Neidhardt (786-7841).

**Background:** Prosecutorial Guidelines for Adults. Washington statutes contain non-binding guidelines for prosecutors to follow when prosecuting adult criminal cases. These statutes set out standards regarding (1) prosecutorial decisions to prosecute a case, (2) prosecutorial decisions not to prosecute a case, (3) the proper selection of charges or degree of charges, (4) police investigations, (5) plea dispositions, and (6) sentence recommendations.

Prosecution of Juvenile Cases. Current law requires prosecutors to develop their own non-binding filing standards for juvenile cases, but no single uniform set of guidelines exists in statute.

**Summary of Bill:** Prosecutorial Guidelines for Juvenile Cases. The same non-binding prosecutorial guidelines already existing for adult criminal cases are placed in statute for juvenile offenses. Minor changes are made in the guidelines to reflect the different terminology used in the juvenile justice system. Additional language is added to provide that prosecutorial decision-making shall not be influenced by considerations of race, gender, religion, or creed.

Pilot Project. A pilot project in two counties is created to track the application of the new guidelines and to monitor the uniformity of prosecutorial decision-making. These counties are to collect data on juvenile criminal prosecutions, including recording the reasons for charging decisions cross-tabulated with offender characteristics such as race, age, and type of crime. Findings from the project are to be reported to the Legislature by December 12, 1996.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 1996.

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

**Testimony For:** Racial disproportionality exists in the juvenile justice system. It exists in the prosecution of cases as well as in other parts of the system. Disproportionality exists even when we control for crime patterns. This bill will result in better uniformity of prosecutorial decision-making, including uniformity between the various counties, and between the juvenile system and the adult system. The bill will also create greater fairness in the system, which in turn will lead to greater compliance with the law and greater respect for the law. The same standards existing for adult criminal cases should apply to juvenile criminal cases. The standards are non-binding. Kitsap County has already started gathering data referred to in the bill's pilot project. A concern exists over requiring findings to be reported by the end of this year.

**Testimony Against:** None.

**Testified:** Representative Kip Tokuda, Prime Sponsor; Tom McBride, Washington Association of Prosecuting Attorneys (pro); James Kelly, Washington State Commission on African American Affairs (pro); Lorraine Lee, Governor's Policy Office (pro); David Della, Washington State Commission on Asian Pacific American Affairs (pro); and Paola Maranari, Children's Alliance (pro).