

SENATE BILL REPORT

HB 2392

As Reported By Senate Committee On:
Law & Justice, February 15, 1996

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: Representatives Tokuda, Ballasiotes, Chopp, Mason, Wolfe, Radcliff, Poulsen, Schoesler, Veloria, Cooke, Murray, Blanton and Costa.

Brief History:

Committee Activity: Law & Justice: 2/15/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Lidia Mori (786-7755)

Background: Prosecutorial Guidelines for Adults. Washington statutes contain nonbinding 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 nonbinding 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 nonbinding 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 is not 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. The two counties are selected by the Washington Association of Prosecuting Attorneys and one is in eastern Washington and one in Western Washington. These counties are to collect data on juvenile criminal prosecutions, including 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: This bill brings the guidelines that are in statute for prosecuting adults into effect for prosecution of juveniles. The pilots are important because they will allow us to determine whether the guidelines will affect disproportionality. With juveniles committing more and more serious crimes and more being declined to adult court, it is important to make sure there is equity as to the application of the state's juvenile justice system. Written standards do promote uniformity in charging. Much disproportionality comes in the front door through referrals. At some point, we will need to look at arrest decisions. Kitsap and Yakima are the two counties being considered for the pilot projects.

Testimony Against: None.

Testified: Rep. Kip Tokuda; Rep. Ida Ballasiotes; James Kelly, WA State Commission on African-American Affairs; Lorraine Lee, Office of Financial Management; Tom McBride, WA Assn. of Prosecuting Attorneys.