

CERTIFICATION OF ENROLLMENT

SENATE BILL 6253

Chapter 232, Laws of 1996

(partial veto)

54th Legislature
1996 Regular Session

SENTENCING GUIDELINES COMMISSION--DUTIES REVISED

EFFECTIVE DATE: 6/6/96 - Except sections 1-8 which become effective on 3/28/96; section 9 which becomes effective on 7/1/96.

Passed by the Senate March 6, 1996
YEAS 46 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 28, 1996
YEAS 94 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 28, 1996, with the exception of section 10, which is vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6253** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 28, 1996 - 5:07 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6253

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Smith, Kohl and Long; by request of Sentencing Guidelines Commission

Read first time 01/09/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to the sentencing guidelines commission; amending
2 RCW 9.94A.040, 9.94A.060, 13.40.025, 13.40.030, 13.50.010, and
3 72.09.300; amending 1995 c 269 s 3603 (uncodified); adding a new
4 section to chapter 9.94A RCW; creating a new section; repealing RCW
5 13.40.027; providing an effective date; and declaring an emergency.

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

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 ~~((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;~~

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

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

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

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

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

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

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

21 (5) ~~In carrying out its duties under subsection (2) of this~~
22 ~~section, the commission shall give consideration to the existing~~
23 ~~guidelines adopted by the association of superior court judges and the~~
24 ~~Washington association of prosecuting attorneys and the experience~~
25 ~~gained through use of those guidelines. The commission shall emphasize~~
26 ~~confinement for the violent offender and alternatives to total~~
27 ~~confinement for the nonviolent offender.~~

28 (6) ~~This commission shall conduct a study to determine the capacity~~
29 ~~of correctional facilities and programs which are or will be available.~~
30 ~~While the commission need not consider such capacity in arriving at its~~
31 ~~recommendations, the commission shall project whether the~~
32 ~~implementation of its recommendations would result in exceeding such~~
33 ~~capacity. If the commission finds that this result would probably~~
34 ~~occur, then the commission shall prepare an additional list of standard~~
35 ~~sentences which shall be consistent with such capacity.~~

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

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

1 (ii) The intent of the legislature to emphasize confinement for the
2 violent offender and alternatives to confinement for the nonviolent
3 offender.

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

7 (b) Recommend to the legislature revisions or modifications to the
8 standard sentence ranges, state sentencing policy, prosecuting
9 standards, and other standards. If implementation of the revisions or
10 modifications would result in exceeding the capacity of correctional
11 facilities, then the commission shall accompany its recommendation with
12 an additional list of standard sentence ranges which are consistent
13 with correction capacity((~~-~~));

14 ~~((8) The commission shall))~~ (c) Study the existing criminal code
15 and from time to time make recommendations to the legislature for
16 modification((~~-~~));

17 ~~((9) The commission may (a))~~ (d)(i) Serve as a clearinghouse and
18 information center for the collection, preparation, analysis, and
19 dissemination of information on state and local adult and juvenile
20 sentencing practices; ((b)) (ii) develop and maintain a computerized
21 adult and juvenile sentencing information system by individual superior
22 court judge consisting of offender, offense, history, and sentence
23 information entered from judgment and sentence forms for all adult
24 felons; and ((e)) (iii) conduct ongoing research regarding adult and
25 juvenile sentencing guidelines, use of total confinement and
26 alternatives to total confinement, plea bargaining, and other matters
27 relating to the improvement of the adult criminal justice system((~~-~~))
28 and the juvenile justice system;

29 ~~((10) The staff and executive officer of the commission may~~
30 ~~provide staffing and services to the juvenile disposition standards~~
31 ~~commission, if authorized by RCW 13.40.025 and 13.40.027. The~~
32 ~~commission may conduct joint meetings with the juvenile disposition~~
33 ~~standards commission.~~

34 ~~(11) The commission shall))~~ (e) Assume the powers and duties of the
35 juvenile disposition standards commission after June 30, ((1997-))
36 1996;

37 ~~((12))~~ (f) Evaluate the effectiveness of existing disposition
38 standards and related statutes in implementing policies set forth in
39 RCW 13.40.010 generally, specifically review the guidelines relating to

1 the confinement of minor and first offenders as well as the use of
2 diversion, and review the application of current and proposed juvenile
3 sentencing standards and guidelines for potential adverse impacts on
4 the sentencing outcomes of racial and ethnic minority youth;

5 (g) Solicit the comments and suggestions of the juvenile justice
6 community concerning disposition standards, and make recommendations to
7 the legislature regarding revisions or modifications of the standards
8 in accordance with section 2 of this act. The evaluations shall be
9 submitted to the legislature on December 1 of each odd-numbered year.
10 The department of social and health services shall provide the
11 commission with available data concerning the implementation of the
12 disposition standards and related statutes and their effect on the
13 performance of the department's responsibilities relating to juvenile
14 offenders, and with recommendations for modification of the disposition
15 standards. The office of the administrator for the courts shall
16 provide the commission with available data on diversion and
17 dispositions of juvenile offenders under chapter 13.40 RCW; and

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

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

22 (ii) The capacity of state and local juvenile and adult facilities
23 and resources; and

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

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

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

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

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

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

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

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
4 to read as follows:

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

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

14 (3) Standards recommended for offenders listed in RCW 13.40.020(1)
15 shall include a range of confinement that may not be less than thirty
16 days. No standard range may include a period of confinement that
17 includes both more than thirty, and thirty or fewer, days. Disposition
18 standards recommended by the commission shall provide that in all cases
19 where a youth is sentenced to a term of confinement in excess of thirty
20 days the department may impose an additional period of parole.

21 (4) Standards of confinement that may be proposed may relate only
22 to the length of the proposed terms and not to the nature of the
23 security to be imposed.

24 (5) The commission's recommendations for the disposition standards
25 shall result in a simplified sentencing system. In setting the new
26 standards, the commission shall focus on the need to protect public
27 safety by emphasizing punishment, deterrence, and confinement for
28 violent and repeat offenders. The seriousness of the offense shall be
29 the most important factor in determining the length of confinement,
30 while the offender's age and criminal history shall count as
31 contributing factors. The commission shall increase judicial
32 flexibility and discretion by broadening standard ranges of
33 confinement. The commission shall provide for the use of basic
34 training camp programs. Alternatives to total confinement shall be
35 considered for nonviolent offenders.

36 (6) In setting new standards, the commission must also study the
37 feasibility of creating a disposition option allowing a court to order
38 minor/first or middle offenders into inpatient substance abuse

1 treatment. To determine the feasibility of that option, the
2 commission must review the number of existing beds and funding
3 available through private, county, state, or federal resources,
4 criteria for eligibility for funding, competing avenues of access to
5 those beds, the current system's method of prioritizing the needs for
6 limited bed space, the average length of stay in inpatient treatment,
7 the costs of that treatment, and the cost-effectiveness of inpatient
8 treatment compared to outpatient treatment.

9 (7) In setting new standards, the commission must also recommend
10 disposition and institutional options for serious or chronic offenders
11 between the ages of fifteen and twenty-five who currently must either
12 be released from juvenile court jurisdiction at age twenty-one or who
13 are prosecuted as adults because the juvenile system is inadequate to
14 address the seriousness of their crimes, their rehabilitation needs, or
15 public safety. One option must include development of a youthful
16 offender disposition option that combines adult criminal sentencing
17 guidelines and juvenile disposition standards and addresses: (a)
18 Whether youthful offenders would be under jurisdiction of the
19 department of corrections or the department of social and health
20 services; (b) whether current age restrictions on juvenile court
21 jurisdiction would be modified; and (c) whether the department of
22 social and health services or the department of corrections would
23 provide institutional and community correctional services. The option
24 must also recommend an implementation timeline and plan, identify
25 funding and capital construction or improvement options to provide
26 separate facilities for youthful offenders, and identify short and
27 long-term fiscal impacts.

28 (8) In developing the new standards, the commission must review
29 disposition options in other states and consult with interested parties
30 including superior court judges, prosecutors, defense attorneys,
31 juvenile court administrators, victims' advocates, the department of
32 corrections and the department of social and health services, and
33 members of the legislature.

34 (9) The commission shall consider whether juveniles prosecuted
35 under the juvenile justice system for committing violent, sex, or
36 repeated property offenses should be automatically prosecuted as adults
37 when their term of confinement under the adult sentencing system is
38 longer than their term of confinement under the juvenile system. The
39 commission shall consider the option of allowing the prosecutor to

1 determine in which system the juvenile should be prosecuted based on
2 the anticipated length of confinement in both systems if the court
3 imposes an exceptional sentence or manifest injustice above the
4 standard range as requested by the prosecutor.

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

7 (1) The commission consists of (~~sixteen~~) twenty voting members,
8 one of whom the governor shall designate as chairperson. With the
9 exception of ex officio voting members, the voting members of the
10 commission shall be appointed by the governor, subject to confirmation
11 by the senate.

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

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

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

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

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

23 (e) Two prosecuting attorneys;

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

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

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

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

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

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

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

36 In making the appointments, the governor shall endeavor to assure
37 that the commission membership includes adequate representation and
38 expertise relating to both the adult criminal justice system and the

1 juvenile justice system. In making the appointments, the governor
2 shall seek the recommendations of Washington prosecutors in respect to
3 the prosecuting attorney members, of the Washington state bar
4 association in respect to the defense attorney members, of the
5 association of superior court judges in respect to the members who are
6 judges, ((and)) of the Washington association of sheriffs and police
7 chiefs in respect to the member who is a law enforcement officer, of
8 the Washington state association of counties in respect to the member
9 who is a county official, of the association of Washington cities in
10 respect to the member who is a city official, of the office of crime
11 victims advocacy and other organizations of crime victims in respect to
12 the member who is a victim of crime or a crime victims' advocate, and
13 of the Washington association of juvenile court administrators in
14 respect to the member who is an administrator of juvenile court
15 services.

16 (3)(a) All voting members of the commission, except ex officio
17 voting members, shall serve terms of three years and until their
18 successors are appointed and confirmed. ~~((However, the governor shall~~
19 ~~stagger the terms by appointing four of the initial members for terms~~
20 ~~of one year, four for terms of two years, and four for terms of three~~
21 ~~years.))~~

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

26 (4) The speaker of the house of representatives and the president
27 of the senate may each appoint two nonvoting members to the commission,
28 one from each of the two largest caucuses in each house. The members
29 so appointed shall serve two-year terms, or until they cease to be
30 members of the house from which they were appointed, whichever occurs
31 first.

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

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

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

5 (2) The commission shall be composed of the secretary or the
6 secretary's designee and the following nine members appointed by the
7 governor, subject to confirmation by the senate: (a) A superior court
8 judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c)
9 a law enforcement officer; (d) an administrator of juvenile court
10 services; (e) a public defender actively practicing in juvenile court;
11 (f) a county legislative official or county executive; and (g) three
12 other persons who have demonstrated significant interest in the
13 adjudication and disposition of juvenile offenders. In making the
14 appointments, the governor shall seek the recommendations of the
15 association of superior court judges in respect to the member who is a
16 superior court judge; of Washington prosecutors in respect to the
17 prosecuting attorney or deputy prosecuting attorney member; of the
18 Washington association of sheriffs and police chiefs in respect to the
19 member who is a law enforcement officer; of juvenile court
20 administrators in respect to the member who is a juvenile court
21 administrator; and of the state bar association in respect to the
22 public defender member; and of the Washington association of counties
23 in respect to the member who is either a county legislative official or
24 county executive.

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

27 (4) The secretary shall serve on the commission during the
28 secretary's tenure as secretary of the department. The term of the
29 remaining members of the commission shall be three years. The initial
30 terms shall be determined by lot conducted at the commission's first
31 meeting as follows: (a) Four members shall serve a two-year term; and
32 (b) four members shall serve a three-year term. In the event of a
33 vacancy, the appointing authority shall designate a new member to
34 complete the remainder of the unexpired term.

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

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

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

6 (1)((a) ~~The juvenile disposition standards commission shall~~
7 ~~recommend to the legislature no later than November 1st of each year~~
8 ~~disposition standards for all offenses. The standards shall establish,~~
9 ~~in accordance with the purposes of this chapter, ranges which may~~
10 ~~include terms of confinement and/or community supervision established~~
11 ~~on the basis of a youth's age, the instant offense, and the history and~~
12 ~~seriousness of previous offenses, but in no case may the period of~~
13 ~~confinement and supervision exceed that to which an adult may be~~
14 ~~subjected for the same offense(s). Standards recommended for offenders~~
15 ~~listed in RCW 13.40.020(1) shall include a range of confinement which~~
16 ~~may not be less than thirty days. No standard range may include a~~
17 ~~period of confinement which includes both more than thirty, and thirty~~
18 ~~or less, days. Disposition standards recommended by the commission~~
19 ~~shall provide that in all cases where a youth is sentenced to a term of~~
20 ~~confinement in excess of thirty days the department may impose an~~
21 ~~additional period of parole not to exceed eighteen months. Standards~~
22 ~~of confinement which may be proposed may relate only to the length of~~
23 ~~the proposed terms and not to the nature of the security to be imposed.~~
24 ~~In developing recommended disposition standards, the commission shall~~
25 ~~consider the capacity of the state juvenile facilities and the~~
26 ~~projected impact of the proposed standards on that capacity.~~

27 (b)) The secretary shall submit guidelines pertaining to the
28 nature of the security to be imposed on youth placed in his or her
29 custody based on the age, offense(s), and criminal history of the
30 juvenile offender. Such guidelines shall be submitted to the
31 legislature for its review no later than November 1st of each year. At
32 the same time the secretary shall submit a report on security at
33 juvenile facilities during the preceding year. The report shall
34 include the number of escapes from each juvenile facility, the most
35 serious offense for which each escapee had been confined, the number
36 and nature of offenses found to have been committed by juveniles while
37 on escape status, the number of authorized leaves granted, the number
38 of failures to comply with leave requirements, the number and nature of

1 offenses committed while on leave, and the number and nature of
2 offenses committed by juveniles while in the community on minimum
3 security status; to the extent this information is available to the
4 secretary. The department shall include security status definitions in
5 the security guidelines it submits to the legislature pursuant to this
6 section.

7 (2) (~~(In developing recommendations for)~~) The permissible ranges of
8 confinement (~~(under this section the commission shall be)~~) resulting
9 from a finding of manifest injustice under RCW 13.40.0357 are subject
10 to the following limitations:

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

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

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

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

22 (1) For purposes of this chapter:

23 (a) "Juvenile justice or care agency" means any of the following:
24 Police, diversion units, court, prosecuting attorney, defense attorney,
25 detention center, attorney general, the department of social and health
26 services and its contracting agencies, schools; and, in addition,
27 persons or public or private agencies having children committed to
28 their custody;

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

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

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

37 (2) Each petition or information filed with the court may include
38 only one juvenile and each petition or information shall be filed under

1 a separate docket number. The social file shall be filed separately
2 from the official juvenile court file.

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

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

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

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

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

19 (5) Any person who has reasonable cause to believe information
20 concerning that person is included in the records of a juvenile justice
21 or care agency and who has been denied access to those records by the
22 agency may make a motion to the court for an order authorizing that
23 person to inspect the juvenile justice or care agency record concerning
24 that person. The court shall grant the motion to examine records
25 unless it finds that in the interests of justice or in the best
26 interests of the juvenile the records or parts of them should remain
27 confidential.

28 (6) A juvenile, or his or her parents, or any person who has
29 reasonable cause to believe information concerning that person is
30 included in the records of a juvenile justice or care agency may make
31 a motion to the court challenging the accuracy of any information
32 concerning the moving party in the record or challenging the continued
33 possession of the record by the agency. If the court grants the
34 motion, it shall order the record or information to be corrected or
35 destroyed.

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

1 (8) The court may permit inspection of records by, or release of
2 information to, any clinic, hospital, or agency which has the subject
3 person under care or treatment. The court may also permit inspection
4 by or release to individuals or agencies, including juvenile justice
5 advisory committees of county law and justice councils, engaged in
6 legitimate research for educational, scientific, or public purposes.
7 The court may also permit inspection of, or release of information
8 from, records which have been sealed pursuant to RCW 13.50.050(11).
9 The court shall release to the sentencing guidelines commission records
10 needed for its research and data-gathering functions under RCW
11 9.94A.040 and other statutes. Access to records or information for
12 research purposes shall be permitted only if the anonymity of all
13 persons mentioned in the records or information will be preserved.
14 Each person granted permission to inspect juvenile justice or care
15 agency records for research purposes shall present a notarized
16 statement to the court stating that the names of juveniles and parents
17 will remain confidential.

18 (9) Juvenile detention facilities shall release records to the
19 (~~juvenile disposition standards~~) sentencing guidelines commission
20 under RCW 13.40.025 and 9.94A.040 upon request. The commission shall
21 not disclose the names of any juveniles or parents mentioned in the
22 records without the named individual's written permission.

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

25 (1) Every county legislative authority shall by resolution or
26 ordinance establish a local law and justice council. The county
27 legislative authority shall determine the size and composition of the
28 council, which shall include the county sheriff and a representative of
29 the municipal police departments within the county, the county
30 prosecutor and a representative of the municipal prosecutors within the
31 county, a representative of the city legislative authorities within the
32 county, a representative of the county's superior, juvenile, district,
33 and municipal courts, the county jail administrator, the county clerk,
34 the county risk manager, and the secretary of corrections. Officials
35 designated may appoint representatives.

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

1 (3) The local law and justice council shall develop a local law and
2 justice plan for the county. The council shall design the elements and
3 scope of the plan, subject to final approval by the county legislative
4 authority. The general intent of the plan shall include seeking means
5 to maximize local resources including personnel and facilities, reduce
6 duplication of services, and share resources between local and state
7 government in order to accomplish local efficiencies without
8 diminishing effectiveness. The plan shall also include a section on
9 jail management. This section may include the following elements:

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

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

13 (c) A description of current jail resources;

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

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

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

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

23 (h) A proposed plan to collect, synthesize, and disseminate
24 technical information concerning local criminal justice activities,
25 facilities, and procedures;

26 (i) A description of existing and potential services for offenders
27 including employment services, substance abuse treatment, mental health
28 services, and housing referral services.

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

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

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

1 (7) The secretary may adopt rules for the submittal, review, and
2 approval of all requests for assistance made to the department. The
3 secretary may also appoint an advisory committee of local and state
4 government officials to recommend policies and procedures relating to
5 the state and local correctional systems and to assist the department
6 in providing technical assistance to local governments. The committee
7 shall include representatives of the county sheriffs, the police
8 chiefs, the county prosecuting attorneys, the county and city
9 legislative authorities, and the jail administrators. The secretary
10 may contract with other state and local agencies and provide funding in
11 order to provide the assistance requested by counties.

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

17 (9) The council shall establish an advisory committee on juvenile
18 justice proportionality. The council shall appoint the county juvenile
19 court administrator and at least five citizens as advisory committee
20 members. The citizen advisory committee members shall be
21 representative of the county's ethnic and geographic diversity. The
22 advisory committee members shall serve two-year terms and may be
23 reappointed. The duties of the advisory committee include:

24 (a) Monitoring and reporting to the ((juvenile disposition
25 standards)) sentencing guidelines commission on the proportionality,
26 effectiveness, and cultural relevance of:

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

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

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

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

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

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

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

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

7 **Sec. 10 was vetoed. See message at end of chapter.*

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

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

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

Passed the Senate March 6, 1996.

Passed the House February 28, 1996.

Approved by the Governor March 28, 1996, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 28, 1996.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 10,
3 Senate Bill No. 6253 entitled:

4 "AN ACT Relating to the sentencing guidelines commission;"

5 Senate Bill No. 6253 updates the powers and duties and expands the
6 membership of the Sentencing Guidelines Commission (Commission). This
7 legislation recognizes the need to assess the current status of adult
8 felony sentencing as well as the need to reform disposition standards
9 for juvenile offenders. In order to provide needed representation and
10 perspective on the Commission, membership is increased to add a victim
11 of crime or victims' advocate, a county elected official, a city
12 elected official, a juvenile court administrator, and the head of the
13 state agency responsible for juvenile corrections (currently the
14 assistant secretary for the Juvenile Rehabilitation Administration of
15 the Department of Social and Health Services). The chair of the
16 Clemency and Pardons Board is removed from membership.

17 Section 10 of Senate Bill No. 6253 repeals these changes and
18 restores the Commission's current membership structure effective June
19 30, 1999. Because the Commission's responsibilities are not expected

1 to change at that time, there is no reason for repealing these changes.
2 The need for this representation and variety of perspectives will be at
3 least as great in 1999 as it is now. Further, the repeal would not
4 provide a significant savings to taxpayers since Commission members
5 serve part-time and receive only reimbursement of actual costs and, in
6 the case of citizen members, per diem for meetings.

7 For these reasons, I have vetoed section 10 of Senate Bill No.
8 6253.

9 With the exception of section 10, Senate Bill No. 6253 is
10 approved."