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HOUSE BILL 2390

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Ballasiotes, Sheahan, Quall, Morris, Dellwo, D. Sommers and Costa; by request of Sentencing Guidelines Commission

Read first time 01/10/96. Referred to Committee on Corrections.

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; repealing RCW 13.40.027; providing an  
5 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  
2 charging 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)) (b) 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        (c) Recommend to the legislature revisions or modifications to the  
8 standard sentence ranges, state sentencing policy, and other standards.  
9 If implementation of the revisions or modifications would result in  
10 exceeding the capacity of correctional facilities, then the commission  
11 shall accompany its recommendation with an additional list of standard  
12 sentence ranges which are consistent with correction capacity((-))i

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

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

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

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

36        ~~((12))~~ (g) Evaluate the effectiveness of existing disposition  
37 standards and related statutes in implementing policies set forth in  
38 RCW 13.40.010 generally, specifically review the guidelines relating to  
39 the confinement of minor and first offenders as well as the use of

1 diversion, and review the application of current and proposed juvenile  
2 sentencing standards and guidelines for potential adverse impacts on  
3 the sentencing outcomes of racial and ethnic minority youth;

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

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

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

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

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

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

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

37 (c) The maximum term of confinement in a range may not exceed the  
38 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, 1997, disposition standards for  
7 all offenses subject to the juvenile justice act, chapter 13.40 RCW.  
8 The commission shall publish a preliminary report no later than July 1,  
9 1997.

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

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

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

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

1 capacity that is being developed or that can feasibly be developed in  
2 the near future.

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

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

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

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

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

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

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

21 (e) Two prosecuting attorneys;

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

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

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

26 (i) Three members of the public who are not (~~and have never been~~)  
27 prosecutors, defense attorneys, judges, or law enforcement officers,  
28 one of whom is appointed as a representative of crime victims;

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

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

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

33 In making the appointments, the governor shall endeavor to assure  
34 that the commission membership includes adequate representation and  
35 expertise relating to both the adult criminal justice system and the  
36 juvenile justice system. In making the appointments, the governor  
37 shall seek the recommendations of Washington prosecutors in respect to  
38 the prosecuting attorney members, of the Washington state bar

1 association in respect to the defense attorney members, of the  
2 association of superior court judges in respect to the members who are  
3 judges, ~~((and))~~ of the Washington association of sheriffs and police  
4 chiefs in respect to the member who is a law enforcement officer, of  
5 the Washington state association of counties in respect to the member  
6 who is a county official, of the association of Washington cities in  
7 respect to the member who is a city official, and of the Washington  
8 association of juvenile court administrators in respect to the member  
9 who is an administrator of juvenile court services.

10 (3)(a) All voting members of the commission, except ex officio  
11 voting members, shall serve terms of three years and until their  
12 successors are appointed and confirmed. ~~((However, the governor shall~~  
13 ~~stagger the terms by appointing four of the initial members for terms~~  
14 ~~of one year, four for terms of two years, and four for terms of three~~  
15 ~~years.))~~

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

20 (4) The speaker of the house of representatives and the president  
21 of the senate may each appoint two nonvoting members to the commission,  
22 one from each of the two largest caucuses in each house. The members  
23 so appointed shall serve two-year terms, or until they cease to be  
24 members of the house from which they were appointed, whichever occurs  
25 first.

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

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

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

37 (2) The commission shall be composed of the secretary or the  
38 secretary's designee and the following nine members appointed by the

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

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

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

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

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

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

37 (1) ~~((a) The juvenile disposition standards commission shall~~  
38 ~~recommend to the legislature no later than November 1st of each year~~

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

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

38 (2) ((In developing recommendations for)) The permissible ranges of  
39 confinement ((under this section the commission shall be)) resulting

1 from a finding of manifest injustice under RCW 13.40.0357 are subject  
2 to the following limitations:

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

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

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

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

14 (1) For purposes of this chapter:

15 (a) "Juvenile justice or care agency" means any of the following:  
16 Police, diversion units, court, prosecuting attorney, defense attorney,  
17 detention center, attorney general, the department of social and health  
18 services and its contracting agencies, schools; and, in addition,  
19 persons or public or private agencies having children committed to  
20 their custody;

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

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

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

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

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

35 (a) The agency may never knowingly record inaccurate information.  
36 Any information in records maintained by the department of social and  
37 health services relating to a petition filed pursuant to chapter 13.34  
38 RCW that is found by the court, upon proof presented, to be false or

1 inaccurate shall be corrected or expunged from such records by the  
2 agency;

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

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

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

11 (5) Any person who has reasonable cause to believe information  
12 concerning that person is included in the records of a juvenile justice  
13 or care agency and who has been denied access to those records by the  
14 agency may make a motion to the court for an order authorizing that  
15 person to inspect the juvenile justice or care agency record concerning  
16 that person. The court shall grant the motion to examine records  
17 unless it finds that in the interests of justice or in the best  
18 interests of the juvenile the records or parts of them should remain  
19 confidential.

20 (6) A juvenile, or his or her parents, or any person who has  
21 reasonable cause to believe information concerning that person is  
22 included in the records of a juvenile justice or care agency may make  
23 a motion to the court challenging the accuracy of any information  
24 concerning the moving party in the record or challenging the continued  
25 possession of the record by the agency. If the court grants the  
26 motion, it shall order the record or information to be corrected or  
27 destroyed.

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

32 (8) The court may permit inspection of records by, or release of  
33 information to, any clinic, hospital, or agency which has the subject  
34 person under care or treatment. The court may also permit inspection  
35 by or release to individuals or agencies, including juvenile justice  
36 advisory committees of county law and justice councils, engaged in  
37 legitimate research for educational, scientific, or public purposes.  
38 The court may also permit inspection of, or release of information  
39 from, records which have been sealed pursuant to RCW 13.50.050(11).

1 The court shall release to the sentencing guidelines commission records  
2 needed for its research and data-gathering functions under RCW  
3 9.94A.040 and other statutes. Access to records or information for  
4 research purposes shall be permitted only if the anonymity of all  
5 persons mentioned in the records or information will be preserved.  
6 Each person granted permission to inspect juvenile justice or care  
7 agency records for research purposes shall present a notarized  
8 statement to the court stating that the names of juveniles and parents  
9 will remain confidential.

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

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

17 (1) Every county legislative authority shall by resolution or  
18 ordinance establish a local law and justice council. The county  
19 legislative authority shall determine the size and composition of the  
20 council, which shall include the county sheriff and a representative of  
21 the municipal police departments within the county, the county  
22 prosecutor and a representative of the municipal prosecutors within the  
23 county, a representative of the city legislative authorities within the  
24 county, a representative of the county's superior, juvenile, district,  
25 and municipal courts, the county jail administrator, the county clerk,  
26 the county risk manager, and the secretary of corrections. Officials  
27 designated may appoint representatives.

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

31 (3) The local law and justice council shall develop a local law and  
32 justice plan for the county. The council shall design the elements and  
33 scope of the plan, subject to final approval by the county legislative  
34 authority. The general intent of the plan shall include seeking means  
35 to maximize local resources including personnel and facilities, reduce  
36 duplication of services, and share resources between local and state  
37 government in order to accomplish local efficiencies without

1 diminishing effectiveness. The plan shall also include a section on  
2 jail management. This section may include the following elements:

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

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

6 (c) A description of current jail resources;

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

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

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

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

16 (h) A proposed plan to collect, synthesize, and disseminate  
17 technical information concerning local criminal justice activities,  
18 facilities, and procedures;

19 (i) A description of existing and potential services for offenders  
20 including employment services, substance abuse treatment, mental health  
21 services, and housing referral services.

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

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

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

32 (7) The secretary may adopt rules for the submittal, review, and  
33 approval of all requests for assistance made to the department. The  
34 secretary may also appoint an advisory committee of local and state  
35 government officials to recommend policies and procedures relating to  
36 the state and local correctional systems and to assist the department  
37 in providing technical assistance to local governments. The committee  
38 shall include representatives of the county sheriffs, the police  
39 chiefs, the county prosecuting attorneys, the county and city

1 legislative authorities, and the jail administrators. The secretary  
2 may contract with other state and local agencies and provide funding in  
3 order to provide the assistance requested by counties.

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

9 (9) The council shall establish an advisory committee on juvenile  
10 justice proportionality. The council shall appoint the county juvenile  
11 court administrator and at least five citizens as advisory committee  
12 members. The citizen advisory committee members shall be  
13 representative of the county's ethnic and geographic diversity. The  
14 advisory committee members shall serve two-year terms and may be  
15 reappointed. The duties of the advisory committee include:

16 (a) Monitoring and reporting to the ((juvenile disposition  
17 standards)) sentencing guidelines commission on the proportionality,  
18 effectiveness, and cultural relevance of:

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 10.** (1) Sections 1 through 8 of this act are  
36 necessary for the immediate preservation of the public peace, health,

1 or safety, or support of the state government and its existing public  
2 institutions, and take effect immediately.

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

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