

SENATE BILL REPORT

SB 5739

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 11, 1991

Brief Description: Creating the serious habitual offender program for juvenile offenders.

SPONSORS: Senators Anderson, Talmadge, von Reichbauer, McMullen, Amondson, Johnson, Oke, L. Smith and Sutherland.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, Rasmussen, and A. Smith.

Staff: Jack Brummel (786-7428)

Hearing Dates: March 4, 1991; March 6, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5739 be substituted therefor, and the substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Owen, Saling, L. Smith, Talmadge, West, and Wojahn.

Staff: Cindi Holmstrom (786-7715)

Hearing Dates: March 8, 1991; March 11, 1991

BACKGROUND:

It is estimated that 3 percent of the criminal population are juveniles responsible for 60 percent of all juvenile crime and 40 percent of all violent crime. Research indicates that the most active period of criminal activity for the career criminal occurs prior to reaching the age of 21.

Bellingham and Whatcom County are currently operating a federally supported pilot project called Serious Habitual Offender Comprehensive Action Plan (SHOCAP). The intent of the program is to increase interagency cooperation directed at reducing the criminal activity of the most active juvenile offenders.

SUMMARY:

A Serious Habitual Offender Program is established in the Department of Community Development. The program will provide financial assistance for the creation of units to identify and

disseminate information on serious habitual offenders. Specific responsibilities are assigned to participating law enforcement agencies, prosecuting attorneys, juvenile probation departments, and school districts, as well as the Department of Social and Health Services and the Administrator for the Courts.

Programs funded must report on their efforts to the Department of Community Development by January 1, 1993. The department is to submit a summary of the reports to the Legislature.

Juvenile records may be inspected when necessary by the compiler of data on serious habitual offenders, and confidentiality requirements do not apply to information exchanged between law enforcement, juvenile justice, and juvenile care agencies.

EFFECT OF PROPOSED SUBSTITUTE:

Language is added which eliminates the appropriation of \$2,000,000 from the general fund to the Department of Community Development and makes the act contingent upon funding in the Omnibus Appropriations Act.

Appropriation: none

Revenue: none

Fiscal Note: requested March 1, 1991

TESTIMONY FOR (Law & Justice):

Coordination among law enforcement agencies is not common. This bill will help eliminate the problem of prosecutors plea bargaining away a majority of charges against habitual offenders without knowing of their criminal history.

TESTIMONY AGAINST (Law & Justice):

This is an expensive way to accomplish the goal of information sharing. The bill presents procedural due process problems in its classification of offenders based on arrests rather than convictions.

TESTIFIED (Law & Justice): Senator Ann Anderson, sponsor; Steve Lance, Bellingham, Whatcom County SHOCAP (pro); Jerry Wasson, DSHS, DSR (con); Steven Gregovich, Pierce County Prosecutor (con); Michael Curtis, Office of the Administrator for the Courts

TESTIMONY FOR (Ways & Means):

This bill is directed at reducing the criminal activity of serious juvenile offenders by increasing interagency cooperation and data sharing.

TESTIMONY AGAINST (Ways & Means):

Concerns were expressed because the bill is based on arrests rather than convictions.

TESTIFIED (Ways & Means): Senator Anderson, sponsor; Jerry Wasson, Division of Juvenile Rehabilitation, DSHS (con); Margaret Casey, Childrens Alliance (con); Stephanie Carter, WAPA (con)