

# HOUSE BILL ANALYSIS

## HB 2133

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**Title:** An act relating to development of a community justice act.

**Brief Description:** Adopting the community justice act.

**Sponsors:** Representatives Koster, Veloria, and Costa.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841)

**Background:** Alternatives to Confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement may be substituted for one day of total confinement; (2) in addition, for offenders convicted of nonviolent offenses only, eight hours of community service may be substituted for one day of total confinement, with a maximum conversion limit of 240 hours or 30 days. Community service hours must be completed within the period of community supervision or a time period specified by the court, which must not exceed 24 months, pursuant to a schedule determined by the Department of Corrections.

For sentences of nonviolent offenders for one year or less, the court must consider and give priority to available alternatives to total confinement and must state its reasons in writing on the judgment and sentence form if the alternatives are not used.

Restorative Justice is a paradigm for imposing sanctions for convicted offenders that places greater emphasis than current law on restoring victims and communities and involving victims and communities in the sentencing process. A number of states have adopted sentencing provisions incorporating restorative justice principles. During the summer of 1996, the Department of Corrections, in conjunction with a subcommittee of the Washington State Law and Justice Advisory Council, reviewed these laws.

**Summary:** The community justice act is established to encourage citizens and victims of crime to be active partners in responding to crime in the management of resources, and in the sentencing and follow-up of convicted offenders in their community. In addition, as an enhancement to public safety, the purpose of this act is to:

- (1) Create a mechanism to encourage local community control of community corrections programs;
- (2) Assist local governments in developing community-based correctional programs that meet local community needs for safety, punishment, accountability, treatment, and resources;
- (3) Encourage the use of a range of community-based correctional strategies;

- (4) Introduce restorative justice concepts to encourage more frequent opportunities to repair the victim, community, and offender through the sentencing process;
- (5) Encourage active participation by victims and the community in community-based correctional programs;
- (6) Hold the offender accountable; and
- (7) Reduce the likelihood of future criminal behavior.

Community Justice Application Process. The Washington State Law and Justice Advisory Council will distribute grants to local governments that choose to develop community justice restorative programs. Prior to the grant process the council must establish application and selection criteria for local governments that choose to develop programs. The application and selection criteria must:

- (a) Be compatible with local and state law and justice plans;
- (b) Target all adult and juvenile offenders and youth populations at risk;
- (c) Include concepts of restorative justice that reflect the safety interests of the community, accountability of the offender, and encourage active participation by victims and the community in the sentencing process;
- (d) Support and encourage increased court discretion in imposing community-based correctional strategies as exemplified in a number of alternatives to confinement programs;
- (e) Be compatible with research that shows what works with offenders;
- (f) Include prevention strategies;
- (g) Be outcome based; and
- (h) Include an evaluation component.

Local governments that choose to participate in restorative justice concepts must establish programs that are consistent with the state-wide comprehensive law and justice plan and are approved by the local law and justice council.

Local governments participating in restorative justice programs will each submit a report on the progress of the program to the Washington State Law and Justice Advisory Council 12 months, but not longer than 14 months, after implementation of the programs. The council, within three months of the receipt of the reports, must compile and provide a report to the Legislature.

Community Justice Restorative Grants. The Washington State Law and Justice Advisory Council may make grants, based on a formula, to local governments for the provision of community-based correctional strategies. The grant formula must: recognize the diversity of local needs, establish guidelines for the submission, review, and approval of local applications to the council, be based upon availability of resources, and be consistent with the state-wide comprehensive law and justice plan, and the intent of the Legislature. Funding may be provided from new resources or state funds formerly used to provide state correctional services.

A grant received by a local government must be used efficiently to encourage the use of existing community-based correctional strategies or in the development of new community-based correctional strategies, that decrease the reliance on incarceration for a target population identified in the local law and justice plan. The local government must also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed by

the Washington State Law and Justice Advisory Council.

The Department of Corrections may provide support and technical assistance to local governments for training and education regarding community-based correctional strategies.

The term "community" means a group of people in a local jurisdiction, or a combination of people in multiple jurisdictions, that could include, but is not limited to, community service agencies, schools, neighborhood associations, and the governments, that undertake joint efforts and shared responsibilities for purposes of providing community-based correctional strategies in their jurisdiction or jurisdictions.

The term "community-based correctional strategies" means any of a number of alternative punishments and sanctions that are served by an offender in the community, including alternatives to total confinement.

The term "restorative justice" means a framework that can be used to guide the structure and process of the criminal justice system. The restorative justice framework is based on the following assumptions: (a) that the crime results in injuries to victims, communities, and offenders; (b) that the victim, the community, and the offender should be included in the response to crime; (c) that criminal justice agencies and communities play a complementary role in the response to crime; (d) that offender accountability is based upon acknowledgment of responsibility and effort to repair the harm done; and (e) that the community becomes directly involved in supporting victims, holding offenders accountable, and providing opportunities for offenders to reintegrate into the community. In the restorative justice framework, victims and the community may influence the sentence outcome through direct input to the court or through community restoration boards.

Alternatives to Confinement. For sentences of nonviolent offenders for one year or less, the court must consider and give priority to available alternatives to total confinement and must state its reasons in writing on the judgment and sentence form if the alternatives are not used. In determining the sentence for a nonviolent offender, the court must balance the interests of the victim, the community, the offender, and the state. In addition to the various alternatives to confinement sentences, the court may impose alternatives to total confinement that include, but are not limited to, the following community-based correctional strategies: day reporting; electronic monitoring; fines, restitution, and legal financial obligations; partial confinement; restitution; reparative boards or restorative justice programs, or both, that may include affirmative conduct requirements; mediation; treatment; work crews and other options as are acceptable to the local community.

Before imposing a restorative justice element or other community-based correctional sentencing alternative strategy, the court may suspend the imposition of all or any portion of a sentence of total confinement. If the offender fails to comply with the terms and conditions of the sentencing alternative, the court may impose sanctions or the court may revoke the suspended sentence and order execution of the sentence of total confinement. All confinement time served before or during the sentencing alternative must be credited to the offender if the suspended sentence is revoked.

**Require the Exercise of Rule- Making Powers:** No

**Fiscal Note:** Requested on February 25, 1997.

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