

SENATE BILL REPORT

SB 5960

As of March 4, 1997

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

Brief Description: Adopting the community justice act.

Sponsors: Senators Long, Haugen, Goings and Winsley.

Brief History:

Committee Activity: Human Services & Corrections: 3/4/97.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Andrea McNamara (786-7483)

Background: The Washington State Law and Justice Advisory Council (WSLJAC) created a Community Corrections Subcommittee in the spring of 1996, to explore three primary initiatives: (1) The enactment of a Community Corrections or Community Justice Act, and/or a Restorative Justice Act; (2) an expansion of the current level of trust between local and state government and of opportunities to support local law and justice councils to plan and meet their local needs; and (3) the identification of available funding sources for community corrections services.

The subcommittee met throughout the interim to examine the history of successful community justice acts and restorative justice programs that have been implemented around the country over the past two decades. This proposal is the result of the subcommittee's efforts and has been approved by WSLJAC as a strategy that supports the statewide comprehensive Law and Justice Plan.

Summary of Bill: The Community Justice Act (CJA) is created and is targeted toward nonviolent offenders whose standard range sentences are one year or less.

The CJA is identified as the Legislature's response to the need for greater victim and citizen involvement in the criminal justice system, greater control of resources by local governments and communities, and the enhancement of public safety. A number of findings and purposes of the act are specified, including the creation of a mechanism to encourage local community control of community corrections programs, the development and use of community-based correctional strategies, and the introduction of restorative justice concepts.

For nonviolent offenders with sentences of one year or less, the court is directed to balance the interests of the victim, the community, and the offender in considering whether alternatives to total confinement are appropriate. The list of alternatives is expanded to include community-based correctional strategies and restorative justice programs. When imposing one of these sentencing alternatives, the court may also impose and suspend a sentence of total confinement. Failure by the offender to comply with the terms and

conditions of the sentencing alternative may result sanctions of, among other things, up to 60 days in jail or revocation of the suspended sentence, whichever is longer.

The Washington State Law and Justice Advisory Council (WSLJAC) is directed to establish and administer a process for approving and funding local government programs that meet specified criteria. Qualifying programs may be either: (1) local programs that are based on restorative justice concepts, or (2) local programs that provide community-based correctional strategies.

The application and selection criteria are specified for WSLJAC to use in approving restorative justice programs and funding community-based correctional strategies. In both cases, the programs must be consistent with the statewide comprehensive law and justice plan and the local law and justice plan where the program will be implemented. Accounting and reporting requirements are specified for participating local governments. Grant funding for the community-based correctional strategies programs may be provided from new resources or state funds formerly used to provide state correctional services.

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

Definitions of restorative justice and community-based correctional strategies are included.

Restorative justice is defined as a framework used to guide the structure and process of the criminal justice system based on the following assumptions: (1) that crime results in injuries to victims, communities, and offenders; (2) that each should be included in the response to crime; (3) 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 is directly involved in supporting victims, holding offenders accountable, and providing opportunities for offenders to reintegrate into the community.

Community-based correctional strategies are defined as punishments and sanctions that are served in the community as an alternative to total confinement. They may include such options as day reporting; electronic monitoring; fines, restitution and legal financial obligations; partial confinement; reparative boards or restorative justice programs which may include affirmative conduct requirements; mediation; treatment; work crews; and other options that are acceptable to the local community.

Other current code sections are amended to reflect updated cross references.

Appropriation: None.

Fiscal Note: Available.

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