

HOUSE BILL REPORT

SB 5664

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to community service.

Brief Description: Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution."

Sponsors: Senators Costa, Long, Kline, Hargrove, Thibaudeau, Wojahn, Franklin and Jacobsen.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/23/99, 3/31/99 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Changes the terms "community service" and "community services" to "community restitution."
- Makes technical corrections to the Criminal Justice Information Act to correct a cross-reference to the Washington State Patrol statutes.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Dianne Ramerman (786-7172).

Background:

Under the Sentencing Reform Act of 1981, "community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

Under current law dealing with juvenile offenders, "community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews.

Under current law, there is a "community services revolving fund." The Department of Corrections maintains this permanent revolving fund that is used to defray the expenses of clothing and other necessities and for transporting discharged prisoners, inmates assigned to work/training release facilities, parolees and persons convicted of a felony and granted probation who are without means to secure the same. Costs and expenditures incurred for these purposes may be deducted by the department from the earnings of the participants and deposited in the community services revolving fund.

Generally, community service is a sentencing option that the court may impose. For example, for adults there is a statutory alternative to the standard range for certain first-time offenders, i.e. the First-time Offender Waiver. Choices available to the court include, but are not limited to, requiring up to two years of community supervision which, in addition to crime-related prohibitions, may include requirements that the offender perform some community service work. The court may also impose community service as part of the Drug Offender Sentencing Alternative and for a variety of other reasons.

For juveniles, the following are two non-exclusive examples of when community service may be ordered: 1) the court may require the offender to complete 0-150 hours of community service when the court imposes local sanctions; and 2) the court may order community service when the offender fails to pay a fine or monetary penalty and due to a change in circumstances cannot reasonably comply with the order.

Under 43.43.700 RCW, Washington State Patrol, which references "community service," the "identification and criminal history" section of the chapter was previously changed to the "identification, child abuse, vulnerable adult abuse, and criminal history" section, per 1989 and 1987 legislation.

Summary of Amended Bill:

The terms "community service" and "community services" are changed to "community restitution."

Technical corrections are made to 10.98.040 RCW, the Criminal Justice Information Act, to correct changes to 43.43.700 RCW. The statute as currently written cross-references an incorrect section.

Amended Bill Compared to Original Bill: An amendment is made so that all sections of the code that deal with adult and juvenile offenders who perform "community service" are changed. In the Senate bill, only "community service" was changed. However, the "community services revolving fund," as well as another section dealing with offenders, were not changed as they are in the amendment.

The amendment makes another technical correction to the same cross-reference by adding "vulnerable adult abuse." In the Senate bill, only "child abuse" was added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The term "community service" is being changed to "community restitution" to more clearly define what is happening when a court orders either an adult or juvenile offender to provide "community restitution." This is a pet peeve of mine because offenders are not really serving the community, rather they are paying back to the community for what they have done.

Testimony Against: None.

Testified: Senator Costa, prime sponsor.