

SENATE BILL REPORT

SB 6521

As of January 30, 2002

Title: An act relating to a youthful offender sentencing alternative.

Brief Description: Creating a youthful offender sentencing alternative.

Sponsors: Senators Kohl-Welles and Kline; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity: Human Services & Corrections: 2/1/02.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Fara Daun (786-7459)

Background: In 2000, a legislative mandate directed the Sentencing Guidelines Commission to examine state sentencing policy and recommend revisions and modifications if necessary. Included in that review was a review of the juvenile decline provisions under which specified categories of juveniles are tried and sentenced in adult court.

Summary of Bill: A new Youthful Offender Sentencing Alternative (YOSA) is established. When a juvenile who was automatically declined to adult court has been convicted for a crime other than murder in the first or second degree, the court may sentence the offender to a YOSA sentence if the court finds that a YOSA sentence would be in the best interest of the community. In considering whether a juvenile is appropriate for a YOSA sentence, the court must consider relevant reports, facts, opinions, and arguments justifying the imposition of a YOSA sentence as well as the offender's history, character, and condition, including his or her level of sophistication and maturity, pattern of living, and emotional and mental development.

A YOSA sentence consists of a sentence under the juvenile sentencing structure plus a sentence under the Sentencing Reform Act in the adult system. An offender who receives a YOSA sentence is committed to the custody of the Juvenile Rehabilitation Administration (JRA) until the offender turns 21. The adult sentence must be suspended on condition of the offender complying with the terms of the YOSA. JRA must report annually to the court on the offender's compliance with the YOSA terms.

If the offender was convicted of an offense other than a serious violent offense, not more than three months prior to the offender's 21st birthday, the offender appears before the court to determine whether the offender has complied with the YOSA. If the court determines that the offender has made progress in available rehabilitative programs, has not reoffended, and has not posed a serious threat to the safety of others, the court must release the offender from the adult sentence. The offender is subject to community custody supervision by DOC for up to 48 months. If the court determines that the offender has not succeeded with the YOSA,

the court must impose the adult sentence and the offender is transferred to DOC and confined there until the earlier of the expiration of the adult sentence or age 25.

If the offender was convicted of a serious violent offense, the offender is transferred to the custody of the Department of Corrections (DOC) at age 21 and committed to DOC until the earlier of the expiration of the adult sentence or the offender reaching age 25. Not more than 90 days prior to the end of the sentence or the offender's 25th birthday, the court must hold a hearing to determine whether the offender has complied with the YOSA. If the offender has complied with the YOSA, the court may release the offender from the adult sentence and impose up to 48 months of community custody. If the offender has not succeeded with the YOSA, the court must revoke the YOSA and impose the adult sentence.

Victims enrolled in the victim notification program must be notified of the hearings and may participate in the hearing in whatever manner they choose.

If a YOSA sentence is revoked, the matter must be considered an adult sentence for all purposes and the offender must be given credit for time served in the custody of JRA and DOC.

DOC and JRA must develop a system of shared information and resources for assessment and community custody placement.

Appropriation: None.

Fiscal Note: Requested on January 30, 2002.

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