

SENATE BILL REPORT

SB 5186

As Reported By Senate Committee On:
Human Services & Corrections, February 22, 1995

Title: An act relating to terms of confinement of juvenile offenders who reach eighteen years of age.

Brief Description: Providing for transfer to department of corrections facilities of juvenile offenders who reach eighteen years of age.

Sponsors: Senators Roach, Smith and Rasmussen.

Brief History:

Committee Activity: Human Services & Corrections: 2/22/95 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Staff: Andrea McNamara (786-7483)

Background: Currently, any juvenile offender committed to the Department of Social and Health Services may be transferred to the Department of Corrections (DOC) with the consent of the Secretary of the DOC. A transfer may be authorized only after a review board establishes that a juvenile presents a continuing and serious threat to the safety of others in the institution. Those juveniles who reach the age of 18 prior to the completion of their commitment also require a hearing and DOC authorization before they may be transferred to the DOC.

In 1993, five juveniles were transferred from juvenile facilities to DOC, and eleven were transferred in 1994. In response to a 1992 superior court injunction declaring transfers under certain circumstances to be unconstitutional, only juveniles with subsequent adult convictions are now being transferred to DOC.

Summary of Substitute Bill: The Department of Social and Health Services is directed to plan, design, and construct its next confinement facility for "youthful offenders." Youthful offenders are those who reach the age of 18 prior to completing their term of confinement.

The facility must be developed to address the different levels of custody, staffing, services, and programming that are appropriate for youthful offenders, recognizing that youthful offenders often more closely resemble adults confined under the jurisdiction of the Department of Corrections.

The department makes quarterly reports to the Legislature during the design phase of its next capital facility from September, 1995 to July, 1997.

Substitute Bill Compared to Original Bill: The substitute bill addresses the same population of offenders as the original bill, but requires the Department of Social and Health Services to develop a new juvenile facility to confine these youthful offenders instead of transferring them to Department of Corrections facilities.

Appropriation: None.

Fiscal Note: Requested on January 16, 1995.

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

Testimony For: None.

Testimony Against: The original bill sends approximately 300 new offenders to the Department of Corrections (DOC) during the next biennium. Many of these youths would likely be preyed upon or easily influenced by the older offenders. Increasing this population in DOC would result in a higher cost of care for supervision, management, and services needed to respond to this type of offender. The Governor's "Smart on Crime" bill requires the Juvenile Rehabilitation Administration (JRA) to explore the "Youthful Offender" facility model that is being implemented in other states. Automatically transferring offenders to DOC at the age of 18 may destroy the rehabilitative prospects for many of these youths. Approximately 45 percent of 18 year olds in JRA have six months or less left of their disposition, and approximately 45 percent are currently in community beds.

Testified: Tom Rolfs, Director, Division of Prisons, Department of Corrections (with concerns); Sid Sidorowicz, Assistant Secretary, Juvenile Rehabilitation Administration, Department of Social and Health Services (with concerns).