

SENATE BILL REPORT

SB 5705

As of February 26, 1997

Title: An act relating to juvenile offenders.

Brief Description: Changing provisions relating to prevention of juvenile crime and reduction of recidivism for juvenile offenders.

Sponsors: Senators Long, Hargrove, Franklin, Zarelli and Kohl.

Brief History:

Committee Activity: Law & Justice: 2/26/97.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: Juvenile justice laws have not been substantially reformed for many years, despite the long-term upward trend in the number and rates of juvenile offenses. Frustration has often been expressed by parents of offenders, law enforcement and the judiciary regarding the increases in juvenile offenses and recidivism. Proponents of this bill support a unified approach, which encourages family participation in the juvenile justice system, and coordination among agencies that serve juvenile offenders.

Summary of Bill: Juvenile courts are required to provide notice of hearings to parents or guardians of juveniles under the jurisdiction of juvenile court. A requirement to attend the hearing may be included with the notice. The parent or guardian may request to be excused from attending. The court may grant the request if attending would cause an undue hardship on the person. A parent or guardian who, after receiving notice, does not attend and has not been excused from attending may be found in contempt.

Juvenile court is directed, if possible, to hold hearings during nonstandard hours; however, it is not the intent of the Legislature to increase the cost of court operation. Additional judicial positions authorized by statute do not take effect until a plan and implementation schedule allowing the operation of juvenile court during evening and weekend hours has been approved by the county legislative authority and submitted to the Administrator for the Courts. No bonds or notes for the construction or improvement of superior court facilities may be issued in counties or judicial districts with a population of greater than 200,000, unless a plan to allow operation of juvenile court during evening and weekend hours has been approved by the county legislative authority and submitted to the Administrator for the Courts.

A parent or guardian may not be examined as to a statement made by the parent's minor child to his or her attorney in the presence of the parent or guardian after the filing of criminal charges. The parent or guardian of a juvenile who has been released upon posting

a probation bond are required to notify the court if the juvenile fails to conform to the conditions of release or provisions in the probation bond.

A chemical dependency disposition alternative is created. Offenders are not eligible if the offense for which they were convicted is a sex offense or is above seriousness Level VIII. The sum of time spent in confinement and inpatient treatment may not exceed 100 days, and the court may impose any term of community supervision. Regular reports on the success of treatment must be submitted to the court and treatment review hearings may be required. Before the end of treatment, the court may refer the offender to the Department of Social and Health Services (DSHS) to determine whether a Child in Need of Services (CHINS) petition should be filed or to the county designated chemical dependency specialist to determine whether a petition for commitment should be filed. The University of Washington is directed to develop standards for measuring effectiveness of treatment programs which must be presented to the Governor and Legislature by January 1, 1998. DSHS is directed to prioritize expenditures for treatment based on the success of the treatment provider using the standards developed by the University of Washington.

Juvenile court is directed to refer juveniles to DSHS for a determination of whether a CHINS petition or a dependency petition should be filed based on the juvenile having a specific criminal history or upon the recommendation of a probation officer.

A prosecutor who is unable to file or chooses not to file a criminal charge against a juvenile who is under the age of 12 at the time of the alleged offense must forward the name of the juvenile and the facts of the incident to DSHS. If a law enforcement officer investigating an offense has reasonable cause to believe it was committed by a juvenile under the age of eight years, the officer is required to forward the name of the child and the alleged facts to the department.

The court sets appropriate rehabilitative goals for each offender before entering a disposition order. The department is required to provide rehabilitative resources. Progress reports are required for juveniles whose commitment involves a minimum of 180 days or longer. After considering the progress report, the secretary sets a discharge date. The secretary sets a discharge date within the commitment range before the expiration of 75 percent of the minimum for juveniles whose minimum is less than 180 days and prepares a progress report before the juvenile is discharged. The secretary is required to submit an annual report to the Governor and Legislature on security at juvenile facilities. The report includes a copy of all assessment tools used and any changes made in the tools since the report was submitted the preceding year.

The parole period for offenders sentenced for rape first or second degree, rape of a child first or second degree, child molestation first degree or indecent liberties with forcible compulsion may, in the discretion of the secretary, be up to 36 months. The department is directed to develop and implement by January 1, 1999, an intensive supervision program as part of its parole services. The secretary may require offenders on parole to participate in the intensive supervision program. Those offenders are required to comply with conditions of parole and report at least once a week to a community case manager. The secretary may also require day reporting.

The Sentencing Guidelines Commission is required to review conviction data for the past ten years and submit a proposed bill to the 1998 Legislature which appropriately ranks all unranked felonies for which there have been convictions during that ten-year period. A juvenile justice reform implementation task force is created. The task force is required to submit to the Governor and the Legislature by December 15, 1997, a plan to accomplish a reduction in the rate of recidivism of juvenile offenders. A grant program for the provision of volunteer mentoring programs for juvenile offenders is created in DSHS. Data collection and outcome analysis requirements are specified for juvenile offender intervention and service delivery programs. The Institute for Public Policy is directed to develop a uniform definition of recidivism and to report to the Legislature by December 31, 1997.

Appropriation: \$2,025,000.

Fiscal Note: Requested on February 12, 1997.

Effective Date: The bill contains several effective dates. Please refer to the bill.