

ESSB 5719 - H COMM AMD

By Committee on Juvenile Justice & Family Law

ADOPTED AS AMENDED 04/11/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.40.169 and 2003 c 378 s 5 are each amended to read
4 as follows:

5 ~~((Any charter county with a population of not more than seventy
6 thousand shall establish a pilot program to implement the community
7 commitment disposition alternative contained in this section. The
8 pilot project shall be limited to five beds.))~~

9 (1) ~~((When))~~ Any county or group of cooperating counties within
10 close proximity may establish a program to implement the community
11 commitment disposition alternative under this section. A program
12 established by a county or group of cooperating counties shall be
13 limited to ten beds. A court in a county that has established a
14 program under this section or has entered an agreement with other
15 counties to establish such a program may impose a community commitment
16 disposition alternative as provided in this section.

17 (2) The court may impose a community commitment disposition
18 alternative sentence if the court finds the following:

19 (a) The offender is subject to a standard range commitment of 15 to
20 36 weeks ~~((and))~~;

21 (b) The offender is ineligible for a suspended disposition
22 alternative, a manifest injustice disposition below the standard range,
23 special sex offender disposition alternative, chemical dependency
24 disposition alternative, or mental health disposition alternative~~((~~
25 ~~the court in a county with a pilot program under this section may~~
26 ~~impose a community commitment disposition alternative and:))~~;

27 (c) The offender is appropriate for the community commitment
28 disposition alternative considering the youth's offense, prior criminal
29 history, security classification, risk level, treatment needs, and
30 history; and

1 (d) One of the following factors exists:

2 (i) Placement in a local detention facility in close proximity to
3 the youth's family or local support systems will facilitate a smoother
4 reintegration to the youth's family and community;

5 (ii) Placement in the local detention facility will allow the youth
6 to benefit from locally provided family intervention programs, other
7 research-based treatment programs, school, employment, or drug and
8 alcohol or mental health counseling; or

9 (iii) Confinement in a facility operated by the department would
10 result in a negative disruption to local services, school, or
11 employment or impede or delay developing those services and support
12 systems in the community.

13 (3) If the court imposes a community commitment disposition
14 alternative sentence, the court may:

15 ~~(a) ((Retain juvenile court jurisdiction over the youth;~~

16 ~~(b)) Confine the youth in a secure county detention facility ((~~for~~~~
17 ~~a period of time not to exceed thirty days)), or an alternative to~~
18 ~~secure county detention pursuant to subsection (5) of this section; and~~

19 ~~((c)) (b) Impose a term of postrelease community supervision for~~
20 ~~up to one year that includes a reintegration program as defined in~~
21 ~~subsection (4) of this section.~~

22 ~~((If the youth receives a standard range disposition, the court~~
23 ~~shall set the release date within the standard range. The court shall~~
24 ~~determine the release date prior to expiration of sixty percent of the~~
25 ~~juvenile's minimum term of confinement.~~

26 ~~(2) The court may impose this community commitment disposition~~
27 ~~alternative if the court finds the following:~~

28 ~~(a) Placement in a local detention facility in close proximity to~~
29 ~~the youth's family or local support systems will facilitate a smoother~~
30 ~~reintegration to the youth's family and community;~~

31 ~~(b) Placement in the local detention facility will allow the youth~~
32 ~~to benefit from locally provided family intervention programs and other~~
33 ~~research based treatment programs, school, employment, and drug and~~
34 ~~alcohol or mental health counseling; or~~

35 ~~(c) Confinement in a facility operated by the department would~~
36 ~~result in a negative disruption to local services, school, or~~
37 ~~employment or impede or delay developing those services and support~~
38 ~~systems in the community.~~

1 ~~(3) The court shall consider the youth's offense, prior criminal~~
2 ~~history, security classification, risk level, and treatment needs and~~
3 ~~history when determining whether the youth is appropriate for the~~
4 ~~community commitment disposition alternative. If the court finds that~~
5 ~~a community commitment disposition alternative is appropriate, the~~
6 ~~court shall order the youth into secure detention while the details of~~
7 ~~the reintegration program are developed.)~~)

8 (4) ~~((Upon approval of the treatment and community reintegration~~
9 ~~plan))~~ (a) The community commitment disposition alternative sentence
10 shall include a treatment and community reintegration plan designed to
11 address the needs of the juvenile that is approved by the court. The
12 reintegration plan under this section shall include delivery of
13 programs which meet the Washington state institute for public policy's
14 effectiveness standards for juvenile accountability programs; and

15 (b) If the court finds that a community commitment disposition
16 alternative is appropriate, the court shall order the youth into secure
17 county detention while the details of the reintegration program are
18 developed.

19 (5) If the court orders a sentence under this section, the court
20 may order the youth to serve the term of confinement in one or more of
21 the following placements or combination of placements: Secure county
22 detention, an alternative to secure county detention such as electronic
23 home monitoring, county group care, day or evening reporting, or home
24 detention. The court may order the youth to serve time in detention on
25 weekends or intermittently. The court shall set periodic reviews to
26 review the youth's progress in the program. ~~((At least fifty percent))~~
27 No more than a total of thirty days of the term of confinement shall be
28 served in secure county detention.

29 ~~((+5))~~ (6)(a) If the youth violates the conditions of the
30 community commitment program, the court may impose sanctions under RCW
31 13.40.200 or modify the terms of the reintegration plan and order the
32 youth to serve all or a portion of ~~((the remaining confinement term))~~
33 any remaining thirty total days of confinement permitted under the
34 disposition alternative in secure county detention or another
35 alternative to secure county detention as described in subsection (5)
36 of this section.

37 (b) If the youth violates the terms of the disposition alternative
38 a second time, the court shall revoke the community commitment

1 disposition alternative and order the disposition's execution, with
2 credit for time served, at a facility operated by the juvenile
3 rehabilitation administration of the department of social and health
4 services.

5 (c) Except for a youth transferred to a facility operated by the
6 juvenile rehabilitation administration, time not spent in secure county
7 detention may be served in one of the alternative placements described
8 in subsection (5) of this section. The court shall consider the
9 youth's risk level in selecting alternative placements.

10 ~~((+6+))~~ (7) A county may enter into interlocal agreements with
11 other counties to develop joint community commitment programs or to
12 allow one county to send a youth appropriate for this alternative to
13 another county that has a community commitment program.

14 ~~((+7+))~~ (8) Implementation of this alternative is subject to
15 available state funding for the costs of the community commitment
16 program, including costs of detention ~~((and community))~~, supervision,
17 treatment programs, and administration.

18 (9) Each county or group of cooperating counties establishing a
19 program to implement the community commitment disposition alternative
20 under this act shall provide an interim report on a program to the
21 Washington association of juvenile court administrators by November 1,
22 2006, and a final report by May 1, 2007. Each report shall include,
23 but is not limited to, the number of offenders eligible for the
24 program, the number of offenders sentenced to the program, evaluation
25 and treatment costs for each participant, administrative costs, costs
26 of detention, supervision, and other related costs, and whether an
27 offender has reoffended after participation in the program. The
28 Washington association of juvenile court administrators shall submit an
29 interim report ~~((on))~~ analyzing the data submitted by each of the
30 ~~((pilot))~~ programs established in this section to the legislature and
31 appropriate committees by December 31, ~~((2004))~~ 2006, and submit a
32 final report to the legislature and the appropriate committees by June
33 30, ~~((2005))~~ 2007.

34 ~~((This section expires July 1, 2005.))~~

35 NEW SECTION. Sec. 2. This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2005."

3 Correct the title.

EFFECT: Removes the language stating that the juvenile court may retain jurisdiction under the disposition alternative.

Clarifies that the juvenile may only be held in secure detention for a total of 30 days.

Changes the requirements for revocation to state that the court must revoke the disposition alternative if the juvenile violates the terms of the disposition a second time.

Reorganizes provisions to place the sections that deal with one another in the same subsections.

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