

SENATE BILL REPORT

ESSB 5719

As Passed Senate, March 9, 2005

Title: An act relating to the community commitment disposition alternative pilot program.

Brief Description: Extending the community commitment disposition alternative pilot program.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

Brief History:

Committee Activity: Human Services & Corrections: 2/7/05, 2/24/05 [DPS].
Passed Senate: 3/9/05, 46-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: In 2003, the legislature passed a law that changed certain aspects of juvenile sentencing. Part of that law established a pilot program for a community commitment disposition alternative.

Under the pilot program, the community commitment disposition alternative is available to juvenile offenders, subject to a standard range commitment of 15 to 36 weeks, who are ineligible for certain other disposition alternatives.

In order to impose the community commitment disposition alternative, the court must find that one of the following circumstances exists. First, the court could find that keeping the youth in detention close to home would facilitate a smoother reintegration after the youth returns home. Second, the court could find that detention close to home would allow the youth to benefit from local services, such as family intervention programs, school, employment, and drug and alcohol or mental health counseling. Finally, the court could find that confinement in a facility operated by the Department of Social and Health Services would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.

The community commitment disposition alternative places limits on the amount of time that a juvenile can spend in secure county detention and sets out other placement alternatives, such as home detention, electronic home monitoring, county group care, and day or evening reporting.

The pilot program expires July 1, 2005.

Summary of Bill: The community commitment disposition alternative is expanded to allow any county or group of counties to establish a program to implement the community commitment disposition alternative. The program in a particular county or group of cooperating counties is limited to ten beds.

The period of time that a juvenile offender may be confined in secure county detention between the date of disposition and the initial release date is reduced to 30 days or less. No more than 30 days may be spent in secure county detention, unless the juvenile violates the terms of the program. The community commitment disposition alternative must include delivery of programs which meet the Washington Institute for Public Policy's effectiveness standards for juvenile accountability programs.

If a youth violates the terms of the program, the court may impose a range of sanctions including up to 30 days of the remaining confinement term in secure county detention. If, in the opinion of the court, the juvenile's cumulative violations would require more than 30 days of secure detention, the court must revoke the community commitment disposition alternative and order the disposition's execution at a JRA facility. Time not served in either secure county detention or at JRA may be served in alternative placements set out in the bill. The court retains jurisdiction for purposes of community supervision upon release from JRA.

Requirements are set out for the data that must be collected by the counties establishing a program under the act and reported to the Washington Association of Juvenile Court Administrators. The Washington Association of Juvenile Court Administrators is charged with analyzing the data and reporting to the legislature.

The sunset clause is eliminated.

An emergency clause is added.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: July 31, 2005.

Testimony For Original Bill: Youth who are subject to a 15-36 week standard commitment could go to the Juvenile Rehabilitation Administration (JRA) or they could be kept in the county. The community commitment disposition alternative is designed to keep juvenile offenders in secure county detention for 30 days and then place them under community supervision. If the youth does well, he may never return to supervision; if not, the court may exercise alternatives under the statute. The alternatives would be carried out locally, not at the JRA. The maximum time spent in secure lock-down, if the youth violates the terms of the community commitment disposition alternative, is 50 percent of the disposition, up to a maximum of 18 weeks. A youth that is subject to the community commitment disposition alternative is likely to spend more time under supervision than a youth that is in supervision for 30 days after being released from the JRA.

Testimony Against Original Bill: The community commitment disposition alternative does not require adherence to the JRA residential treatment model or national performance-based

standards for residential confinement programs. The bill does not provide family-focused services as part of county community supervision. The bill does not require use of evidence-based programs. Accountability for use of state resources, quality assurance, and adherence to a treatment model is limited. Youth are potentially detained for up to 18 weeks in secure county detention, which is not designed for long-term housing.

Who Testified: PRO: Pete Peterson, Washington Association of Juvenile Court Administrators.

CON: Pleas Green, Juvenile Rehabilitation Administration.

House Amendment(s): The maximum amount of time that a juvenile may be held in a secure county detention facility under the community commitment disposition alternative is 30 days. If the youth violates the conditions of the community commitment disposition twice, then the court must revoke the community commitment disposition and send the youth to a JRA facility. The requirement that the juvenile court retain jurisdiction for purposes of supervision upon release is eliminated. An emergency clause is added.

Passed House: 96-0.