

HOUSE BILL REPORT

HB 2373

As Reported by House Committee On:
Community Development, Housing & Tribal Affairs

Title: An act relating to residential custody services for tribal youth.

Brief Description: Concerning residential custody services for tribal youth.

Sponsors: Representatives Kagi, Senn, Reeves, Appleton and Stonier; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/16/18, 1/18/18 [DP].

Brief Summary of Bill

- Permits the Department of Social and Health Services to contract with a tribe to provide residential custody services in a rehabilitation facility for youth who have been sentenced by a tribal court.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin, Reeves and Sawyer.

Staff: Sean Flynn (786-7124).

Background:

The Department of Social and Health Services (Department) Juvenile Rehabilitation division administers a comprehensive program for the care and rehabilitation of at-risk juveniles who are sentenced by a juvenile court to a term of confinement for certain kinds of eligible offenses. The department operates two maximum security facilities and one medium security facility for such juvenile offenders and provides treatment and behavior services for youth at those facilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Federal law recognizes that Native American tribes retain the sovereign right of self-government that includes the power to make and enforce their own laws. Tribes retain certain criminal and civil jurisdiction that is exclusive or shared with federal or state authority. Washington has 29 federally recognized tribes, most of which have established tribal court systems. State courts generally recognize and enforce the orders, judgements, and decrees of tribal courts.

The Interlocal Cooperation Act allows state and local agencies to enter into contracts with other state and local agencies, as well as federal and tribal agencies, and other states. The agreements may include performance of a service, activity, or undertaking that each agency is authorized to perform.

Summary of Bill:

The Department may contract with a tribe located in the state to provide residential custody services in a rehabilitation facility for youth who have been sentenced by a tribal court. The contract must be in compliance with the Interlocal Cooperation Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Some tribes do not have the resources to handle some of the more serious cases involving mental health and sex offenses. Juvenile rehabilitation centers include juvenile felony offenders. There has been a long history of work between state and tribes who have entered into agreements to providing custody of youths sentenced in tribal courts. The Governor had ordered the Department to enter into agreements, but further review put the legal status of these arrangements into question and the parties recognized the need for legal authority.

This bill honors the government-to-government relationship and mutual understanding between the state and tribes. It fills gaps between Public Law 280 and state law.

(Opposed) None.

Persons Testifying: Representative Kagi, prime sponsor; Marybeth Queral, Department of Social and Health Services; and Joel Boyd, Colville Business Council.

Persons Signed In To Testify But Not Testifying: None.