

HOUSE BILL REPORT

HB 1740

As Reported by House Committee On: Human Services & Early Learning

Title: An act relating to individuals placed in minimum security status by the department of children, youth, and families.

Brief Description: Concerning individuals placed in minimum security status by the department of children, youth, and families.

Sponsors: Representatives Lovick, Klippert, Senn, Goodman, Frame, Eslick, Ortiz-Self and Callan.

Brief History:

Committee Activity:

Human Services & Early Learning: 2/1/19, 2/6/19 [DPS].

Brief Summary of Substitute Bill

- Increases the amount of time a juvenile placed in minimum security status may participate in work, educational, community restitution, or treatment programs in the community from 12 to 16 hours.
- Excludes unlawful use or possession of a controlled substance or use, or possession of an alcoholic beverage from the type of serious infraction that will result in an individual automatically transferring from a community institution to a juvenile rehabilitation institution.

HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry, Goodman, Griffey, Kilduff, Klippert, Lovick and Ortiz-Self.

Staff: Luke Wickham (786-7146).

Background:

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.

Juvenile Offender Sentencing.

Juvenile court dispositions are subject to statutory sentencing guidelines.

Juvenile offenses are categorized using letters E through A++ to indicate the seriousness level of the offense with E being the least serious and A++ being the most serious offense category. A statutory grid establishes the standard sentencing range for a particular offense based on the offense category and an individual's prior adjudications. Each prior felony adjudication counts as one point, and each prior violation, misdemeanor, or gross misdemeanor counts as one-fourth point. Fractional points are rounded down.

The sentencing category called "local sanctions" is the least serious category for juvenile sentencing purposes. Local sanctions include a range of up to 30 days in confinement, up to 12 months of community service, up to 150 hours of community service, and up to a \$500 fine. When a juvenile court sentences a juvenile offender to local sanctions, the court must impose a determinate sentence within the standard range. Confinement imposed by a juvenile court up to 30 days is served in a county juvenile detention facility.

Any confinement imposed that is greater than 30 days is served through commitment at a Department of Social and Health Services (DSHS) juvenile rehabilitation facility.

If the court concludes that disposition within the standard range would effectuate a manifest injustice, the court must impose a disposition outside the standard range. A court's finding of manifest injustice must be supported by clear and convincing evidence.

A juvenile offender cannot be committed by the juvenile court beyond the offender's twenty-first birthday.

Juvenile Rehabilitation Institutions.

The DSHS operates three juvenile institutions for juveniles convicted of crimes and sentenced to more than 30 days of confinement. Echo Glen Children's Center in Snoqualmie serves younger male offenders and female offenders. Green Hill School in Chehalis serves older male offenders. Naselle Youth Camp in Naselle provides services to male offenders and offers a forestry work program.

Juvenile Rehabilitation Community Facilities.

Community facilities allow youth to begin transitioning back to the community. These facilities provide treatment, education, and vocational services. To be eligible for community facility placement, a youth must be placed on minimum security status. Minimum security status is based on risk and behavior assessments, and requires that the individual served 10 percent of his or her aggregate minimum disposition or 30 days, whichever is greater, and all placement assessment requirements have been met. Individuals who attempt to escape or escape, individuals who are eligible for civil commitment, and individuals who meet other criteria are not eligible for minimum security status.

There are eight community facilities across the state including:

- Canyon View (Wenatchee);
- Oakridge (Lakewood);
- Parke Creek (Ellensburg);

- Ridgeview (Yakima);
- Sunrise (Ephrata);
- Touchstone (Olympia);
- Twin Rivers (Richland); and
- Woodinville (Kirkland).

Unlawful Possession of a Controlled Substance.

It is unlawful for any person to possess a controlled substance unless the substance was obtained using a valid prescription. Controlled substances means a drug or substance included in schedules I through V in state or federal law. State law lists substances that are included in each of these categories. Possession of marijuana by persons age 21 and older in limited amounts is not included in the possession of a controlled substance offense.

Use or Possession of an Alcoholic Beverage.

It is unlawful for any person under age 21 to possess, consume, or otherwise acquire any liquor. This offense is categorized as a gross misdemeanor.

Summary of Substitute Bill:

The amount of time a juvenile placed in minimum security status may participate in work, educational, community restitution, or treatment programs in the community is increased from 12 to 16 hours.

The offenses of unlawful use or possession of a controlled substance and use or possession of an alcoholic beverage are excluded from the type of serious infraction that will result in an individual automatically transferring from a community institution to a juvenile rehabilitation institution. The commission of any other criminal offense will continue to be a serious infraction that will result in the return of an individual to a juvenile rehabilitation institution.

The Department of Children, Youth, and Families (DCYF) must adopt and implement rules based on empirically validated best practices to appropriately address offenses involving the unlawful use or possession of a controlled substance or alcohol.

Substitute Bill Compared to Original Bill:

The substitute bill requires the DCYF to adopt and implement rules based on empirically validated best practices to appropriately address offenses involving the unlawful use or possession of a controlled substance or alcohol.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill is a good approach to dealing with young people. This bill gives young people a second chance without being so harsh. Young people should be able to go to school and jobs, and this bill provides flexibility regarding transportation to these important pursuits. Juvenile rehabilitation would like discretion regarding whether to transfer individuals back to an institution after a juvenile is found with drugs or alcohol.

(Opposed) Substance abuse is an indicator of more serious offenses later on. There should be a more nuanced approach to juveniles involved with alcohol or drugs.

Persons Testifying: (In support) Representative Lovick, prime sponsor; and Marybeth Quarel, Department of Social and Health Services.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.