
**Juvenile Justice & Family Law
Committee**

ESSB 5903

Brief Description: Providing additional sentencing alternatives for juvenile offenders.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Carlson).

Brief Summary of Engrossed Substitute Bill

- Creates three additional sentencing alternatives for juvenile offenders.

Hearing Date: 4/1/03

Staff: Sonja Hallum (786-7092).

Background:

A juvenile offender who is adjudicated of an offense may be given a sentence by the court based on the statutorily available sentencing options. In Washington, the juvenile court may sentence a juvenile offender to a standard range sentence, a sentence outside the standard range, a deferred disposition, a Special Sex Offender Disposition Alternative sentence, or a Chemical Dependency Disposition Alternative sentence.

The majority of the sentences imposed by the juvenile court are standard range sentences. Standard range sentences are calculated based on a grid system using the offender's prior criminal history and the seriousness of the current offense. If the court finds that a standard range sentence is not appropriate in a specific case the court may impose a statutorily available alternative sentence. The court may impose a manifest injustice sentence outside the standard range if the court has sufficient cause. There may also be alternative sentences which are appropriate such as a Special Sex Offender Disposition Alternative or a Chemical Dependency Disposition Alternative sentence.

If the court imposes a period of confinement as a part of the sentence the juvenile offender may be sentenced to serve the time in a local detention facility if the sentence is a shorter duration, generally thirty days or less. If the sentence involves a longer period of commitment, the juvenile offender is usually transferred to a Juvenile Rehabilitation

Administration (JRA) facility. The local detention facilities and the JRA facilities may offer different treatment programs.

Summary of Bill:

Three additional sentencing alternatives are created: a Suspended Disposition Alternative, a Mental Health Disposition Alternative, and a Community Commitment Alternative.

Suspended Disposition Alternative:

If the offender is subject to a standard range disposition involving confinement by JRA, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions.

If the offender fails to comply with the suspended disposition conditions, the court may order sanctions or may revoke the suspended disposition and order the imposition of the original sentence.

An offender is ineligible for the Suspended Disposition Alternative if the offender is:

- (a) Adjudicated of an A+ offense;
- (b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:
 - (i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;
 - (ii) Manslaughter in the first degree; or
 - (iii) Assault in the second degree, extortion in the first degree, kidnapping in the second degree, robbery in the second degree, residential burglary, burglary in the second degree, drive-by shooting, vehicular homicide, hit and run death, intimidating a witness, violation of the uniform controlled substances act (RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;
- (c) Ordered to serve a disposition for a firearm violation; or
- (d) Adjudicated of a sex offense.

Mental Health Disposition Alternative:

If the offender is subject to a standard range disposition of 15 to 65 weeks, the court may impose the standard range or impose the standard range and suspend the disposition on condition that the offender comply with the terms of the Mental Health Disposition Alternative.

The court may impose the Mental Health Disposition Alternative if the court finds the following:

- (a) The offender has a current diagnosis of an axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;
- (b) An appropriate treatment option is available in the community;

- (c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program;
- (d) The offender, the offender's family, and the community will benefit from the use of the Mental Health Disposition Alternative;

The court may order a mental health or chemical dependency evaluation to determine if the offender has a designated mental disorder or chemical dependency disorder. The evaluator is to determine if the offender is eligible for research based treatment. The court may also order a second mental health or chemical dependency evaluation.

If the court determines the Mental Health Disposition Alternative is appropriate, the court shall impose the standard range disposition of up to 65 weeks, suspend execution of the disposition, place the offender on community supervision for up to one year, and impose one or more other local sanctions.

If the offender fails to comply with the terms of the disposition alternative the court may impose sanctions or may revoke the suspended disposition and order the imposition of the original sentence.

Community Commitment Disposition Alternative:

If the offender is subject to a standard range disposition of 15 to 36 weeks, and is ineligible for the other sentencing alternatives, the court may impose the Community Commitment Disposition Alternative. This alternative allows the court to retain jurisdiction over the offender rather than committing the offender to a JRA institution.

The court may order the offender to be confined in the county detention facility for a standard range sentence or a manifest injustice sentence of up to 52 weeks, and impose community supervision for up to one year. At least fifty percent of the term of confinement must be served in secure detention and the remainder may be served in alternative placements such as home detention, day or weekend reporting, or group care.

The court may impose the Community Commitment Disposition Alternative if the court finds the following:

- (a) Placement in a local detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;
- (b) Placement in the local detention facility will allow the youth to benefit from locally provided family intervention programs and other research-based treatment programs, school, employment, and drug and alcohol or mental health counseling; or
- (c) Confinement in a facility operated by the department 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.

If the offender violates the conditions of the community commitment program the court may impose sanctions or order the offender to serve all or a portion of the remaining confinement time in secure detention.

Other Provisions:

The Washington State Institute for Public Policy shall develop adherence and outcome standards for measuring effectiveness of treatment programs referred to in the Act.

A Task Force is created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed into public schools following their conviction.

Appropriation: None.

Fiscal Note: Not Requested.

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