

SENATE BILL REPORT

ESSB 5903

As Passed Senate, March 19, 2003

Title: An act relating to juvenile offender sentences.

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 History:

Committee Activity: Children & Family Services & Corrections: 2/25/03, 3/5/03 [DPS].
Passed Senate: 3/19/03, 36-11.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Tony Rugel (786-7754)

Background: It has been suggested that county juvenile courts may be in a better position to determine and deliver sentences in some juvenile criminal cases by retaining the juveniles in the community rather than sending them to a state-operated facility. Proposed alternatives in the juvenile criminal sentencing structure have been suggested as a way of more effectively and efficiently delivering services to youth convicted of crimes.

Summary of Bill: Three sentencing alternatives are created: a suspended disposition alternative, a mental health disposition alternative, and a community commitment alternative.

Under the suspended disposition alternative the court may impose and suspend a standard range disposition upon the condition that the offender comply with one or more local sanctions.

Under the mental health disposition alternative, the court may suspend a disposition of 15 to 65 weeks on the condition that the offender comply with a court-ordered mental health treatment plan.

Under the community commitment alternative, the court may order an offender to serve a disposition of 15 to 36 weeks in a county detention facility as part of a community reintegration program. At least 50 percent of the disposition must be served in a detention facility.

The Washington State Institute for Public Policy is directed to develop adherence and outcome standards for measuring the 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: Requested on February 20, 2003.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The counties are in a better position to determine and deliver sentences for some juveniles by retaining them in local jurisdictions.

Testimony Against: The state-run facilities are better equipped to handle specific needs of juveniles and can deliver a greater number of resources to offenders.

Testified: PRO: Sherry Appleton, WDA/WACDL; Leonard Costello, Superior Court Judges Assoc.; Ned Delmore, Kitsap County Juvenile Court; Daniel Erker, Pierce County Juvenile Court; Pete Peterson, Clallam County Juvenile Court; Bruce Knutson, King County Superior Court; CON: Cheryl Stephani, Juvenile Rehabilitation Administration/DSHS; Tom McBride, WA Assoc. of Prosecuting Attorneys.

House Amendment(s): The House amendments have the following effect:

- (1) No Juvenile Rehabilitation Administration (JRA) institution can be closed without the specific authorization of the Legislature. In the event that a JRA institution is closed by the Legislature, the property cannot be operated by the Department of Corrections and cannot be used to incarcerate adult offenders.
- (2) The court may order the offender to follow an educational program or treatment requirement as a part of the Suspended Sentence Disposition Alternative.
- (3) The treatment programs used under the Suspended Disposition Alternative and the Mental Health Disposition Alternative must be research-based best practice programs.
- (4) The Community Commitment Disposition Alternative is established as a pilot project.
- (5) A null and void clause is added that clarifies that the provisions of the act will be null and void if funding is not provided.