
Judiciary Committee

HB 2164

Title: An act relating to evidence-based and research-based interventions for juvenile firearm offenders.

Brief Description: Requiring evidence-based and research-based interventions for juvenile firearm offenders in certain circumstances.

Sponsors: Representative Orwall.

Brief Summary of Bill

- Requires most juveniles adjudicated of unlawful possession of a firearm to participate in certain evidence-based or research-based programs, unless no qualifying program is available.

Hearing Date: 1/14/14

Staff: Omeara Harrington (786-7136).

Background:

Unlawful Possession of a Firearm.

A person is guilty of Unlawful Possession of a Firearm in the first degree if the person owns, possesses, or has in his or her control, any firearm after having previously been convicted of a serious offense. A "serious offense" includes any crime of violence and a number of other specified felonies. A person is guilty of Unlawful Possession of a Firearm in the second degree if the person owns, possesses, or has in his or her control any firearm and the person:

- has previously been convicted of any felony (other than a serious offense);
- has previously been convicted of certain specified gross misdemeanors;
- has previously been involuntarily committed for mental health treatment;
- is under the age of 18 (with some exceptions); or

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- is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense.

Under the Juvenile Justice Act, Unlawful Possession of a Firearm in the first degree is a level B offense, resulting in a standard range disposition of local sanctions for the first or second offense. Local sanctions include one or more of the following: zero to 30 days of confinement; zero to 12 months of community supervision; zero to 150 hours of community restitution; and/or a \$0 to \$500 fine. If the juvenile has two or more prior adjudications, the juvenile is subject to confinement in a Juvenile Rehabilitation Administration (JRA) facility.

Unlawful Possession of a Firearm in the second degree is categorized as a level C offense. This results in a standard range disposition of local sanctions, with a presumptive minimum of 10 days of confinement if the violation is based on possession of a firearm as a person under 18 years old. If the juvenile has four or more prior adjudications, he or she is subject to term of JRA confinement.

Alternative Dispositions.

Deferred Disposition.

A juvenile offender is eligible for a deferred disposition unless he or she is charged with a sex or violent offense has a criminal history including any felony, has a prior deferred disposition or deferred adjudication, or has two or more prior adjudications. Under a deferred disposition, the juvenile is found guilty and must complete certain conditions set out by the court, including probation and payment of restitution, in exchange for having the case dismissed.

Manifest Injustice.

Washington uses a determinate sentencing structure in sentencing juvenile offenders; however, juvenile courts have the authority to sentence outside the standard range through a finding of "Manifest Injustice." A judge can find either that the standard range sentence is too lenient for the seriousness of the offense and order a sentence in excess of the standard range, or overly punitive and order a sentence less than the standard range.

Evidence-Based and Research-Based Programs.

The Washington State Institute for Public Policy (WSIPP) has undertaken comprehensive reviews of evidence-based policy strategies in the areas of juvenile and adult criminal justice, as well as in other public policy areas. Evidence-based practices are generally defined as those programs or policies that are supported by a rigorous outcome evaluation clearly demonstrating effectiveness. A research-based practice has some research demonstrating effectiveness, but does not yet meet the standard of an evidence-based practice.

WSIPP maintains a list of current findings for a variety of programs, including a cost-analysis that examines whether the benefits from a given program exceed its costs. The list is updated periodically as new information becomes available. Several programs that are active in Washington have been evaluated and identified as cost-beneficial by WSIPP, including Aggression Replacement Training (ART) and Functional Family Therapy (FFT), among others.

Aggression Replacement Training.

Aggression Replacement Training is a 10-week, 30-hour intervention administered to groups of eight to 10 youth three times per week. Aggression Replacement Training utilizes repetitive learning techniques and guided group discussion to help the youth develop anger-control skills, employ more appropriate behaviors, and correct anti-social thinking. A juvenile offender is generally eligible for ART if it is determined, based on the results of the formal assessment tool administered by the juvenile courts, that the youth has a moderate to high risk for re-offense and is aggressive or has social skills or attitudes and beliefs that lead to anti-social behavior.

Functional Family Therapy.

FFT is a structured home-based family intervention involving 12 weekly visits. FFT uses a multi-step approach to enhance protective factors (that reduce likelihood of participation in criminal activities) and reduce risk factors (that increase likelihood of participation in criminal activities) in the family. A juvenile offender is generally eligible for FFT if the formal assessment tool indicates a moderate to high risk for re-offense and significant family problems.

Summary of Bill:

A juvenile offender adjudicated of unlawful possession of a firearm must participate in one of a list of qualifying evidence-based or research-based programs, unless no such program is available. The requirement of participation in a qualifying program applies regardless of whether a disposition was entered within the standard range or upon a finding of manifest injustice, and also applies if the juvenile has received a deferral of disposition. In the event that a juvenile has previously completed a qualifying program, it is within the court's discretion whether or not to order the juvenile to participate in a program.

The description of "qualifying program" includes: 1) aggression replacement training; 2) functional family therapy; or 3) any program applicable to the juvenile firearm offender population that has been identified in the current list compiled by WSIPP as evidence-based or research-based and cost-beneficial.

Appropriation: None.

Fiscal Note: Requested on January 7, 2014.

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