
Human Services & Early Learning Committee

HB 1855

Brief Description: Addressing juvenile offenses involving unlawful possession of a firearm.

Sponsors: Representatives Orwall, Pettigrew, Goodman, Appleton and Santos.

Brief Summary of Bill

- Provides state grant funding for up to three local governments that have demonstrated a need for services for juveniles who are alleged to have committed unlawful possession of a firearm.
- Requires a Washington State Institute for Public Policy literature review of interventions for individuals alleged to have committed or adjudicated for juvenile unlawful possession of a firearm offenses with a report due December 1, 2019.
- Makes the fourth offense for juvenile unlawful possession of a firearm an offense that triggers a standard range of 15 to 36 weeks at a juvenile rehabilitation institution.
- Requires a minimum of six months community supervision (county probation) for juveniles adjudicated for juvenile Unlawful Possession of a Firearm who are not confined in a juvenile rehabilitation institution.

Hearing Date: 2/19/19

Staff: Luke Wickham (786-7146).

Background:

Juvenile Unlawful Possession of a Firearm.

A person under age 18 who owns, has in his or her possession, or has in his or her control any firearm, is guilty of unlawful possession of a firearm unless he or she is:

- attending a hunter's safety or firearms safety course;

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- engaging in firearm practice or target shooting at a shooting range or other authorized location;
- engaging in an organized firearm competition, or participating or practicing for a performance by an organized firearms performance;
- hunting or trapping under a valid license;
- at least age 14 and has been issued a hunter safety certificate and is lawfully in an area where discharge of a firearm is permitted using a firearm other than a pistol;
- is under the supervision of a parent, guardian, or other adult approved by the parent or guardian and is lawfully in an area where discharge of a firearm is permitted;
- travelling with any unloaded firearm in the person's possession to or from one of the activities listed above;
- on property under the control of a parent, other relative, or legal guardian and has the permission of that person to possess a firearm;
- at his or her residence and used by a juvenile about to be injured or aiding someone who is about to be injured and is preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property; or
- is a member of the United States Armed Forces, National Guard, or organized reserves, when on duty.

When a juvenile is adjudicated of unlawful possession of a firearm, the court must impose a minimum of 10 days of confinement, unless the standard range is more than 30 days of confinement. Juveniles found guilty of unlawful possession of a firearm must also participate in a program to include:

- aggression replacement therapy;
- functional family therapy; or
- another program for the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared by the Washington State Institute for Public Policy (WSIPP).

Juvenile Rehabilitation Institutions.

The Department of Social and Health Services (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.

On July 1, 2019, the juvenile rehabilitation functions of the DSHS will transfer to the Department of Children, Youth, and Families (DCYF).

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 "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 DSHS juvenile rehabilitation facility.

Juvenile Parole.

Following the release of any offender committed to a juvenile rehabilitation institution, the DSHS (on July 1, 2019, the DCYF) may require the juvenile to comply with a parole program. Generally, juvenile parole lasts no longer than 18 months, except juveniles sentenced for Rape in the first or second degree, Rape of a Child in the first degree, Child Molestation, or Indecent Liberties with Forcible Compulsion, the period of parole is 24 months and may extend up to 36 months if necessary and appropriate in the interests of public safety or to meet the juvenile's needs.

Juvenile parole is mandatory for offenders released when the juvenile institution population exceeds 105 percent of the bed capacity and for individuals sentenced for Theft of a Motor Vehicle or Possession of a Stolen Motor Vehicle, or Taking a Motor Vehicle Without Permission. Juveniles adjudicated of a firearm-related offense may participate in aggression replacement training, functional family therapy, or functional family parole aftercare. The decision to place an offender in an evidence-based parole program must be based on an assessment of the offender's risk for reoffending and an assessment of the ongoing treatment needs of the juvenile.

Summary of Bill:

Juvenile Unlawful Possession of a Firearm Grant Funding.

The DCYF is required to grant funding for up to three local governments that have demonstrated a need for services for juveniles who are alleged to have committed or who have been adjudicated for Unlawful Possession of a Firearm. The local governments receiving these grants must prioritize serving youth who are alleged to have committed or have been adjudicated for Unlawful Possession of a Firearm for the first or second time. This grant funding is separate from the community juvenile accountability funding and juvenile block grant funding.

By February 1, 2020, the DCYF, in consultation with the Washington Association of Juvenile Court Administrators, must establish guidelines for interventions designed for the new grant program that:

- include assessment methods to determine intervention strategies most likely to change behavior norms of juveniles who are alleged to have committed or who have been adjudicated for unlawful possession of a firearm;
- promote good work ethic values and educational skills and competencies for juveniles to function effectively and positively in the community;
- maximize efficient delivery of treatment services;
- maximize reintegration of the juvenile into the community;

- are outcome based;
- include a routine, ongoing performance monitoring component;
- include a mentoring component;
- include educational or career services or referral to services; and
- recognize the diversity of local needs.

Literature Review.

The WSIPP must complete a literature review of interventions targeting juveniles adjudicated for or alleged to have committed unlawful possession of a firearm and identify interventions that are evidence-based, research-based, and promising practices. Based on this literature review, the WSIPP must submit a report to the appropriate committees of the Legislature by December 1, 2019.

Juvenile Unlawful Possession of a Firearm Sentencing.

A juvenile adjudicated of his or her fourth unlawful possession of a firearm offense will be subject to a standard range sentence of 15 to 36 weeks at a juvenile rehabilitation institution instead of local sanctions (which allow up to 30 days of detention in a county juvenile detention facility). Juveniles are subject to the 15 to 36 standard range sentence after his or her fifth Unlawful Possession of a Firearm offense under current law.

Courts must impose a minimum of six months of community supervision for juveniles adjudicated of an Unlawful Possession of a Firearm offense.

A parole program is required for juveniles adjudicated for an Unlawful Possession of a Firearm offense releasing from a juvenile rehabilitation institution.

Appropriation: None.

Fiscal Note: Requested on February 15, 2019.

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