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## Early Learning & Human Services Committee

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### HB 1322

**Brief Description:** Improving outcomes for individuals adjudicated of juvenile offenses by increasing opportunities for community placement options and refining procedural requirements.

**Sponsors:** Representatives Goodman, Cortes, Simmons, Reed, Ormsby, Salahuddin, Nance and Doglio.

#### Brief Summary of Bill

- Requires the court to make an independent finding supported by clear and convincing evidence that commitment to juvenile rehabilitation is needed because a community-based placement would not adequately protect the community before committing a juvenile to a juvenile rehabilitation institution for certain offenses.
- Expands eligibility for juvenile disposition alternatives, removes certain requirements related to juvenile community facilities, modifies provisions related to juvenile rehabilitation institutions, and eliminates mandatory detention for juveniles adjudicated of Taking a Motor Vehicle Without Permission in the second degree.

**Hearing Date:** 2/5/25

**Staff:** Luke Wickham (786-7146).

**Background:**

*Juvenile Justice in the State of Washington.*

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

In Washington, juvenile courts are a division of the state's superior court system. Juvenile courts have jurisdiction over persons under the age of 18 who are alleged to have committed a crime. However, there are several exceptions to that jurisdiction where state law requires youth to be tried in adult courts.

There are three situations where adult criminal courts may have jurisdiction over persons under the age of 18:

- The juvenile court declines jurisdiction to adult court following a discretionary decline hearing which a court can initiate on its own motion or any party may file a motion requesting the court transfer the juvenile to adult court only if:
  - the respondent is at least age 15 and is charged with a serious violent offense;
  - the respondent is age 14 or younger and is charged with Murder in the first or second degree; or
  - the respondent is any age and is charged with Custodial Assault and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age 21.
- The juvenile court is required to hold a decline hearing in circumstances when the information alleges an escape and the juvenile is serving a minimum juvenile sentence to age 21.
- Adult criminal courts have exclusive jurisdiction over juveniles age 16 or 17 on the date of the offense when the offense is:
  - a serious violent offense;
  - a violent offense and the juvenile has a criminal history consisting of a prior serious violent offense, two or more prior violent offenses, or three or more of any combination of class A felonies, class B felonies, Vehicular Assault, or Manslaughter in the second degree; or
  - Rape of a Child in the first degree.

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. 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 0.25 points. Fractional points are rounded down.

If a court finds that a disposition within the standard range would create a manifest injustice, the court must impose a disposition outside the standard range. The following factors may be used to form the basis for a manifest injustice finding:

- the age of the juvenile;
- the crime for which the juvenile is to be sentenced;
- the number of previous offenses committed by the juvenile;
- the nature of the previous offenses committed by the juvenile; and
- the length of time since the juvenile's last offense.

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 Children, Youth, and Families juvenile rehabilitation institution.

There are two juvenile rehabilitation institutions: (1) Green Hill School in Chehalis, which serves males ages 17 through 25; and (2) Echo Glen Children's Center in Snoqualmie which serves females ages 12 through 25 and males ages 11 through 17.

#### *Disposition Alternatives.*

There are three disposition alternatives that allow a court to impose a disposition and then suspend that disposition while a juvenile complies with community-based services or requirements. These three disposition alternatives include:

- Option B (the Suspended Disposition Alternative);
- the Chemical Dependency/Mental Health Disposition Alternative; and
- the Special Sex Offender Disposition Alternative.

Individuals may only use an "Option B" disposition alternative once and the following offenses are not eligible for this disposition alternative:

- an A+ or A++ offense;
- those age 14 and older adjudicated of a:
  - class A offense;
  - Manslaughter;
  - Assault in the second degree;
  - Extortion in the first degree;
  - Kidnapping in the second degree;
  - Drive-by Shooting;
  - Vehicular Homicide;
  - Hit and Run death;
  - Manslaughter in the second degree;
  - or violation of the Uniform Controlled Substances Act when the offense includes bodily harm when the respondent was armed with a deadly weapon;
- certain firearm violations; and
- sex offenses.

Individuals are eligible for the Chemical Dependency/Mental Health Disposition Alternative if they are found to have committed an offense that is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement that is not a B++ or B+ offense.

#### *Community Facilities.*

Community facilities allow youth to begin transitioning back to the community after being committed to a juvenile rehabilitation institution. 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 has 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 escape or attempt to 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).

*Taking a Motor Vehicle Without Permission in the Second Degree.*

There are minimum dispositional requirements for certain crimes involving motor vehicle theft, including Taking a Motor Vehicle Without Permission in the second degree (TMVWOP2). A juvenile adjudicated of TMVWOP2 with a prior criminal history score of 0.75 to 1.5 must receive at least one day of detention, and a juvenile with a prior criminal history score of two or more points must receive no less than three days of detention.

*Community Transition Services.*

Community Transition Services (CTS) allows a person to serve a portion of their term of confinement residing in the community after the person has served 60 percent and no less than 15 weeks of their term of confinement.

Certain individuals are not eligible for CTS, including those with pending charges or warrants.

*Court Appeals of Juvenile Dispositions.*

A juvenile disposition outside the standard range may be appealed, but dispositions within the standard range are not appealable.

**Summary of Bill:**

*Judicial Finding for Commitment to Juvenile Rehabilitation Institution.*

When the court sentences a juvenile offender to a standard range disposition that includes a term of confinement in a juvenile rehabilitation institution, the court must make an independent finding supported by clear and convincing evidence that commitment to juvenile rehabilitation is

needed because a community-based placement would not adequately protect the community for juvenile offenses including a standard range term of confinement over thirty days (except for Murder in the first and second degree, Rape in the first degree, Assault in the first degree, Drive-by Shooting, and Kidnapping in the first degree offenses).

In making the finding described above, the court must consider certain factors, including:

- the severity of the offense(s);
- the juvenile's criminal history;
- whether the programming offered in a juvenile facility is appropriate to meet the needs of the juvenile;
- whether the goals of rehabilitation and community safety can be met in a less restrictive environment;
- whether the goals of rehabilitation and community safety can be met in a less restrictive disposition that is available; and
- the juvenile's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs impacting the safety or suitability of institutional commitment.

The court is authorized to place juveniles on electronic monitoring for up to the minimum of a juvenile's standard range when the court does not make a finding described above, and the juvenile is not committed to a juvenile rehabilitation institution.

Individuals may appeal dispositions with a term of confinement over 30 days, except for standard range dispositions that do not require the independent finding described above (Murder in the first and second degrees, Rape in the first degree, Assault in the first degree, Drive-by Shooting, and Kidnapping in the first degree offenses).

In order to uphold a finding that commitment to a juvenile rehabilitation institution is needed, an appellate court must find:

- that the reasons supplied by the disposition judge are supported by the record; and
- that those reasons clearly and convincingly support the conclusion that commitment to juvenile rehabilitation is needed because a community-based placement would not adequately protect the community.

*Expanded Eligibility for Disposition Alternatives.*

Eligibility for a substance use disorder or mental health disposition alternative is expanded to all juveniles except those adjudicated for an A+ offense, Assault in the first degree committed at age 16 or older, Drive-by Shooting committed at age 16 or older, Kidnapping in the first degree committed at age 16 or older, or a sex offense (current law allows anyone subject to a standard range of 15 to 36 weeks and not having committed an A- or B+ offense);

Eligibility for the "Option B" disposition alternative is expanded allow an individual to receive this disposition alternative more than once and additional offenses are made eligible for this disposition alternative. The list of offenses that are not eligible for this disposition alternative

include:

- A+ offenses;
- Assault in the first degree committed at age 16 or older;
- Drive-by Shooting committed at age 16 or older;
- Kidnapping in the first degree committed at age 16 or older; and
- sex offenses.

#### *Community Facilities.*

The following two prerequisites for placing someone in a juvenile community facility are removed:

- that a juvenile serve at least 10 percent of their sentence and in no case less than 30 days in a secure institution; and
- the receipt and review of the person's student records by the Department of Children, Youth, and Families (DCYF).

Community facilities are no longer required to provide written notice of a juvenile offender's criminal history to schools that the person attends and employers that employ the person while the person is placed in a community residential facility.

#### *Other Provisions Related to Juvenile Rehabilitation Institutions.*

The court must conduct review hearings over certain juveniles committed to the DCYF every six months to assess the youth's progress and consider the youth's release from juvenile prison and placement on community supervision.

Credit for time spent in detention prior to entry of a dispositional order must be applied to any term of confinement for a juvenile, including to reduce both the minimum and maximum ends of a prescribed range.

Juveniles with a minimum prescribed range of confinement of less than 60 days in a juvenile rehabilitation institution may serve that confinement in a county detention facility or on electronic home monitoring pursuant to a DCYF contract with the county.

The DCYF must prioritize setting the release date as soon as possible for juveniles who would serve less than 60 days in a juvenile rehabilitation institution.

The written notice that DCYF is required to provide to law enforcement regarding a person's anticipated release from juvenile rehabilitation institution or transfer to a community facility is limited to individuals found to have committed a *serious* violent offense, sex offense or stalking (current law requires that notice be sent for *violent* offenses, sex offenses, and stalking).

#### *Taking a Motor Vehicle Without Permission in the Second Degree.*

The requirement that juveniles adjudicated of Taking a Motor Vehicle Without Permission in the second degree that have a criminal history score of 0.75 or higher spend at least one day in detention (or three days if the person's score is two or higher) is removed.

*Community Transition Services.*

Individuals with a pending charge that allegedly occurred in a juvenile rehabilitation institution are made eligible for the community transition program.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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