

# SENATE BILL REPORT

## SB 5296

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As of February 1, 2025

**Title:** An act relating to improving outcomes for individuals adjudicated of juvenile offenses by increasing opportunities for community placement options and refining procedural requirements.

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

**Sponsors:** Senators Wilson, C., Frame, Nobles, Slatter and Trudeau.

**Brief History:**

**Committee Activity:** Human Services: 2/03/25.

**Brief Summary of Bill**

- Requires a court to make a finding that commitment to a Juvenile Rehabilitation (JR) institution is needed because a community-based placement would not adequately protect the community, except for youth adjudicated of certain offenses.
- Expands the types of offenses that are eligible for a suspended disposition or certain disposition alternatives.
- Provides a juvenile court with concurrent jurisdiction over certain cases where a youth is sentenced to JR, and requires a review hearing every six months.
- Removes the requirement that the youth spend a minimum amount of time at a secured JR facility before the youth may be placed at a community facility.

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### SENATE COMMITTEE ON HUMAN SERVICES

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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.*

**Staff:** Will Trondsen (786-7552)

**Background:** The Washington State Juvenile Justice Act was enacted in 1977, which provides juvenile courts with original jurisdiction over offenses committed by a youth under the age of 18, unless an exception applies. In 1989 the Legislature adopted a juvenile sentencing grid, which has been modified over time. The Department of Children, Youth, and Families (DCYF) oversees two secure juvenile rehabilitation (JR) facilities in Washington State, where youth who are committed over 30 days serve their confinement.

Sentencing Options. There are four options in which a court may sentence a youth in juvenile court.

*Option A Standard Range.* Based on a combination of criminal history and offense category, a standard sentencing range is determined for that youth. Sentences may vary from local sanctions, which can include detention in a county juvenile detention facility for less than 30 days, community supervision, community restitution, and restitution to a JR commitment. Ranges include 0 to 30 days, 15 to 36 weeks, 30 to 40 weeks, 52 to 65 weeks, 80 to 100 weeks, and 103 to 129 weeks. For youth adjudicated of A+ offenses, their standard range is 180 weeks to age 21 while youth adjudicated of A++ offenses, have a standard range of 129 to 260 weeks.

*Option B Suspended Disposition Alternative.* For youth who are facing a standard range disposition involving confinement at DCYF, this sentencing option allows the court to suspend the disposition on the condition that the youth comply with one or more local sanctions and any educational or treatment requirement. The youth must comply with the conditions set by the court, and if the youth violates the conditions, the court may impose a standard probation violation or revoke the suspended sentence.

Certain offenses are ineligible for an Option B sentence, including youth who are adjudicated of an A+ or A++ offense, or youth who are 14 years or older and are adjudicated of any class A felony, manslaughter in the first degree, 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 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. Youth who are ordered to serve a disposition for a firearm violation, adjudicated of a sex offense, or who have had a prior option B adjudication are also not eligible.

*Option C Chemical Dependency and Mental Health Alternative.* This option is available for youth facing a standard range disposition of local sanctions or 15 to 36 weeks of confinement, who has not committed an A- or B+ offense. The youth must be evaluated by a chemical dependency counselor or a mental health professional to determine if the youth is chemically dependent, substance abusing, or suffers from significant mental health or co-

occurring disorders.

A youth granted an option C disposition may have their sentence suspended based upon compliance with conditions set by the court, to include chemical dependency treatment and mental health treatment. Youth must comply with court conditions, and if a youth violates the conditions, the court may impose a standard probation violation or revoke the suspended sentence.

*Option D Manifest Injustice.* If the court determines that an option A, B, or C disposition would effectuate a manifest injustice, the court may order a disposition above or below the standard range. The court may not impose a sentence that would be greater than the equivalent of an adult maximum sentence for the offense.

There are also certain offenses that require mandatory sentences based on a youth's criminal history, among those are felony motor vehicle offenses, and certain firearm offenses.

Community Facilities. DCYF operates eight community facilities, which allow young people to gain community employment skills, strengthen family connections through enhanced visitation and home leaves, and attend public school, in a therapeutic environment.

Youth may not be placed in a community facility until 10 percent of their sentence, or at least 30 days, whichever is greater, has been served in a JR secure facility, DCYF's risk assessment and security classification have been completed to meet a minimum security status, and local law enforcement has been notified.

Community Transition Services. A youth may serve up to 18 months in the community if they have served 60 percent of their minimum sentence and no less than 15 weeks, and JR has determined that the community transition services program is in the best interest of the youth and the community, using a risk assessment tool and considering placement, treatment, programming and the person's behavior while in confinement, including disciplinary considerations.

The youth is ineligible for community transition services if they:

- have pending charges or warrants;
- are classified as a level three sex offender;
- will be transferred to DOC, are currently in DOC's custody or under DOC supervision;
- were adjudicated of murder in the first or second degree;
- meet the definition of a persistent offender; or
- require an out-of-state placement.

**Summary of Bill:** Juvenile Sentencing. Commitment in a JR secure facility is required upon disposition for:

- murder in the first or second degree committed at any age;
- rape in the first degree committed at any age; and
- when the youth is sixteen or older, assault in the first degree, drive-by shooting, and kidnaping in the first degree.

*Independent Court Finding.* Before a court may commit a youth to a JR for an offense not listed above, the court must make an independent finding, supported by clear and convincing evidence, that commitment to an institution is needed because a community-based placement would not adequately protect the community. A stipulation by the parties to a JR commitment is not enough to support a finding that commitment to an institution is needed. In making a finding that commitment to an institution is needed, the court must consider the following factors:

- the severity of the offense or offenses for which the juvenile has most recently been adjudicated, including the juvenile's role in the offense, the juvenile's behavior, and harm done to victims;
- the juvenile's criminal history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the juvenile;
- whether the programming, treatment, and education offered and provided in a JR facility is appropriate to meet the treatment and security needs of the juvenile;
- whether the goals of rehabilitation and community safety can be met by assigning the juvenile to a less restrictive disposition that is available to the court; 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 committing the juvenile to a term of confinement in juvenile court.

If a court does not make a finding that commitment is required, the court may place the youth on electronic monitoring for up to the minimum of the juvenile's standard range sentence while on community supervision.

If a court finds a manifest injustice disposition is appropriate, the court will maintain concurrent jurisdiction over the youth and hold a review hearing every six months to assess the youth's progress at JR. At the review hearing, the court must release the youth and place the youth on up to a year of community supervision, unless the court makes a finding under the above factors that commitment is still appropriate.

On dispositions that require a range, credit for time served must be applied to both the minimum and maximum of a range.

For juveniles with a prior criminal history of two or more points, and who are adjudicated of taking a motor vehicle without permission in the first degree, possession of a stolen motor vehicle, or theft of a motor vehicle, the youth shall be sentenced to at least 15 to 36 weeks at a JR facility if the court makes an independent finding that commitment to an institution is needed because a community-based placement would not adequately protect

the community. Mandatory detention requirements are removed for youth adjudicated of taking a motor vehicle in the second degree.

*Short-term Commitment.* When a disposition exceeds 30 days but the term imposed for each offense is less than 30 days, or the court-ordered electronic monitoring for the minimum standard range, the confinement may at the discretion of the court be served in a juvenile facility operated by or pursuant to a contract with the state or a county.

If a youth's minimum term of confinement would result in less than 60 days in an institution accounting for credit for time served, the youth may be held in a detention facility for up to ten days after the disposition hearing for DCYF to determine the release date. If the release date would result in less than 60 days of confinement, the remaining time may be served in a detention facility or electronic monitoring pursuant to a DCYF contract with the county.

*Appeal.* To uphold a finding that commitment to a JR facility is needed, the court of appeals must find that the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that commitment is needed because a community-based placement would not adequately protect the community.

Disposition Alternatives. Eligibility for suspended dispositions and disposition alternatives is expanded by allowing more offenses to receive a suspended disposition under Option B Suspended Disposition Alternative or Option C the Chemical Dependency or Mental Health Disposition Alternative. All offenses are eligible for a disposition alternative unless the offense is categorized as an A+ offense under the current sentencing grid, a sex offense, or assault in the first degree, drive-by shooting, or kidnapping in the first degree committed when the juvenile was age 16 or older.

Before revoking a Mental Health or Chemical Dependency Disposition Alternative, the court must use the same analysis that a community-based placement option would not adequately protect the community by clear and convincing evidence. For these alternatives, as well as the Special Sex Offender Disposition Alternative, the court must also give credit for time served to the juvenile to reduce the minimum and maximum of the prescribed range of the disposition.

Review of Commitment at a Juvenile Rehabilitation Facility. If the court makes a finding that commitment at JR is required, the juvenile court must maintain concurrent jurisdiction over the youth and hold six-month reviews to determine the progress of the youth. DCYF must provide a written report to the court 14 days prior to the review hearing that provides the following information:

- the services received by the juvenile;
- any infractions committed by the juvenile;
- how often the juvenile and juvenile's family have had in-person visitation and video visits since the disposition hearing or the last review hearing, whichever is later; and

- how often the juvenile has been under room confinement due to staffing issues or overpopulation and whether there have been any major disruptions to programming over the last six months.

During the review hearings, the court must consider the juvenile's progress and shall release the youth on one year of community supervision unless the court makes a finding under the above factors that commitment is still appropriate or the youth will be placed on mandatory parole. The prosecutor must provide notice to the victim at least two weeks before each review hearing, if the victim requests to be notified. The respondent may appear remotely for the hearing upon agreement of the respondent.

Community Facilities and Notification. The requirement is removed that a youth must serve at least 10 percent of their sentence or at a minimum 30 days at a secured institution operated by DCYF, and allows for immediate placement at a community facility.

Notification of an offense by DCYF to the police chief of the city, if any, and sheriff of the county the juvenile will reside in, is only required for a juvenile found to have committed a serious violent offense, sex offense, or stalking. Notification to a school in which a juvenile will attend is only required for a juvenile found to have committed a serious violent offense.

The requirement that the community facility notify an employer or school of the criminal history of the juvenile is removed.

A youth with pending charges or warrants from an offense that occurred at a JR institution may be eligible for community transition services.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16, 2025.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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