

# HOUSE BILL REPORT

## HB 1337

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### As Reported by House Committee On:

Juvenile Justice

**Title:** An act relating to the chemical dependency disposition alternative.

**Brief Description:** Revising the chemical dependency disposition alternative.

**Sponsors:** Representatives Kagi, Delvin and Dickerson; by request of Department of Social and Health Services.

### Brief History:

#### Committee Activity:

Juvenile Justice: 2/6/01, 2/23/01 [DPS].

#### Brief Summary of Substitute Bill

- Expands the pool of juvenile offenders potentially eligible for the Chemical Dependency Disposition Alternative.
- Permits the court to order inpatient treatment time of up to 90 days.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Carrell and Tokuda.

**Minority Report:** Do not pass. Signed by 1 member: Representative Darneille.

**Staff:** Jean Ann Quinn (786-7310).

### Background:

Juveniles who commit criminal offenses are subject to the provisions of the Juvenile Justice Act, which is based on a determinative sentencing model and prescribes presumptive disposition ranges commensurate with the seriousness of the current offense and the offender's prior criminal history. In 1997 the Legislature made comprehensive

changes to the sentencing options under the Juvenile Justice Act, and a new disposition option, the Chemical Dependency Disposition Alternative (CDDA), was created for juveniles who are chemically dependent and would benefit from treatment.

Offenders subject to a standard range disposition of local sanctions or commitment to the Juvenile Rehabilitation Administration for 15-36 weeks and who have not committed an A- or B+ offense are potentially eligible for CDDA. The court may order an examination to determine if the juvenile is chemically dependent and amenable to treatment. The court may also order a second examination, and is required to do so if requested by the state. The defendant must pay for both examinations unless the offender is indigent and no insurance coverage is available. After receipt of reports of the examinations, if the court determines that the offender and the community will benefit from CDDA, the court suspends the standard range disposition on the condition that the offender undergo outpatient or inpatient drug or alcohol treatment and comply with community supervision conditions for up to one year. The court may also require up to 30 days confinement, 150 hours of community service and/or payment of legal financial obligations and restitution. The sum of confinement time and inpatient treatment time may not exceed 90 days. The suspension may be revoked and the disposition executed if the offender violates the conditions of community supervision or fails to make satisfactory progress in treatment.

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**Summary of Substitute Bill:**

The court is required to consider CDDA as a disposition alternative when a juvenile meets the eligibility requirements. The pool of offenders who are eligible for CDDA is expanded as follows:

- 1) offenders who have committed first-time B+ offenses under the Uniform Controlled Substances Act are now eligible;
- 2) amenability to treatment is no longer a requirement; and
- 3) the CDDA option is available for offenders who are substance abusing as well as those who are chemically dependent.

Along with the court and the state, the offender can also request a second examination to determine if CDDA is appropriate. The party requesting the second examination must pay for it, except if the defendant is the requesting party and he or she is indigent and no insurance is available, the state pays the cost.

The court may order inpatient treatment time of up to 90 days, irrespective of how much confinement time is ordered.

### **Substitute Bill Compared to Original Bill:**

The substitute bill clarifies that the defendant is responsible for paying for the first examination to determine if CDDA is appropriate, and the requesting party is responsible for the cost of the second examination. In either case, if the defendant is indigent and no insurance is available, the state pays the cost.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill is really in tune with the change in philosophy about effectively treating offenders who are addicted to drugs and alcohol, instead of just incarcerating them. The bill expands the pool of offenders who might benefit from the Chemical Dependency Disposition Alternative, and eliminates a couple of impediments to using it now, including the requirement that the youth be amenable to treatment. When someone is addicted to drugs and alcohol, they may not be amenable to treatment at first, but it still can be effective and the course of someone's life can be changed if they get into treatment soon enough. It broadens the scope of the program to include offenders who are substance abusing, as well as those who are chemically dependent. It will provide the opportunity to keep youthful offenders in their communities and their homes, and to treat families as a whole. By including first time drug distribution offenses, the bill will also help reduce the dramatic racial disproportionality seen in confinement sentences for youth of color. More funding is needed for the treatment component of the program. It would be useful to amend the bill to allow youth who have completed the program to have their conviction records vacated. This would provide more incentive for them to participate, and would encourage them to complete the program.

**Testimony Against:** None.

**Testified:** Martha Harden, Superior Court Judges Association; Charles Shelan, Community Youth Services; Mark Wirschem, King County Superior Court; and Cheryl Stephani, Department of Social and Health Services/Juvenile Rehabilitation Administration.