2466-S
Sponsor(s): House Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig, Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate and Rasmussen)

Brief Description: Changing provisions relating to juveniles.

HB 2466-S.E - DIGEST

(DIGEST AS ENACTED)

Declares that the purpose of the act is to establish a juvenile justice system that both punishes and rehabilitates juvenile offenders.

Revises provisions of chapter 13.40 RCW in accordance with the declared purpose.

Allows school districts to participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by federal law.

Revises provisions regulating compulsory school attendance.

Revises provisions for housing of youths in crisis residential centers.

Revises provisions for involuntary commitment and treatment determinations.

Revises families at risk provisions.

Provides for a joint select committee on juvenile issues.

VETO MESSAGE ON HB 2466-S
April 2, 1992
To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 102, 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408, Engrossed Substitute House Bill No. 2466 entitled:

"AN ACT Relating to recommendations of the juvenile issues task force."

Engrossed Substitute House Bill No. 2466 originated from the deliberations of the Juvenile Issues Task Force. The Task Force was comprised of individuals representing a broad range of interests. It attempted a comprehensive review of the juvenile justice system and the programs provided for troubled youth and their families. The Task Force focused on three substantive areas: juvenile offenders, families at risk, and involuntary commitment

and treatment.

These issues are of paramount concern. I applaud the work of the Juvenile Issues Task Force. Its job was not an easy one. Unfortunately, the job was not completed. Many provisions of Engrossed Substitute House Bill No. 2466 were left unfunded, and the burden of making the tough choices to fund these new programs was left to the next legislature.

I cannot mislead the citizens of the state into believing that Substitute House Bill No. 2466 will make important and needed changes in the lives of youths. My hope is that the newly created Joint Select Committee will address these issues with legislation and appropriate funding in the 1993 legislative session. For that reason, I find it necessary to veto the following sections of Engrossed Substitute House Bill No. 2466:

Section 102

This section redefines terms of the state's Juvenile Justice Act. I am concerned that the definition of "community based rehabilitation" could result in placing youths in residential or inpatient substance abuse programs as a condition of their sentence. This would limit their liberty without adequate due process as required by the state's involuntary commitment statutes. Substance abuse treatment during community based rehabilitation should be limited to outpatient programs. For this reason, I have vetoed section 102.

Section 104

The sentence range increases contained in this section will result in a significant caseload increase for county detention facilities. While the language would imply that this increase is optional, it is only optional for the court at the time of sentencing. Therefore, the detention facilities will have no real control over the increased sentences and the resulting case load. The fiscal impact of this section is estimated to be $11 million for the community supervision expansion alone. The fiscal impact for detention increase would be of the same magnitude. Local governments lack the fiscal resources to accommodate this increase at this time. In addition, local governments lack the physical resources (beds) to accommodate this increased case load. Currently, many detention facilities are facing critical overcrowding problems. This section would only add to this crisis. For this reason, I have vetoed section 104.

Sections 110 through 114

These sections authorize counties to implement and operate youthful offender discipline programs, popularly known as "boot camps." Section 110 limits the programs to children between the ages of 14 and 18 who have been committed to the Department as serious offenders or as minor or first offenders. I believe section 110 contains a drafting error. Minor or first offenders should not be in confinement. They should instead be placed in community supervision programs. Furthermore, serious offenders are generally placed in total confinement settings separate from minor offenders. Sections 111 through 114 implement section 110.

Because of the confusion created by the drafting error in section 110, I have vetoed sections 110 through 114.

Section 207

This section addresses alternative residential placements for children following placement in a crisis residential center. This section increases the waiting period for the Department of Social and Health Services prior to filing an alternative residential placement petition from 72 hours to 5 days. Under requirements of this section, the Department's authority to retain a child in a crisis residential center can expire before the petition can be filed. I have vetoed this section in order to maintain the Department's current authority to file a petition before the authority to retain a child expires.

Section 210

This section requires that the Department of Social and Health Services not administratively split code staff that provide family reconciliation services. Although the Department is in the process of accomplishing this action, I believe it is inappropriate to place such administrative requirements in statute. I have vetoed this section to allow the Department to handle such matters administratively.

Section 211

This section requires that all placements into crisis residential centers be approved and coordinated through the family reconciliation supervisor. This administrative requirement needs flexibility and, thus, is inappropriate for inclusion in statute. I have vetoed this section to ensure that this level of administrative detail be left to the agency.

Section 212

This section reduces the staffing in regional crisis residential centers from an average of one staff member for every two children to an average of one staff member for every three children. Children housed in crisis residential centers may pose a threat to themselves and others. This change in the staffing ratio creates a dangerous situation for both residents and staff. I have vetoed this section in order to retain a higher ratio of staff to residents and to ensure greater safety and quality of care within the crisis residential centers.

Section 301

This section requires the Department of Social and Health Services to design and implement its services and programs to maximize receipt of federal funds. The Department has federal funding for numerous programs and has contributed toward saving millions of dollars for the state's General Fund. But, in some circumstances maximizing federal funding would result in denying needed services to many of our state's vulnerable persons. I have vetoed this section in order to allow the Department to manage its programs and services in a more flexible manner.

Section 305

This section would require county designated mental health professionals to provide a written notice and evaluation report to parents of a minor who does not meet involuntary detention criteria. This would create an unnecessary and burdensome workload. For this reason, I have vetoed this section.

Section 307

This section requires a county designated chemical dependency specialist to provide a written notice and evaluation report to parents of a minor who does not meet the criteria for a commitment to a chemical dependency program. This requirement will generate an unnecessary and burdensome workload. In addition, it appears this language is in direct violation of federal confidentiality rules. For these reasons, I have vetoed this section.

Section 403

This section requires the Department to produce a study and report by a specified date. The Legislature did not provide funds to accomplish this mandate. The phrase "within existing funds" requires the Department to divert funding from other priorities in order to accomplish this study. In a period of diminishing fiscal resources, this only degrades the Department's ability to complete existing tasks and requirements. For this reason, I have vetoed this section.

Section 404

Section 404 refers to section 111 through 114. I have vetoed this section because, otherwise, it would have no meaning.

Section 407

This section declares that the purposes of this Act are solely to provide counties and the Department of Social and Health Services with authority to provide these new or expanded services within existing funds unless otherwise funded in the 1992 supplemental appropriations act. This section implies that substantive reform can be achieved without expending resources. It is inappropriate to require or force new programs on the Department or the local governments without making the conscious decision to fund them. For this reason, I have vetoed this section.

Section 408

This section establishes a July 1, 1993, implementation date for numerous provisions of the Act. I believe that this precedent is an unwise one. The 1992 legislature should take responsibility for its own actions and not place the burden of funding these new requirements on the next legislature. I have vetoed this section in order to allow those referenced sections that have not been vetoed to take effect earlier.

For the reasons stated above, I have vetoed sections 102, 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408 of Engrossed Substitute House Bill No. 2466.

With the exception of sections 102, 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408,

Engrossed Substitute House Bill No. 2466 is approved.

Respectfully submitted,
Booth Gardner
Governor