

HOUSE BILL REPORT

HB 2463

As Reported By House Committee On:
Corrections

Title: An act relating to parole of juvenile offenders.

Brief Description: Revising parole procedures for juveniles.

Sponsors: Representatives Mastin, Morris, Long, Edmondson, Padden, Appelwick, Dorn, Brough, Van Luven, Sheahan, Fuhrman, Cooke, Wood, Dyer, Chappell, Eide, Tate, Mielke, Rayburn and Springer.

Brief History:

Reported by House Committee on:
Corrections, February 2, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak and Ogden.

Minority Report: Without recommendation. Signed by 1 member: Representative Padden.

Staff: Kristen Lichtenberg (786-7156).

Background:

Parole Terms

Under current law, a juvenile offender who is committed to a state institution may be required to comply with a program of parole. By statute, this term of parole may last up to 18 months. In practice, however, parole terms are much shorter, due to funding considerations. For certain juvenile sex offenders, a two-year term of parole is mandatory.

Parole Conditions

Current law permits the Department of Social and Health Services (DSHS) to impose conditions on parole. The juvenile may be required to undergo medical or psychiatric treatment, report to a parole officer, go to school or vocational training, remain within certain geographical

boundaries, and refrain from committing new offenses. Again, as a practical matter, parolees receive little supervision.

Parole Violations

If the juvenile violates parole terms, the secretary can continue the same level of supervision, intensify reporting requirements, or impose additional conditions. Alternatively, the secretary can impose a period of confinement not to exceed 30 days.

If the secretary imposes confinement, the juvenile serves this term either for a portion of each day or for a certain number of days each week. Time not spent in confinement is spent under supervision.

If the juvenile committed certain sex offenses, the secretary can return the juvenile to confinement for the remainder of the sentence range.

Some confusion exists about the possible 30 day term of confinement. Some counties evidently interpret this to mean a total of 30 days confinement for all violations committed during a term of parole. This means that a juvenile serves only two or three days for each violation. The statute, however, can be read as meaning that the juvenile may serve 30 days confinement for each violation.

Summary of Substitute Bill: The bill makes a minimum term of parole mandatory, and it intensifies the types and degrees of supervision received by paroled juveniles. Significantly, the bill does not contain an early release provision; juvenile offenders must complete the minimum portion of their sentence range before release.

Parole Terms

For certain sex offenders, 24 months are mandatory.

All others must serve a minimum of 12 months and a maximum of 18 months.

Parole Conditions

The bill significantly intensifies parole conditions and supervision.

The secretary shall impose conditions on parole. These conditions shall include any of the following:

- Medical or psychiatric treatment;
- Going to school, vocational training, or working;
- Remaining in a certain area and informing the department of address changes;

- Refraining from committing new offenses;
- No use of drugs or alcohol;
- Random drug or alcohol tests;
- Submit to searches by parole or law enforcement officers;
- No associations with criminals or with codefendants;
- Attending information classes; and
- Counseling for substance abuse, mental health, etc.

Parole Monitoring

The bill imposes new, intensified monitoring conditions:

- Immediately upon release, the juvenile will submit to electronic home monitoring for at least 30 days, and not more than 90 days; and
- After the electronic monitoring, the juvenile will comply with an additional period of intensive monitoring, including a curfew. This period shall last between 30 and 180 days.

Parole Violations

The bill imposes more severe sanctions for parole violations:

- The juvenile can be confined for up to 30 days per violation;
- The juvenile can be returned to confinement for all or a portion of the remaining sentence range. This provision applies to all offenders, not just sex offenders; and
- If the juvenile returns to confinement for all or a portion of the remaining sentence range, the department can impose another period of parole upon his or her release.

Substitute Bill Compared to Original Bill: As an additional term of parole, the department may require the juvenile to submit to searches by a parole officer or other law enforcement officer. The officer must be of the same gender as the juvenile.

Additionally, the substitute includes a clean-up provision to eliminate repetitive language.

Fiscal Note: Available.

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

Testimony For: Juveniles committed to the department require additional supervision upon release. Forty-three percent reoffend after six months. Longer and more intensive parole terms will reduce recidivism. Current terms of parole are too short. Parole supervision and services are inadequate due to lack of resources.

Testimony Against: None.

Witnesses: Lois Smith, Juvenile Court Administrator, Jefferson County (pro); Marty Betkovich, Department of Juvenile Rehabilitation (pro); Mike Patrick, Washington Association of Sheriffs and Police Chiefs (pro); Tom McBride, Washington Association of Prosecuting Attorneys (pro); and Greg Hubbard, King County Association of Prosecuting Attorneys (pro).