

HOUSE BILL REPORT

HB 2806

As Reported By House Committee On:
Corrections

Title: An act relating to juvenile substance abuse.

Brief Description: Providing substance abuse treatment as a disposition alternative for juvenile offenders.

Sponsors: Representatives Morris, Long, Wineberry, Moak, Grant, Bray, Cooke, Johanson, Rayburn, Caver, Lemmon, G. Cole, J. Kohl, Conway, Springer and L. Johnson.

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 9 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak; Ogden and Padden.

Staff: Kristen Lichtenberg (786-7156).

Background:

Substance Abuse

Approximately 65 percent of the juvenile offender population suffers from substance abuse or addiction. Under current law, courts can require juvenile offenders to undergo substance abuse treatment as a condition of community supervision. State juvenile offender facilities also offer some substance abuse treatment. The state can require substance abuse treatment as a condition of parole. Current law does not, however, contain a specific substance abuse treatment option for juvenile offenders.

Manifest Injustice

Under current law, the court can impose a manifest injustice only if a disposition within the standard range would impose an excessive penalty on the juvenile or would present a danger to the public.

Summary of Substitute Bill:

Rehabilitative Dispositions

The court can declare a manifest injustice and impose a longer disposition when a disposition within the standard range would fail to promote the juvenile's best rehabilitative interest. This would permit a court to impose a longer sentence if the juvenile required special rehabilitation.

Substance Abuse Disposition Alternative

Minor and middle offenders can receive a substance abuse disposition alternative.

If the court concludes that inpatient substance abuse treatment would be an appropriate form of rehabilitation, the court can use the manifest injustice option to order confinement, all or part of which shall be served in an inpatient substance abuse treatment program.

If the court determines that outpatient treatment is appropriate, the court can impose a disposition within the standard range, but it shall suspend this disposition while the juvenile receives outpatient treatment and complies with community supervision. The terms of this disposition closely resemble the special sex offender disposition alternative found in present law.

Detention and Confinement

The bill expands the definitions of both "detention" and "confinement" to include group homes, foster care homes, inpatient substance abuse treatment, juvenile boot camps, and electronic monitoring. It amends current law to permit placement of offenders in group homes where dependent children are also placed.

Substitute Bill Compared to Original Bill: The substitute removes mandatory language and adds permissive language. The court has the discretion to impose either the inpatient or the outpatient treatment option, but the court is not required to use the options.

Fiscal Note: Requested January 26, 1994.

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

Testimony For: It is a good idea to model a substance abuse disposition option on the sex offender treatment disposition option; the latter is an option under current law.

Testimony Against: None.

Witnesses: Sid Sidorowicz, Department of Social and Health Services, Division of Juvenile Rehabilitation (pro, with concerns).