

SENATE BILL REPORT

ESHB 1198

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 1, 1993

Brief Description: Implementing recommendations of the juvenile issues task force.

SPONSORS: House Committee on Human Services (originally sponsored by Representatives Leonard, Padden, Appelwick, King, Brough, Johanson, Jones, Roland, Long, G. Cole, Veloria, Horn, Karahalios, Springer, Wood, Flemming, Kessler, Lemmon and Pruitt)

HOUSE COMMITTEE ON HUMAN SERVICES

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Rinehart, Roach, and Spanel.

Staff: Lidia Mori (786-7755)

Hearing Dates: March 23, 1993; April 1, 1993

BACKGROUND:

The Juvenile Issues Task Force was created in 1990 to review: (1) the Juvenile Justice Act of 1977 as amended; (2) the At-Risk Youth Act of 1990; and (3) statutes related to youth. The task force was made up of 32 individuals representing professionals in the juvenile justice and youth services field, citizens, and legislators. The task force recommended statutory changes related to juvenile offenders, at-risk youth, runaways, families in conflict, and children with mental health or alcohol and drug problems. The task force recommendations were included in ESHB 2466, which was enacted during the 1992 legislative session. Governor Gardner signed the legislation on April 2, 1992, and vetoed several provisions of the bill, including giving judges greater discretion in sentencing juvenile offenders, housing juveniles in alternate residential settings, providing parents a greater role in treatment decisions for children suffering from mental health and alcohol or substance abuse problems, and issues related to racial disproportionality.

SUMMARY:

Definitions of community service, community supervision, community-based rehabilitation, monitoring and reporting requirements, and detention facilities are modified to clarify the sentencing options available to judges in sentencing juveniles. Juvenile courts will have greater discretion in housing juveniles in detention facilities. Detention

facilities can include secure and non-secure detention facilities and programs. The Department of Social and Health Services will monitor any disproportionality which may result from the greater discretion provided to judges and juvenile courts. County designated mental health professionals are required to provide parents a written reason for not involuntarily detaining and treating their child. County designated alcohol and substance abuse specialists will provide parents with referrals to other services if they deny a request to involuntarily detain and treat a child.

SUMMARY OF PROPOSED SENATE AMENDMENT:

As part of community supervision, a court may order a youth into community-based rehabilitation which may include outpatient substance abuse treatment. Pretrial confinement and confinement may be served in a detention group home, detention foster home, or with electronic monitoring. Detention group homes and detention foster homes that are used for such confinement are not to be used for the placement of dependent children. Use of detention group homes, detention foster homes, and electronic monitoring are subject to available funds. Language is removed which broadened the definition of detention facility, including the placement of the juvenile in the parental home with electronic monitoring. Section 1 of this act will take effect July 1, 1993.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: Sections 1, 2, and 3 take effect July 1, 1994.

TESTIMONY FOR:

This bill contains some of the recommendations of the Juvenile Issues Task Force that were vetoed last year by the Governor. This bill will provide some options for the counties in dealing with juveniles.

TESTIMONY AGAINST: None

TESTIFIED: Representative Leonard, prime sponsor; Lois Smith, Juvenile Court Administrators; Barbara Baker, Puget Sound Legal Services