

HOUSE BILL REPORT

HB 2380

As Amended by the Senate

Title: An act relating to segregation of children offenders from adult offenders.

Brief Description: Changing provisions relating to segregation of children offenders from adult offenders.

Sponsors: By Representatives Dickerson, Eickmeyer, O'Brien, Kenney, Rockefeller, Ruderman, Kagi, Darneille, Tokuda, Chase, Lovick and Haigh.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/29/02, 2/6/02 [DP].

Floor Activity:

Passed House: 2/13/02, 96-0.

Senate Amended.

Passed Senate: 3/6/02, 45-0.

Brief Summary of Bill

- Allows a youthful offender in an adult correctional facility who has reached the age of 18 to remain in the separate housing unit for offenders under 18 if the offender's needs would be better met there and the programs or housing environment will not be substantially affected.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Darneille, Vice Chair; Delvin, Ranking Minority Member; Armstrong, Carrell, Eickmeyer and Tokuda.

Staff: Trudes Hutcheson (786-7384).

Background:

Generally, the juvenile court has jurisdiction over offenders under the age of 18. However, juveniles who are 16 or 17 years old and who commit certain violent felonies must be tried as adults. The juvenile court may also exercise its discretion to decline

jurisdiction over other offenders, in which case the adult court asserts its jurisdiction.

Prior to 1997, juveniles convicted as adults ("youthful offenders") were not separated from adults in the correctional facility. In 1997 the Legislature amended the statute to require that offenders under the age of 18 who are convicted as adults and committed to an adult correctional facility must be separated from offenders 18 years and older, until he or she reaches the age 18.

The Department of Corrections (DOC) established youthful offender programs in the Clallam Bay Corrections Center for males and in the Washington Corrections Center for Women for females.

The DOC must provide youthful offenders in the adult system education that will assist them in getting a high school diploma or a general equivalency degree (GED). Clallam Bay also offers youthful offenders other programs.

Summary of Bill:

A youthful offender in an adult correctional facility who has reached the age of 18 may remain in the separate housing unit for offenders under 18 if the secretary of the DOC determines that: (a) the offender's needs and correctional goals could continue to be better met by the programs and housing environment that is separate from offenders 18 years and older; and (b) the programs or housing environment for offenders under the age of 18 will not be substantially affected by the offender's continued placement.

The offender may remain placed in the housing unit until such time the secretary determines that the offender's needs and correctional goals are no longer better met in that environment, but in no case past the offender's 21 birthday.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment changed the title of the bill from An Act relating to segregation of children offenders from adult offenders– to An Act relating to children offenders.– The Senate added a provision requiring a juvenile to be detained pending disposition if the juvenile has been found guilty of rape in the first or second degree, or rape of a child in the first, second, or third degree.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill is by request of the DOC. There is much internal debate about whether the DOC has statutory authority to allow youthful offenders to stay in housing units for offenders under 18. Rehabilitation services are not available in the adult system. Those services are essential for juveniles to turn their lives around. Youthful offenders have more problems and learning disabilities than adults. Youthful offenders in the adult system are more likely to be assaulted, be suicidal, and be victimized by other inmates.

Testimony Against: None.

Testified: Representative Dickerson, prime sponsor; Eldon Vail, Department of Corrections; and Sherry Appleton, Washington Defender Association and Washington Association of Criminal Defense Lawyers.