

HOUSE BILL REPORT

SSB 5468

As Reported by House Committee On:

Juvenile Justice

Title: An act relating to the chemical dependency disposition alternative.

Brief Description: Revising the chemical dependency disposition alternative.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Hargrove and Kohl-Welles; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Juvenile Justice: 3/27/01 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Expands the pool of juvenile offenders potentially eligible for the Chemical Dependency Disposition Alternative.
- Permits the court to order inpatient treatment time of up to 90 days.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: Do pass as amended. Signed by 8 members: Representatives Delvin, Republican Co-Chair; Dickerson, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Marine, Republican Vice Chair; Armstrong, Carrell, Darneille and Tokuda.

Staff: Jean Ann Quinn (786-7310).

Background:

Juveniles who commit criminal offenses are subject to the provisions of the Juvenile Justice Act, which is based on a determinative sentencing model and prescribes presumptive disposition ranges commensurate with the seriousness of the current offense and the offender's prior criminal history. In 1997 the Legislature made comprehensive changes to the sentencing options under the Juvenile Justice Act, and a new disposition

option, the Chemical Dependency Disposition Alternative (CDDA), was created for juveniles who are chemically dependent and would benefit from treatment.

Offenders subject to a standard range disposition of local sanctions or commitment to the Juvenile Rehabilitation Administration for 15-36 weeks and who have not committed an A- or B+ offense are potentially eligible for CDDA. The court may order an examination to determine if the juvenile is chemically dependent and amenable to treatment. The court may also order a second examination, and is required to do so if requested by the state. The defendant must pay for both examinations unless the offender is indigent and no insurance coverage is available. After receipt of reports of the examinations, if the court determines that the offender and the community will benefit from CDDA, the court suspends the standard range disposition on the condition that the offender undergo outpatient or inpatient drug or alcohol treatment and comply with community supervision conditions for up to one year. The court may also require up to 30 days confinement, 150 hours of community service and/or payment of legal financial obligations and restitution. The sum of confinement time and inpatient treatment time may not exceed 90 days. The suspension may be revoked and the disposition executed if the offender violates the conditions of community supervision or fails to make satisfactory progress in treatment.

Summary of Amended Bill:

The court is required to consider CDDA as a disposition alternative when a juvenile meets the eligibility requirements. The pool of offenders who are eligible for CDDA is expanded as follows:

- 1) Offenders who have committed first-time B+ offenses under the Uniform Controlled Substances Act are eligible.
- 2) Amenability to treatment is no longer a requirement.
- 3) The CDDA option is available for offenders who are substance abusing as well as those who are chemically dependent.

The offender has the right to obtain a second examination to determine if CDDA is appropriate. In the case of either the first or second examination, the party making the request must pay for the examination.

The court may order inpatient treatment time of up to 90 days, irrespective of how much confinement time is ordered.

If an offender violates the terms of his or her CDDA disposition or fails to make progress in treatment, the court can impose the sanctions available for violating community supervision or revoke the CDDA disposition and execute the original

disposition.

Amended Bill Compared to Substitute Bill:

The amended bill clarifies that the court has the authority to impose sanctions if an offender violates community supervision or fails to make progress in treatment.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is the same as one approved earlier this year by the committee, with one amendment. The amendment simply clarifies that detention can be ordered for a juvenile who is not complying with the terms of his or her community supervision under CDDA.

Testimony Against: None.

Testified: Cheryl Stephani, Juvenile Rehabilitation Administration, Department of Social and Health Services.