

HOUSE BILL REPORT

SB 5972

As Passed House:

April 4, 2001

Title: An act relating to clarifying the department of social and health services' parole program placement authority for all juvenile offenders under the age of twenty-one and committed to the department of social and health services.

Brief Description: Releasing juvenile offenders.

Sponsors: By Senator Hargrove; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Juvenile Justice: 3/27/01, 3/28/01 [DP].

Floor Activity:

Passed House: 4/4/01, 92-0.

Brief Summary of Bill

- Requires juvenile offenders sentenced under a finding of manifest injustice to comply with the parole requirements applicable to other offenders.

HOUSE COMMITTEE ON JUVENILE JUSTICE

Majority Report: Do pass. 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:

The Secretary of the Department of Social and Health Services (Secretary) sets a release date for each juvenile committed to its custody, except in the case of a juvenile committed by a court pursuant to a finding of manifest injustice.— Manifest injustice—means that the standard range disposition would either impose an excessive penalty or impose a serious and clear danger to society in light of the purposes of the Juvenile Justice Act. If the court determines that a standard range disposition would effectuate a

manifest injustice, the court may impose a disposition outside the standard range.

The release date must be within the prescribed range for the offense. Following the release of any juvenile for whom a release date has been established, the Secretary may require the juvenile to comply with a program of parole for up to 18 months. Offenders sentenced for certain sex offenses are required to complete a 24-36 month parole program.

Summary of Bill:

The Secretary is required to set a release date for offenders sentenced to a commitment range under a finding of manifest injustice, and such offenders are subject to the parole requirements applicable to other offenders.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The bill is a clarification of current practice, resulting from a recent legal challenge regarding the department's ability to place a juvenile on parole after he or she has served a manifest injustice sentence. Parole for juveniles is an aftercare program, and these particular youth may be placed on intensive parole as a way of helping them reintegrate back into the community. The construction of the existing statute is awkward.

Testimony Against: None.

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