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**Juvenile Justice & Family Law  
Committee**

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**ESSB 6535**

**Brief Description:** Authorizing a disposition outside the standard range for the chemical dependency disposition alternative for juvenile offenders.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

**Brief Summary of Engrossed Substitute Bill**

- Permits juvenile courts to grant a manifest injustice upward and suspend the sentence so that a juvenile offender can be ordered to complete a Chemical Dependency Disposition Alternative.

**Hearing Date:** 2/26/02

**Staff:** Tracey Taylor (786-7196).

**Background:**

Juveniles who commit criminal offenses are subject to the provisions of the Juvenile Justice Act, which is based on a determinate sentencing model and prescribes presumptive disposition ranges commensurate with the seriousness of the current offense and the offender's prior criminal history.

In determining the appropriate disposition, the juvenile court considers the offense category of the current offense(s), the number of prior adjudications, and the point of intersection of the Current Offense Category row and the Prior Adjudication column on the juvenile disposition grid to identify the appropriate cell. Imposing the standard range of disposition based on the grid is Option A.

In 1997, the Legislature made comprehensive changes to the sentencing options under the Juvenile Justice Act, and a disposition option, the Chemical Dependency Disposition Alternative (CDDA), was created for juveniles who are chemically dependent and would benefit from treatment.

If the juvenile is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a category A- or B+ offense, the court, under a finding that the offender is chemically dependent and amenable to treatment, may suspend an Option A disposition and impose a disposition outside the standard range. The court may place an offender on community supervision for one year and, as a condition of the suspended Option A disposition, the court must require the offender to undergo available inpatient/outpatient drug or alcohol treatment and may require up to 30 days confinement, 150 hours of community service, and/or payment of legal financial obligations or restitution.

The combination of inpatient treatment and confinement may not exceed 90 days. The treatment provider must submit monthly progress reports and the court may schedule treatment review hearings. The suspension may be revoked and the disposition executed (with credit for confinement time served on the same offense) for violating conditions or failing to make satisfactory progress in treatment.

If the court determines that a disposition under Option A or the CDDA would effectuate a manifest injustice, the court may impose a disposition outside the standard range. A manifest injustice is defined as a disposition that would either impose an excessive penalty on the juvenile or would impose a serious and clear danger to society in light of the purposes of the Juvenile Justice Act. The court's finding of manifest injustice must be supported by clear and convincing evidence.

When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court must sentence the juvenile to a maximum term. When the maximum term in the range is 90 days or less, the minimum term in the range may be no less than 50 percent of the maximum term in the range. When the maximum term in the range is greater than 90 days but not greater than one year, the minimum term in the range may be no less than 75 percent of the maximum term in the range. If the maximum term in the range is more than one year, the minimum term in the range may be no less than 80 percent of the maximum term in the range.

**Summary of Bill:**

If the court determines that the CDDA is appropriate and it finds a manifest injustice, it may impose a disposition above the standard range and suspend the sentence so that a juvenile offender can be order to complete his or her CDDA requirements. In such a case, the court is limited to an increase of the standard range to 52 weeks total confinement.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 2002.

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