

SENATE BILL REPORT

SB 5544

As Reported By Senate Committee On:
Education, February 27, 2001

Title: An act relating to detention of minors who commit felonies on school facilities.

Brief Description: Requiring mental health evaluation of minors committing specified crimes on school property.

Sponsors: Senators Thibaudeau, Rasmussen, Regala, Costa and Winsley; by request of Governor Locke and Superintendent of Public Instruction.

Brief History:

Committee Activity: Education: 2/26/01, 2/27/01 [DPS, DNP].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Rasmussen and Regala.

Minority Report: Do not pass.

Signed by Senator Hochstatter.

Staff: Kelly Simpson (786-7403)

Background: Under current law, persons aged 12-21 arrested for unlawful possession of a firearm on school grounds must be detained for up to 72 hours for the purposes of receiving a mental health evaluation. The court may, however, release the person sooner after a determination regarding probable cause or on probation bond or bail. Authorities must follow specified procedural requirements when conducting the evaluation. The court must consider the results of the evaluation in making any determination about the person.

Summary of Substitute Bill: Persons aged 13-21 arrested for specified felonies on school grounds must be detained for up to 72 hours in order that they may be evaluated by the person or agency designated by the local regional support network (RSN). The specified felonies include (1) unlawful possession of a firearm on school grounds; (2) threats to bomb a school; and (3) arson in the first or second degrees. The court may, however, release the person sooner after a determination regarding probable cause or on probation bond or bail.

Within 24 hours of the arrest, the arresting law enforcement agency must refer the person to the RSN designee and inform the person's parent or guardian of the arrest, detention, and examination. Within 24 hours of the referral, the RSN designee must conduct an examination and evaluation of the person. The exam must be conducted at the facility where the person is detained, or, if the person has been released sooner by the court, wherever is appropriate.

Additionally, the RSN designee may refer the person to the county-designated mental health professional or the county-designated chemical dependency specialist for evaluation who must conduct an exam within 24 hours of the referral.

The evaluation results must be sent to the court, the school, the person's parent or guardian, and to the person if 18 or older. The court must consider the results in making any determination about the person.

Substitute Bill Compared to Original Bill: The original bill was not considered. The person required to conduct the evaluations was changed from the county-designated mental health professional to the person or agency designated by the local regional support network. Two technical changes were made: (1) a clarification was made that in addition to arson and unlawful possession of firearms on school grounds, only threats to bomb schools, not threats to injure property, trigger the mental evaluations; (2) a clarification was made that courts may release the arrested person prior to the evaluations after probable cause determinations, or on probation bonds, or bail. Finally, the current statute regarding mental evaluations for those arrested for unlawful possession of firearms on school grounds was amended to be consistent with the provisions under the bill.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Very often students committing violence, or threats of violence, suffer significant mental health problems. This bill would serve as one tool available for school personnel to help identify those students suffering and to hopefully prevent further violent incidents from occurring in the future.

Testimony Against: Children with mental health problems need comprehensive treatment. This bill does not provide a mechanism to fully assist children suffering mental health problems. The Legislature should adequately fund mental health, and drug and alcohol treatment programs.

Testified: Senator Thibaudeau; Anndrea Blue, Governor's Office (pro); Craig Apperson, OSPI (pro); Dave Weston, DSHS (pro); Larry Farrar, Peggy McAvoy, Seattle Schools (pro); Marry Corso, WA Fire Marshal (pro); Jean Wessman, Assoc. of Counties (concern); Alan Burke, Lorene Rang, Yelm Schools (pro); Michelle Shaw, Attorney (con); David Westberg, Stationary Engineers (concerns); Richard Warner, Citizen's Comm. on Human Rights (con); Martha Rice, PTA (pro); Jean Wessman, Assoc. of Counties (concerns); Joe Pope, AWSP (pro).