

SSB 5502 - H COMM AMD

By Committee on Juvenile Justice & Family Law

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.40.167 and 2003 c 378 s 4 are each amended to read
4 as follows:

5 (1) When an offender is subject to a standard range (~~(commitment of~~
6 ~~15 to 65 weeks))~~ disposition involving confinement by the department,
7 the court may:

8 (a) Impose the standard range; or

9 (b) Suspend the standard range disposition on condition that the
10 offender complies with the terms of this mental health disposition
11 alternative.

12 (2) The court may impose this disposition alternative when the
13 court finds the following:

14 (a) The offender has a current diagnosis, consistent with the
15 American psychiatry association diagnostic and statistical manual of
16 mental disorders, of axis I psychiatric disorder, excluding youth that
17 are diagnosed as solely having a conduct disorder, oppositional defiant
18 disorder, substance abuse disorder, paraphilia, or pedophilia;

19 (b) An appropriate treatment option is available in the local
20 community;

21 (c) The plan for the offender identifies and addresses requirements
22 for successful participation and completion of the treatment
23 intervention program including: Incentives and graduated sanctions
24 designed specifically for amenable youth, including the use of
25 detention, detoxication, and in-patient or outpatient substance abuse
26 treatment and psychiatric hospitalization, and structured community
27 support consisting of mental health providers, probation, educational
28 and vocational advocates, child welfare services, and family and
29 community support. For any mental health treatment ordered for an
30 offender under this section, the treatment option selected shall be

1 chosen from among programs which have been successful in addressing
2 mental health needs of juveniles and successful in mental health
3 treatment of juveniles and identified as research-based best practice
4 programs. A list of programs which meet these criteria shall be agreed
5 upon by: The Washington association of juvenile court administrators,
6 the juvenile rehabilitation administration of the department of social
7 and health services, a representative of the division of public
8 behavioral health and justice policy at the University of Washington,
9 and the Washington institute for public policy. The list of programs
10 shall be created not later than July 1, 2003. The group shall provide
11 the list to all superior courts, its own membership, the legislature,
12 and the governor. The group shall meet annually and revise the list as
13 appropriate; and

14 (d) The offender, offender's family, and community will benefit
15 from use of the mental health disposition alternative.

16 (3) The court on its own motion may order, or on motion by either
17 party, shall order a comprehensive mental health evaluation to
18 determine if the offender has a designated mental disorder. The court
19 may also order a chemical dependency evaluation to determine if the
20 offender also has a co-occurring chemical dependency disorder. The
21 evaluation shall include at a minimum the following: The offender's
22 version of the facts and the official version of the facts, the
23 offender's offense, an assessment of the offender's mental health and
24 drug-alcohol problems and previous treatment attempts, and the
25 offender's social, criminal, educational, and employment history and
26 living situation.

27 (4) The evaluator shall determine if the offender is amenable to
28 research-based treatment. A proposed case management and treatment
29 plan shall include at a minimum:

30 (a) The availability of treatment;

31 (b) Anticipated length of treatment;

32 (c) Whether one or more treatment interventions are proposed and
33 the anticipated sequence of those treatment interventions;

34 (d) The education plan;

35 (e) The residential plan; and

36 (f) The monitoring plan.

37 (5) The court on its own motion may order, or on motion by either
38 party, shall order a second mental health or chemical dependency

1 evaluation. The party making the motion shall select the evaluator.
2 The requesting party shall pay the cost of any examination ordered
3 under this subsection and subsection (3) of this section unless the
4 court finds the offender is indigent and no third party insurance
5 coverage is available, in which case the state shall pay the cost.

6 (6) Upon receipt of the assessments, evaluations, and reports the
7 court shall consider whether the offender and the community will
8 benefit from use of the mental health disposition alternative. The
9 court shall consider the victim's opinion whether the offender should
10 receive the option.

11 (7) If the court determines that the mental health disposition
12 alternative is appropriate, the court shall impose a standard range
13 disposition (~~(of not more than 65 weeks)~~), suspend execution of the
14 disposition, and place the offender on community supervision up to one
15 year and impose one or more other local sanctions. Confinement in a
16 secure county detention facility, other than county group homes,
17 inpatient psychiatric treatment facilities, and substance abuse
18 programs, shall be limited to thirty days. As a condition of a
19 suspended disposition, the court shall require the offender to
20 participate in the recommended treatment interventions.

21 (8) The treatment providers shall submit monthly reports to the
22 court and parties on the offender's progress in treatment. The report
23 shall reference the treatment plan and include at a minimum the
24 following: Dates of attendance, offender's compliance with
25 requirements, treatment activities, medication management, the
26 offender's relative progress in treatment, and any other material
27 specified by the court at the time of the disposition.

28 (9) If the offender fails to comply with the suspended disposition,
29 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
30 the suspended disposition and order the disposition's execution.

31 (10) An offender is ineligible for the mental health disposition
32 option under this section if the (~~offender is adjudicated of a sex or~~
33 ~~violent offense as defined in RCW 9.94A.030~~) offense for which the
34 disposition being considered is:

- 35 (a) A firearm violation under RCW 13.40.193;
36 (b) An offense category A+, A, or A- offense, or an attempt,
37 conspiracy, or solicitation to commit a class A+, A, or A- offense;
38 (c) Manslaughter in the second degree (RCW 9A.32.070);

1 (d) A sex offense as defined in RCW 9.94A.030; or
2 (e) Any offense category B+ or B offense, when the offense includes
3 infliction of bodily harm upon another or when during the commission or
4 immediate withdrawal from the offense the respondent was armed with a
5 deadly weapon."

6 Correct the title.

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