

SSB 5719 - S AMD 143

By Senators Hargrove, Stevens, Regala

ADOPTED 03/09/2005

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

3 "Sec. 1. RCW 13.40.169 and 2003 c 378 s 5 are each amended to read
4 as follows:

5 ~~((Any charter county with a population of not more than seventy
6 thousand shall establish a pilot program to implement the community
7 commitment disposition alternative contained in this section. The
8 pilot project shall be limited to five beds.))~~ Any county or group of
9 cooperating counties within close proximity may establish a program to
10 implement the community commitment disposition alternative under this
11 section. A program established by a county or group of cooperating
12 counties shall be limited to ten beds. A court in a county that has
13 established a program under this section or has entered an agreement
14 with other counties to establish such a program may impose a community
15 commitment disposition alternative as provided in this section.

16 (1) When the offender is subject to a standard range commitment of
17 15 to 36 weeks and is ineligible for a suspended disposition
18 alternative, a manifest injustice disposition below the standard range,
19 special sex offender disposition alternative, chemical dependency
20 disposition alternative, or mental health disposition alternative,
21 ~~((the))~~ a court ~~((in a county with a pilot program under this section))~~
22 may impose a community commitment disposition alternative and:

23 (a) Retain juvenile court jurisdiction over the youth;

24 (b) Confine the youth in a secure county detention facility ~~((for
25 a period of time not to exceed thirty days)), or another alternative to
26 secure county detention as described in subsection (4) of this section;~~

27 and

28 (c) Impose a term of postrelease community supervision for up to
29 one year.

1 (~~If the youth receives a standard range~~) At the time of the
2 disposition, the court shall set the release date within the standard
3 range. (~~The court shall determine the release date prior to~~
4 ~~expiration of sixty percent of the juvenile's minimum term of~~
5 ~~confinement.~~) The offender shall spend no more than thirty days in
6 secure county detention between the date of the disposition and the
7 initial release date.

8 (2) The court may impose this community commitment disposition
9 alternative if the court finds the following:

10 (a) Placement in a local secure county detention facility in close
11 proximity to the youth's family or local support systems will
12 facilitate a smoother reintegration to the youth's family and
13 community;

14 (b) Placement in the local secure county detention facility will
15 allow the youth to benefit from locally provided family intervention
16 programs and other research-based treatment programs, school,
17 employment, and drug and alcohol or mental health counseling; or

18 (c) Confinement in a facility operated by the department would
19 result in a negative disruption to local services, school, or
20 employment or impede or delay developing those services and support
21 systems in the community.

22 (3) The court shall consider the youth's offense, prior criminal
23 history, security classification, risk level, and treatment needs and
24 history when determining whether the youth is appropriate for the
25 community commitment disposition alternative. If the court finds that
26 a community commitment disposition alternative is appropriate, the
27 court shall order the youth into secure county detention while the
28 details of the reintegration program are developed. The program shall
29 include delivery of programs which meet the Washington state institute
30 for public policy's effectiveness standards for juvenile accountability
31 programs.

32 (4) Upon approval of the treatment and community reintegration
33 plan, the court may order the youth to serve the term of confinement in
34 one (~~or more~~) of the following placements or combination of the
35 following placements: Secure county detention, an alternative to
36 secure detention such as electronic home monitoring, county group care,
37 day or evening reporting, or home detention. The court may order the
38 youth to serve time in secure county detention on weekends or

1 intermittently. The court shall set periodic reviews to review the
2 youth's progress in the program. (~~At least fifty percent~~) No more
3 than thirty days of the (~~term of confinement~~) community commitment
4 disposition alternative shall be served in secure county detention,
5 unless the youth violates the conditions of the community commitment
6 program.

7 (5) If the youth violates the conditions of the community
8 commitment program, the court may impose sanctions under RCW 13.40.200
9 or modify the terms of the reintegration plan and order the youth to
10 serve (~~all or a portion~~) up to thirty days of the remaining
11 confinement term in secure county detention or another alternative to
12 secure county detention as described in subsection (4) of this section.
13 If, in the opinion of the court, the youth's cumulative violations
14 would require more than a total of thirty days of secure detention, the
15 court shall revoke the community commitment disposition alternative and
16 order the disposition's execution, with credit for time served, at a
17 facility operated by the juvenile rehabilitation administration of the
18 department of social and health services. The court shall retain
19 jurisdiction for purposes of community supervision upon release from
20 the facility. Except for a youth transferred to a facility operated by
21 the juvenile rehabilitation administration, time not spent in secure
22 county detention may be served in one of the alternative placements
23 described in subsection (4) of this section. The court shall consider
24 the youth's risk level in selecting alternative placements.

25 (6) A county may enter into interlocal agreements with other
26 counties to develop joint community commitment programs or to allow one
27 county to send a youth appropriate for this alternative to another
28 county that has a community commitment program.

29 (7) Implementation of this alternative is subject to available
30 state funding for the costs of the community commitment program,
31 including costs of detention and community supervision, treatment
32 programs, and administration.

33 (8) Each county or group of cooperating counties establishing a
34 program to implement the community commitment disposition alternative
35 under this act shall provide an interim report on a program to the
36 Washington association of juvenile court administrators by November 1,
37 2006, and a final report by May 1, 2007. Each report shall include,
38 but is not limited to, the number of offenders eligible for the

1 program, the number of offenders sentenced to the program, evaluation
2 and treatment costs for each participant, administrative costs, costs
3 of detention, supervision, and other related costs, and whether an
4 offender has reoffended after participation in the program. The
5 Washington association of juvenile court administrators shall submit an
6 interim report ((~~on~~)) analyzing the data submitted by each of the
7 ((~~pilot~~)) programs established in this section to the legislature and
8 appropriate committees by December 31, ((2004)) 2006, and submit a
9 final report to the legislature and the appropriate committees by June
10 30, ((2005)) 2007.

11 ((~~This section expires July 1, 2005.~~))

12 NEW SECTION. Sec. 2. This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 July 1, 2005."

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16 On page 1, line 2 of the title, after "program;" strike the
17 remainder of the title and insert "amending RCW 13.40.169; providing an
18 effective date; and declaring an emergency."

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