

SENATE BILL REPORT

SSB 5502

As Passed Senate, March 9, 2005

Title: An act relating to juvenile sentencing alternatives.

Brief Description: Revising juvenile sentencing alternatives.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Delvin and Regala).

Brief History:

Committee Activity: Human Services & Corrections: 2/7/05, 2/24/05 [DPS].

Passed Senate: 3/9/05, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: A juvenile offender who is adjudicated of an offense may be sentenced by the court based on the statutorily available sentencing options. The most common alternative is a standard range sentence, which is calculated based on the offender's prior criminal history and the seriousness of the current offense. If the court finds that a standard range sentence is not appropriate in a specific case, the court may impose a statutorily available alternative sentence.

The Mental Health Disposition Alternative allows a court to order the offender to undergo treatment. In order to employ the Mental Health Disposition Alternative, the offender must be subject to a standard range disposition of between 15 and 65 weeks of confinement, and the court must make certain findings. The court must find that:

- the offender has a current diagnosis of an axis I psychiatric disorder (excluding a diagnosis solely of a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia);
- an appropriate treatment option is available in the community;
- the plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program; and
- the offender, the offender's family, and the community will benefit from the use of the Mental Health Disposition Alternative.

An offender who is adjudicated of a sex or violent offense is not eligible for the Mental Health Disposition Alternative.

Summary of Bill: The requirement that the juvenile offender be subject to a standard range sentence between 15 and 65 weeks is eliminated and replaced with a requirement that the offender be subject to a disposition involving confinement by the Department of Social and Health Services.

The law is amended to modify the list of offenders who are ineligible for the Mental Health Disposition Alternative. The exclusion of offenders who are adjudicated of a violent offense is eliminated. However, the offenders are ineligible for the Mental Health Disposition Alternative if:

- 1) the offense for which the current disposition is being considered is an A+ offense;
- 2) the offense for which the current disposition is being considered is:
 - a) a class A or A- offense, or an attempt, conspiracy, or solicitation to commit a class A or A- offense;
 - b) manslaughter in the first degree (RCW 9A.32.060); or
 - c) any of the following offenses, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon: Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), or manslaughter 2 (RCW 9A.32.070);
- 3) ordered to serve a disposition for a firearm violation under RCW 13.40.193.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Expanding the eligibility criteria would increase the number of juvenile offenders who could benefit from the Mental Health Disposition Alternative. Research-based in-home counseling services serve youth and save the state money by keeping kids local rather than committing them to the DSHS's Juvenile Rehabilitation Administration. In Fiscal Year 2004, 685 juvenile offenders were kept in their communities. The effectiveness of this sentencing alternative is reflected in few revocations of the suspended disposition, a drop in the crime rate, and a decrease in recidivism.

Concerns: The juvenile court administrators need more flexibility in how they can use funds allocated to implement the Mental Health Disposition Alternative. For example, while the funds may be used for supervision and treatment, they may not be used for psychological examinations or detox.

Testimony Against: None.

Who Testified: PRO: Bruce Knutson, Washington Association of Juvenile Court Administrators.