
ENGROSSED SUBSTITUTE SENATE BILL 5719

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to the community commitment disposition alternative
2 pilot program; amending RCW 13.40.169; providing an effective date; and
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 13.40.169 and 2003 c 378 s 5 are each amended to read
6 as follows:

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

18 (1) When the offender is subject to a standard range commitment of
19 15 to 36 weeks and is ineligible for a suspended disposition

1 alternative, a manifest injustice disposition below the standard range,
2 special sex offender disposition alternative, chemical dependency
3 disposition alternative, or mental health disposition alternative,
4 ~~((the))~~ a court ~~((in a county with a pilot program under this section))~~
5 may impose a community commitment disposition alternative and:

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

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

10 and

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

13 ~~((If the youth receives a standard range))~~ At the time of the
14 disposition, the court shall set the release date within the standard
15 range. ((The court shall determine the release date prior to
16 expiration of sixty percent of the juvenile's minimum term of
17 confinement.)) The offender shall spend no more than thirty days in
18 secure county detention between the date of the disposition and the
19 initial release date.

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

22 (a) Placement in a local secure county detention facility in close
23 proximity to the youth's family or local support systems will
24 facilitate a smoother reintegration to the youth's family and
25 community;

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

30 (c) Confinement in a facility operated by the department would
31 result in a negative disruption to local services, school, or
32 employment or impede or delay developing those services and support
33 systems in the community.

34 (3) The court shall consider the youth's offense, prior criminal
35 history, security classification, risk level, and treatment needs and
36 history when determining whether the youth is appropriate for the
37 community commitment disposition alternative. If the court finds that
38 a community commitment disposition alternative is appropriate, the

1 court shall order the youth into secure county detention while the
2 details of the reintegration program are developed. The program shall
3 include delivery of programs which meet the Washington state institute
4 for public policy's effectiveness standards for juvenile accountability
5 programs.

6 (4) Upon approval of the treatment and community reintegration
7 plan, the court may order the youth to serve the term of confinement in
8 one (~~or more~~) of the following placements or combination of the
9 following placements: Secure county detention, an alternative to
10 secure detention such as electronic home monitoring, county group care,
11 day or evening reporting, or home detention. The court may order the
12 youth to serve time in secure county detention on weekends or
13 intermittently. The court shall set periodic reviews to review the
14 youth's progress in the program. (~~At least fifty percent~~) No more
15 than thirty days of the (~~term of confinement~~) community commitment
16 disposition alternative shall be served in secure county detention,
17 unless the youth violates the conditions of the community commitment
18 program.

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

37 (6) A county may enter into interlocal agreements with other

1 counties to develop joint community commitment programs or to allow one
2 county to send a youth appropriate for this alternative to another
3 county that has a community commitment program.

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

8 (8) Each county or group of cooperating counties establishing a
9 program to implement the community commitment disposition alternative
10 under this act shall provide an interim report on a program to the
11 Washington association of juvenile court administrators by November 1,
12 2006, and a final report by May 1, 2007. Each report shall include,
13 but is not limited to, the number of offenders eligible for the
14 program, the number of offenders sentenced to the program, evaluation
15 and treatment costs for each participant, administrative costs, costs
16 of detention, supervision, and other related costs, and whether an
17 offender has reoffended after participation in the program. The
18 Washington association of juvenile court administrators shall submit an
19 interim report ((~~on~~)) analyzing the data submitted by each of the
20 ((~~pilot~~)) programs established in this section to the legislature and
21 appropriate committees by December 31, ((2004)) 2006, and submit a
22 final report to the legislature and the appropriate committees by June
23 30, ((2005)) 2007.

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

25 NEW SECTION. Sec. 2. This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 July 1, 2005.

--- END ---