

HOUSE BILL REPORT

SHB 2551

As Amended by the Senate

Title: An act relating to expanding the types of treatment programs provided under the suspended disposition alternative for juveniles.

Brief Description: Expanding the types of treatment programs provided under the suspended disposition alternative for juveniles.

Sponsors: By House Committee on Human Services (originally sponsored by Representatives Dickerson, Appleton, McCoy, Roberts, Kenney and Kagi).

Brief History:

Committee Activity:

Human Services: 1/22/08, 1/23/08 [DPS].

Floor Activity:

Passed House: 2/13/08, 96-0.

Senate Amended.

Passed Senate: 3/7/08, 48-0.

Brief Summary of Substitute Bill

- Allows juveniles, under the suspended disposition alternative, to enter non-evidence-based treatment programs so long as the treatment program can show positive returns to the state or local government.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Brian Considine (786-7290).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Juvenile Justice Act governs the disposition (or sentencing) of juvenile offenders. It contains a sentencing grid with presumptive sanctions based on the seriousness of the offense and prior criminal history. The court has several sentencing options for juvenile offenders - a standard sentencing range (Option A), suspended disposition alternative (Option B), chemical dependency disposition alternative (Option C), manifest injustice (Option D), or the mental health disposition alternative.

Under Option B, the court may impose the standard range and suspend the sentence on condition that the offender comply with one or more local sanctions and any educational or treatment requirements.

When the juvenile offender is ordered into a treatment program under Option B, the treatment programs provided to the offender must be research-based best practice programs as identified by the Washington State Institute for Public Policy (WSIPP) or the Joint Legislative Audit and Review Committee.

If the offender fails to comply with the suspended disposition conditions, the court may order sanctions or revoke the suspended disposition and order the imposition of the original sentence.

Summary of Substitute Bill:

A juvenile offender is allowed to enter a non-research-based treatment program so long as the program can demonstrate positive returns to the state or local government, and no evidence-based programs are available to meet the treatment needs of the juvenile.

EFFECT OF SENATE AMENDMENT(S):

Under sentencing Option B of the Juvenile Justice Act, a juvenile offender can enter a treatment program that is either a research-based best practice program as identified by the WSIPP or the JLARC, or an evidence-based or research based best practice chemical dependency treatment program. "Evidence-based" is defined as: a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population, and "research-based" is defined as: a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This is an important bill because there are not enough research-based programs to meet the needs under Option B. Drug and alcohol programs are mostly affected by this because substance abuse programs are not yet up to the WSIPP standards. Judges have said that this bill would help them better serve juveniles who need substance abuse treatment. Rehabilitation is an important goal of the juvenile justice system, and this would further the goals of the Juvenile Rehabilitation Administration. It would also reaffirm the current state of the law. Allowing programs that are not evidence-based makes sense for children in rural counties who may not have access to research-based programs. This language allows best practice programs to treat juveniles. In Grant County, the courts have to deny juveniles entrance into good treatment programs because the programs are not evidence-based best practice programs identified by the WSIPP.

(Opposed) None.

Persons Testifying: Representative Dickerson, prime sponsor; Meghann McCann, Washington Defender Association and Washington Criminal Defense Lawyers; and Kim Ambrose, Washington Bar Association, Juvenile Law Section.

Persons Signed In To Testify But Not Testifying: None.