

HOUSE BILL REPORT

HB 2052

As Reported by House Committee On:
Human Services

Title: An act relating to the modification of disposition orders.

Brief Description: Modifying disposition orders.

Sponsors: Representatives McCoy, Rodne, Appleton and O'Brien.

Brief History:

Committee Activity:

Human Services: 2/15/07, 2/22/07 [DP].

Brief Summary of Bill

- Permits the court to modify a juvenile disposition order regardless of whether the juvenile has violated the terms of the disposition order if there is good cause and there are no increased sanctions or penalties.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 6 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Darneille, McCoy and O'Brien.

Minority Report: Do not pass. Signed by 2 members: Representatives Ahern, Ranking Minority Member and Bailey.

Staff: Sonja Hallum (786-7092).

Background:

If a juvenile is adjudicated of an offense in juvenile court, the court will enter a dispositional order imposing a sentence on the juvenile. The disposition order may include detention, community service, a period of community supervision, restitution, and a fine.

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.

If the juvenile fails to comply with the terms of the order, after a hearing on the violation, the court may modify the order and may impose sanctions for the violation. Sanctions may include a penalty of up to 30 days of confinement in detention.

The court does not have statutory authority to modify the disposition order if the juvenile has not violated the terms of the order.

Summary of Bill:

Regardless of whether the respondent has violated any terms of the order of disposition, the court, on its own motion or upon the motion of any party, may modify the order of disposition for good cause, so long as the modification does not result in any increased sanction or penalty. In determining whether good cause exists, the court is required to consider the best interests of the respondent and the community.

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 bill was brought to allow the court to modify orders because now they don't have the flexibility. There are some youth that are bad actors, but the Dillon Commission Study showed that there are youth who make some stupid decisions and get in trouble. When these kids clean up their act, the court should be able to modify the order so the individual can be rewarded for their behavior. An example of how this would be used is when the juvenile is put on probation and sentenced to urinalysis testing. However, after six to 10 months of clean tests, and an evaluation that shows no problems, this would allow the court to modify the order to remove the urinalysis testing requirement. It saves resources that are being wasted. The court would rarely modify dispositions, but it gives them the flexibility to make the sentence better fit the case. The court remains the one to make the decision.

(Neutral with concerns) There will not be finality in cases. This creates a situation in which a victim who feels they have finality may end up being brought back into court.

(Opposed) The prosecutors do not have any problem with the intent, but this bill paints too big a brush stroke. This bill allows any party to bring the motion so we will be hearing these motions every month. The bill doesn't take victims into account and may require the victim to come back to court.

Persons Testifying: (In Support) Representative McCoy, prime sponsor; Jill Johanson, Superior Court Judges Association; and Phil Jans, Washington Association of Juvenile Court Administrators.

(Neutral with concerns) Dave Johnson, Washington Coalition of Crime Victim Advocates.

(Opposed) Todd Dowell, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.