

# HOUSE BILL REPORT

## HB 1674

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**As Passed House:**  
March 2, 2015

**Title:** An act relating to allowing youthful offenders who complete their confinement terms prior to age twenty-one equal access to a full continuum of rehabilitative and reentry services.

**Brief Description:** Allowing youthful offenders who complete their confinement terms prior to age twenty-one equal access to a full continuum of rehabilitative and reentry services.

**Sponsors:** Representatives Pettigrew, Walsh, Goodman, Walkinshaw, Kagi, Appleton, Reykdal, Moscoso, Ormsby, McBride and Jinkins; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:**

Public Safety: 2/3/15, 2/6/15 [DP].

**Floor Activity:**

Passed House: 3/2/15, 96-1.

**Brief Summary of Bill**

- Provides custody authority to the Department of Social and Health Services for youth, convicted as adults, who are anticipated to complete their term of confinement before turning 21 years old.
- Provides that the Department of Corrections will retain authority over the custody decisions for youth convicted as adults, who are anticipated to complete their term of confinement on or after turning 21 years old.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 8 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Pettigrew and Wilson.

**Staff:** Yvonne Walker (786-7841).

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*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.*

## **Background:**

Generally, youth under the age of 18 years old who are charged with a crime remain under the jurisdiction of the juvenile court. However, a juvenile can be declined to adult court and charged as an adult if: (a) the juvenile court, after a hearing, declines jurisdiction over the case (called "discretionary declines"); or (b) the juvenile court is statutorily required to decline jurisdiction and transfer the case to adult criminal court (called "automatic declines"). An automatic decline occurs when a youth meets a certain criteria based on their age and the alleged offense.

The juvenile court must automatically decline a juvenile if the juvenile is 16 or 17 years old and is charged with: (a) a serious violent offense; (b) a violent offense and the offender has certain criminal history consisting of serious felonies; (c) Robbery in the first degree, Rape of a Child in the first degree, or Drive-by Shooting; (d) Burglary in the first degree and the offender has a criminal history of one or more prior felonies or misdemeanors; or (e) any violent offense and the offender is alleged to have been armed with a firearm.

### Juvenile Confinement.

Most respondents in juvenile court receive local sanctions, which can include up to 30 days of confinement in a juvenile detention center. The Juvenile Rehabilitation Administration (JRA) is a division of the Department of Social and Health Services (DSHS) and provides detention and other services for juvenile offenders who are not eligible for local sanctions. Confinement at the JRA occurs when a term of confinement is greater than 30 days and includes a minimum and maximum term of confinement.

Individuals who are declined from juvenile court jurisdiction are placed under the authority of the Department of Corrections (DOC). The DOC then makes an independent assessment to determine whether the needs and correctional goals of the child could better be met by programs and the housing environment provided by a juvenile correctional institution. Law requires that youthful offenders under the jurisdiction of the DOC be housed separately from adult offenders.

### Youthful Offender Program.

Declined youth committed to the custody of the DOC become part of the Youthful Offender Program. The Youthful Offender Program is jointly operated by the JRA and the DOC. Generally, declined youth less than 18 years of age are housed at the JRA. If the youth is expected to complete the term of confinement before age 21, that youth remains at the JRA. If the youth is expected to serve a term of confinement beyond the age of 21 years old, the case is reviewed when the youth is age 18 years old to determine if the youth is able to serve the remaining time at DOC.

The JRA currently houses approximately 45 youthful offenders. Of the 45 youth, 35 are between the ages of 18 and 21 years old and 10 youth are between the ages of 16 and 18 years old. Seventeen of the youths will complete their sentence before the age of 21 years old.

## **Summary of Bill:**

Any youth convicted as an adult must initially be placed in a DOC facility to determine the child's earned release date (the anticipated date he or she will complete confinement).

Youth Turning 21 Years Old Before Their Anticipated Release Date.

If a youth is anticipated to complete his or her confinement before turning 21 years old, the DOC must transfer the child to the custody of the DSHS until such time he or she completes his or her term of confinement. While in the custody of the DSHS, the child must have the same treatment, housing options, transfer, and access to program resources as any other child committed directly to that juvenile correctional facility. Treatment, placement, and program decisions must be at the discretion of the DSHS. The youth may only be transferred back to the custody of the DOC with the approval of the DSHS or in instances where a youth turns 21 years old and has time remaining in his or her time of confinement.

If a child's sentence includes a term of community custody, the DSHS may only release that child to community custody upon the DOC's approval of the child's release plan. If the child is held past his or her release date pending approval, the DSHS must retain custody until such time the child's plan is approved or the child completes the ordered term of confinement.

In any instance where the DSHS determines that retaining custody of a child presents a safety risk, the child may be returned to the custody of the DOC.

Youth Turning 21 Years Old After Their Anticipated Release Date.

If an individual is anticipated to complete his or her confinement on or after turning 21 years old, the DOC must transfer the child to the custody of the DSHS, upon approval by the DSHS. Despite the transfer, the DOC will retain authority over the custody decisions and must approve any leave from the facility. While residing in a JRA facility, the DSHS has authority over all routine and day-to-day operations for the child while in their custody. When the child turns 21 years old, he or she must be transferred back to a DOC facility.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is an important bill for the young men and women who have made a mistake. Allowing these youth to stay in the JRA will help them to gain more education, skills, and habits. The JRA is one of the best juvenile systems in the nation and the DOC has had a long standing agreement with the JRA to transfer youth to their facilities. However, one of the challenges is that they are still under the DOC custody. The DOC has a different classification and custody system which is not necessarily the same type of services generally offered in a JRA facility. There is no additional cost to either agency since this is the existing practice of the two agencies.

Under the bill, if a youth were to be transferred to the JRA and he or she was going to be released before the age of 21 years old, then the youth will remain in a JRA facility and will never return to the DOC. The goal is to make sure the two agencies are meeting the goals of public safety and the needs of the youth.

The passage of this bill will not only help the DSHS to provide a broader array of services to youth, but will also help youth gain the opportunity to continue their studies, get a job, training, and gain independent living skills. The key to a youth's future is how we prepare them for tomorrow.

(Opposed) None.

**Persons Testifying:** Representative Pettigrew, prime sponsor; Bernie Warner and Amy Seidlitz, Department of Corrections; Mary Van Cleve, Columbia Legal Services; and John Clayton, Department of Social and Health Services - Juvenile Rehabilitation Administration.

**Persons Signed In To Testify But Not Testifying:** None.