

HOUSE BILL REPORT

SB 6115

As Passed House:
February 27, 2018

Title: An act relating to residential custody services for tribal youth.

Brief Description: Concerning residential custody services for tribal youth.

Sponsors: Senators McCoy, Darneille, Keiser, Palumbo, Nelson, Liias, Van De Wege, Hunt, Chase, Saldaña, Kuderer and Hasegawa; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 2/15/18, 2/20/18 [DP].

Floor Activity:

Passed House: 2/27/18, 97-0.

Brief Summary of Bill

- Allows the Department of Social and Health Services to contract with a tribe to provide residential custody services in a rehabilitation facility for youth who have been sentenced by a tribal court.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 6 members: Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

Staff: Sean Flynn (786-7124).

Background:

The Department of Social and Health Services (Department) Juvenile Rehabilitation Division administers a program for the care and rehabilitation of at-risk juveniles who are sentenced by a juvenile court to a term of confinement for certain kinds of eligible offenses. The

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.

Department operates two maximum security facilities and one medium security facility, and provides treatment and behavior services for youth at those facilities.

Federal law recognizes that Native American tribes retain the sovereign right of self-government that includes the power to make and enforce their own laws, which includes certain criminal and civil jurisdiction that is exclusive or shared with federal or state authority. Washington has 29 federally recognized tribes, most of which have established tribal court systems. State courts generally recognize and enforce the orders, judgements, and decrees of tribal courts.

The Interlocal Cooperation Act allows state and local agencies to enter into contracts with other state and local agencies, as well as federal and tribal agencies, and other states. The agreements may include performance of a service, activity, or undertaking that each agency is authorized to perform.

Summary of Bill:

The Department may contract with a tribe located in the state to provide residential custody services in a rehabilitation facility for youth who have been sentenced by a tribal court. The contract must be in compliance with the Interlocal Cooperation Act.

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 bill simply corrects an ambiguity in the specific legal authority of the Department to enter into agreements with tribes to provide custody of tribal youths sentenced in tribal court. This service began in 2004 with a proclamation from the Governor directing the Department to enter into agreements with tribes that allow for the Department to have custody of tribal youths in rehabilitative facilities. The agreements started as a pilot project with the Colville Tribe. Other tribes support these agreements and are interested in entering into similar agreements with the Department.

The placement of tribal youth in rehabilitative facilities provides necessary resources for certain tribal youth and rehabilitative care that some tribes cannot provide themselves. Tribes are able to bring cultural service programming to youth who are in rehabilitative facilities. Such services help with the transition back to tribal communities when the youth are released from custody.

(Opposed) None.

Persons Testifying: Representative McCoy, prime sponsor; Marybeth Qeral, Department of Health and Human Services; and Joel Boyd, Confederated Tribes of the Colville Reservation.

Persons Signed In To Testify But Not Testifying: None.