

HOUSE BILL REPORT

SSB 5815

As Reported by House Committee On:
Human Services & Early Learning
Appropriations

Title: An act relating to individuals placed in minimum security status by the department of children, youth, and families.

Brief Description: Concerning individuals placed in minimum security status by the department of children, youth, and families.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Nguyen, Darneille, Wilson, C., Saldaña, Das, Keiser and Kuderer).

Brief History:

Committee Activity:

Human Services & Early Learning: 3/15/19, 3/22/19 [DPA];
Appropriations: 4/6/19, 4/8/19 [DPA(HSEL)].

Brief Summary of Substitute Bill
(As Amended by Committee)

- Authorizes the Department of Children, Youth, and Families (DCYF) to allow an individual who is serving a sentence in a community facility for an offense that occurred before the individual turned age 18 to participate in work, educational, community restitution, or treatment programs in the community for up to 16 hours (instead of 12 hours) within the DCYF's appropriations.
- Excludes unlawful use or possession of a controlled substance or alcohol from the offenses that result in an individual's automatic return from a community facility to a juvenile institution.

HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

Majority Report: Do pass as amended. Signed by 13 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry, Goodman, Griffey, Kilduff, Klippert, Lovick and Ortiz-Self.

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.

Staff: Luke Wickham (786-7146).

Background:

Juvenile Offender Sentencing.

Juvenile court dispositions are subject to statutory sentencing guidelines.

Juvenile offenses are categorized using letters E through A++ to indicate the seriousness level of the offense with E being the least serious and A++ being the most serious offense category. A statutory grid establishes the standard sentencing range for a particular offense based on the offense category and an individual's prior adjudications. Each prior felony adjudication counts as one point, and each prior violation, misdemeanor, or gross misdemeanor, counts as one-fourth point. Fractional points are rounded down.

The sentencing category called "local sanctions" is the least serious category for juvenile sentencing purposes. Local sanctions include a range of up to 30 days in confinement, up to 12 months of community service, up to 150 hours of community service, and up to a \$500 fine. When a juvenile court sentences a juvenile offender to local sanctions, the court must impose a determinate sentence within the standard range. Confinement imposed by a juvenile court up to 30 days is served in a county juvenile detention facility.

Any confinement imposed that is greater than 30 days is served through commitment at a Department of Social and Health Services (DSHS) juvenile rehabilitation facility.

If the court concludes that disposition within the standard range would effectuate a manifest injustice, the court must impose a disposition outside the standard range. A court's finding of manifest injustice must be supported by clear and convincing evidence.

A juvenile offender cannot be committed by the juvenile court beyond the offender's twenty-first birthday.

Juvenile Rehabilitation Institutions.

The DSHS operates three juvenile institutions for juveniles convicted of crimes and sentenced to more than 30 days of confinement. Echo Glen Children's Center in Snoqualmie serves younger male offenders and female offenders. Green Hill School in Chehalis serves older male offenders. Naselle Youth Camp in Naselle provides services to male offenders and offers a forestry work program.

Juvenile Rehabilitation Community Facilities.

Community facilities allow youth to begin transitioning back to the community. These facilities provide treatment, education, and vocational services. To be eligible for community facility placement, a youth must be placed on minimum security status. Minimum security status is based on risk and behavior assessments and requires that the individual served 10 percent of his or her aggregate minimum disposition or 30 days, whichever is greater, and all placement assessment requirements have been met. Individuals who attempt to escape or escape, individuals who are eligible for civil commitment, and individuals who meet other criteria are not eligible for minimum security status.

There are eight community facilities across the state including:

- Canyon View (Wenatchee);
- Oakridge (Lakewood);
- Parke Creek (Ellensburg);
- Ridgeview (Yakima);
- Sunrise (Ephrata);
- Touchstone (Olympia);
- Twin Rivers (Richland); and
- Woodinville (Kirkland).

Juveniles placed in minimum security status may participate in work, educational, community restitution, or treatment programs in the community for up to 12 hours a day if approved by the DSHS. The DSHS must make and document periodic and random accountability checks while the juvenile is at a school or work facility.

Unlawful Possession of a Controlled Substance.

It is unlawful for any person to possess a controlled substance unless the substance was obtained using a valid prescription. Controlled substances means a drug or substance included in schedules I through V in state or federal law. State law lists substances that are included in each of these categories. Possession of marijuana by persons age 21 and older in limited amounts is not included in the possession of a controlled substance offense.

Use or Possession of an Alcoholic Beverage.

It is unlawful for any person under age 21 to possess, consume, or otherwise acquire any liquor. This offense is categorized as a gross misdemeanor.

Summary of Amended Bill:

The Department of Children, Youth, and Families (DCYF) is allowed to authorize an individual who is serving a sentence in a community facility for an offense that occurred before the individual turned age 18 to participate in work, educational, community restitution, or treatment programs in the community for up to 16 hours (instead of 12 hours) within the DCYF's appropriations.

Unlawful use or possession of a controlled substance or alcohol are excluded from the offenses that result in an individual's automatic return from a community facility to a juvenile institution. The DCYF must adopt and implement rules based on empirically validated best practices to appropriately address unlawful use or possession of controlled substances and alcohol committed by individuals placed in juvenile community facilities.

Amended Bill Compared to Substitute Bill:

The substitute bill requires the DCYF to adopt and implement rules based on empirically validated best practices to appropriately address unlawful use or possession of controlled substances and alcohol committed by individuals placed in juvenile community facilities

instead of consulting empirically validated best practices and evidence concerning most effective interventions before adopting an amended infraction policy.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The House companion bill (House Bill 1740) was passed out of this committee unanimously. This bill helps youth reintegrate back into society successfully by making sure they have time in the community. The aim is to allow individuals to spend 16 hours in the community. If these individuals were Representatives or Senators, 16 hours a day would not have been enough time for them to participate in legislative duties. This bill provides flexibility in exercising discretion in response to unlawful use or possession of alcohol or controlled substances.

(Opposed) None.

Persons Testifying: Senator Nguyen, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Human Services & Early Learning. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Tarleton, Tharinger and Ybarra.

Minority Report: Do not pass. Signed by 3 members: Representatives Dye, Kraft and Sutherland.

Staff: Kelci Karl-Robinson (786-7116).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Human Services & Early Learning:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.