

HOUSE BILL REPORT

HB 1339

As Amended by the Senate

Title: An act relating to juvenile services.

Brief Description: Revising provisions relating to juvenile probation and detention services.

Sponsors: Representatives Ballasiotes, Morris, Costa, Carlson and Conway.

Brief History:

Committee Activity:

Corrections: 1/30/96, 2/1/96 [DP].

Floor Activity:

Passed House: 2/7/96, 84-14.

Senate Amended.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 9 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Koster; Radcliff; Schoesler and D. Sommers.

Minority Report: Do not pass. Signed by 2 members: Representatives Cole and Dickerson.

Staff: Rick Neidhardt (786-7841).

Background: Under current law, each county superior court has initial responsibility for administering the county's juvenile court, probation services, and detention services.

The law provides a procedure for transferring administration of these services to the county's legislative authority (usually called the board of county commissioners). This transfer can occur only if the superior court adopts a court rule and enters an agreement with the country's legislative authority.

In most counties it is the superior court that administers the county's juvenile court, probation, and detention services. Three exceptions are the counties of King, Clallam, and Whatcom.

Separate provisions exist for administration of probation and detention services in counties with a population of over one million. These provisions currently apply only to King County.

Summary of Bill: Although initial responsibility for administering county juvenile court, probation, and detention services is kept with the county superior courts, the procedures for transferring these services to county legislative authorities are changed.

As to probation and detention services, a county legislative authority may transfer administrative responsibilities by ordinance. Agreement of the local superior court is not required. Accordingly, a county may assume these responsibilities over the objection of the superior court.

As to administration of the juvenile courts themselves, the current law is maintained. Accordingly, a county may take over administration of the juvenile court only with the agreement of the superior court.

The separate provisions for counties with a population of over one million are not changed.

EFFECT OF SENATE AMENDMENT(S): The bill's authorization for county legislative authorities to take over administration of juvenile court probation and detention services, without the consent of the local superior court, is limited to consortiums of three or more counties that meet all the following requirements: (1) the counties are located east of the Cascade mountains; (2) the counties' combined population exceeds 530,000; (3) the counties jointly operate a juvenile correctional facility; and (4) the counties adopt ordinances calling for alternative administration of the facility.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Counties are better situated than superior courts for efficiently securing services at a reasonable cost. Allowing these transfers will avoid appearance of fairness problems where probation counselors are recommending sentences to judges when judges pay the probation counselors. County control makes for better coordination with other county services, including providing for better coordination between juvenile offender services and youth-at-risk services. Transfers can already occur under current law, this just allows them to happen more easily.

Testimony Against: Probation and detention are judicial responsibilities. Detention facilities have education and rehabilitation programs that require judicial administration. Juvenile court services, including probation and detention, are more easily delivered if they are all administered by the same entity, which now is the superior court.

Testified: Roseanne Bruckner, Superior Court Judges' Association (con); and Jay Webber, Washington State Association of Counties (pro). (Testimony was given during a public hearing on this bill during the 1995 session.)