

HOUSE BILL REPORT

HB 2316

As Reported By House Committee On:
Corrections

Title: An act relating to siting juvenile correctional facilities.

Brief Description: Providing a procedure for siting juvenile correctional facilities.

Sponsors: Representatives Ballasiotes, Dyer, Radcliff, Lambert, D. Schmidt, Blanton, Robertson, L. Thomas, Elliot, McMahan and Thompson.

Brief History:

Committee Activity:

Corrections: 1/17/96, 2/1/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Diana Canzoneri (786-7156).

Background: Current law requires the Department of Corrections to utilize a process for involving and informing local communities when the department establishes or relocates work release facilities and other community-based correctional facilities for adults. Requirements for this process are stipulated in the law.

Under current law, there is no similar public participation process required for the siting of juvenile correctional facilities.

Summary of Substitute Bill: A process for siting juvenile correctional facilities is established that is similar to the siting process required for adult correctional facilities.

The Department of Social and Health Services (DSHS), under which the Juvenile Rehabilitation Administration operates, is required to establish a public participation process for establishing and relocating juvenile correctional facilities. The siting

procedure requirements apply to both publicly and privately operated community-based facilities as well as to institutions.

In order to establish any such facility, DSHS must first follow a public participation procedure that includes wide dissemination of siting proposals, public meetings, and opportunities for commentary. Prior to initiating the public participation process, DSHS must contact local governmental planning agencies. DSHS must coordinate with these agencies to reduce duplication of effort and to ensure that opportunities are provided for effective citizen input.

Once the department has selected three or fewer sites for final consideration, or has begun negotiations with a provider of a contracted juvenile facility, notification and public hearings must be conducted in the communities containing the potential sites. An additional public hearing must also be held in the community selected as the final proposed site.

As part of the siting process, the department must notify the following entities:

- newspapers and other major media,
- schools, libraries, and local government offices,
- the local chamber of commerce and economic development agency,
- residents and property-owners within a half mile of the proposed site, and
- any other local organization that requests notification.

Public meetings and notice required under local ordinances may be substituted for meetings and notification if consistent with other requirements in the act. However, a representative from DSHS must be present at all public hearings to site the department's juvenile correctional facilities.

Substitute Bill Compared to Original Bill: The original bill lacked the clarifying language the substitute bill includes reflecting the fact that the Department of Social and Health Services may contract with providers to site and operate juvenile correctional facilities.

The original bill did not require the department to contact and coordinate with local government agencies except as part of the general notification process. The original bill did not include a provision enabling public meetings and notice required under local ordinances to be substituted for meetings and notification conducted by the department. The original bill did not explicitly require a departmental representative to attend the public meetings required in the act.

The original bill contained an imprecise reference to the entire RCW chapter which was replaced in the substitute bill with a more precise reference to the new section in the bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: A public process for siting juvenile correctional facilities is needed. However, there should be a requirement that the department contact local governments as a first priority. Decisions regarding the siting of juvenile correctional facilities present issues that may be of special concern to individual cities. Cities want to be more involved in these choices.

The public participation process outlined in the bill is very similar to the process the Juvenile Rehabilitation Administration uses in siting institutional facilities.

Testimony Against: The bill as currently crafted does not easily fit with, or apply to, the process typically used to site community-based juvenile correctional facilities, nor does it reflect the fact that many of these facilities are operated by service providers on a contract-basis. (Note: The substitute bill contains provisions to address these concerns.)

Testified: Kathy Gerke, Association of Cities (pro); and Sid Sidorowicz, Department of Social and Health Services, Juvenile Rehabilitation Administration (neutral).