

SHB 2073 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/13/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.40.167 and 2003 c 378 s 4 are each amended to read  
4 as follows:

5 (1) When an offender is subject to a standard range (~~commitment of~~  
6 ~~15 to 65 weeks~~) disposition involving confinement by the department,  
7 the court may:

8 (a) Impose the standard range; or

9 (b) Suspend the standard range disposition on condition that the  
10 offender complies with the terms of this mental health disposition  
11 alternative.

12 (2) The court may impose this disposition alternative when the  
13 court finds the following:

14 (a) The offender has a current diagnosis, consistent with the  
15 American psychiatry association diagnostic and statistical manual of  
16 mental disorders, of axis I psychiatric disorder, excluding youth that  
17 are diagnosed as solely having a conduct disorder, oppositional defiant  
18 disorder, substance abuse disorder, paraphilia, or pedophilia;

19 (b) An appropriate treatment option is available in the local  
20 community;

21 (c) The plan for the offender identifies and addresses requirements  
22 for successful participation and completion of the treatment  
23 intervention program including: Incentives and graduated sanctions  
24 designed specifically for amenable youth, including the use of  
25 detention, detoxication, and in-patient or outpatient substance abuse  
26 treatment and psychiatric hospitalization, and structured community  
27 support consisting of mental health providers, probation, educational  
28 and vocational advocates, child welfare services, and family and  
29 community support. For any mental health treatment ordered for an  
30 offender under this section, the treatment option selected shall be

1 chosen from among programs which have been successful in addressing  
2 mental health needs of juveniles and successful in mental health  
3 treatment of juveniles and identified as research-based best practice  
4 programs. A list of programs which meet these criteria shall be agreed  
5 upon by: The Washington association of juvenile court administrators,  
6 the juvenile rehabilitation administration of the department of social  
7 and health services, a representative of the division of public  
8 behavioral health and justice policy at the University of Washington,  
9 and the Washington institute for public policy. The list of programs  
10 shall be created not later than July 1, 2003. The group shall provide  
11 the list to all superior courts, its own membership, the legislature,  
12 and the governor. The group shall meet annually and revise the list as  
13 appropriate; and

14 (d) The offender, offender's family, and community will benefit  
15 from use of the mental health disposition alternative.

16 (3) The court on its own motion may order, or on motion by either  
17 party, shall order a comprehensive mental health evaluation to  
18 determine if the offender has a designated mental disorder. The court  
19 may also order a chemical dependency evaluation to determine if the  
20 offender also has a co-occurring chemical dependency disorder. The  
21 evaluation shall include at a minimum the following: The offender's  
22 version of the facts and the official version of the facts, the  
23 offender's offense, an assessment of the offender's mental health and  
24 drug-alcohol problems and previous treatment attempts, and the  
25 offender's social, criminal, educational, and employment history and  
26 living situation.

27 (4) The evaluator shall determine if the offender is amenable to  
28 research-based treatment. A proposed case management and treatment  
29 plan shall include at a minimum:

30 (a) The availability of treatment;

31 (b) Anticipated length of treatment;

32 (c) Whether one or more treatment interventions are proposed and  
33 the anticipated sequence of those treatment interventions;

34 (d) The education plan;

35 (e) The residential plan; and

36 (f) The monitoring plan.

37 (5) The court on its own motion may order, or on motion by either  
38 party, shall order a second mental health or chemical dependency

1 evaluation. The party making the motion shall select the evaluator.  
2 The requesting party shall pay the cost of any examination ordered  
3 under this subsection and subsection (3) of this section unless the  
4 court finds the offender is indigent and no third party insurance  
5 coverage is available, in which case the state shall pay the cost.

6 (6) Upon receipt of the assessments, evaluations, and reports the  
7 court shall consider whether the offender and the community will  
8 benefit from use of the mental health disposition alternative. The  
9 court shall consider the victim's opinion whether the offender should  
10 receive the option.

11 (7) If the court determines that the mental health disposition  
12 alternative is appropriate, the court shall impose a standard range  
13 disposition (~~of not more than 65 weeks~~), suspend execution of the  
14 disposition, and place the offender on community supervision up to one  
15 year and impose one or more other local sanctions. Confinement in a  
16 secure county detention facility, other than county group homes,  
17 inpatient psychiatric treatment facilities, and substance abuse  
18 programs, shall be limited to thirty days. As a condition of a  
19 suspended disposition, the court shall require the offender to  
20 participate in the recommended treatment interventions.

21 (8) The treatment providers shall submit monthly reports to the  
22 court and parties on the offender's progress in treatment. The report  
23 shall reference the treatment plan and include at a minimum the  
24 following: Dates of attendance, offender's compliance with  
25 requirements, treatment activities, medication management, the  
26 offender's relative progress in treatment, and any other material  
27 specified by the court at the time of the disposition.

28 (9) If the offender fails to comply with the suspended disposition,  
29 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke  
30 the suspended disposition and order the disposition's execution.

31 (10) An offender is ineligible for the mental health disposition  
32 option under this section if (~~the offender is adjudicated of a sex or~~  
33 ~~violent offense as defined in RCW 9.94A.030~~):

34 (a) The offender is ordered to serve a disposition for a firearm  
35 violation under RCW 13.40.193; or

36 (b) The offense for which the disposition is being considered is:

37 (i) An offense category A+, A, or A- offense, or an attempt,  
38 conspiracy, or solicitation to commit a class A+, A, or A- offense;

1        (ii) Manslaughter in the second degree (RCW 9A.32.070);  
2        (iii) A sex offense as defined in RCW 9.94A.030; or  
3        (iv) Any offense category B+ or B offense, when the offense  
4        includes infliction of bodily harm upon another or when during the  
5        commission or immediate withdrawal from the offense the respondent was  
6        armed with a deadly weapon.  
7        (11) Subject to funds appropriated for this specific purpose, the  
8        costs incurred by the juvenile courts for the mental health and  
9        chemical dependency evaluations, treatment, and costs of supervision  
10       required under this act shall be paid by the department's juvenile  
11       rehabilitation administration."

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12        On page 1, line 1 of the title, after "alternatives;" strike the  
13        remainder of the title and insert "and amending RCW 13.40.167."

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