

SENATE BILL REPORT

SHB 2073

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to juvenile sentencing alternatives.

Brief Description: Revising juvenile sentencing alternatives.

Sponsors: House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Moeller and Chase).

Brief History: Passed House: 3/09/05, 96-0.

Committee Activity: Human Services & Corrections: 3/21/05, 3/31/05 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: A juvenile offender who is adjudicated of an offense may be sentenced by the court based on the statutorily available sentencing options. The most common alternative is a standard range disposition, which is calculated based on the offender's prior criminal history and the seriousness of the current offense. If the court finds that a standard range disposition is not appropriate in a specific case, the court may impose a statutorily available alternative disposition.

The Mental Health Disposition Alternative allows a court to order the offender to undergo treatment. In order to employ the Mental Health Disposition Alternative, the offender must be subject to a standard range disposition of between 15 and 65 weeks of confinement, and the court must make certain findings. The court must find that:

- the offender has a current diagnosis of an axis I psychiatric disorder (excluding a diagnosis solely of a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia);
- an appropriate treatment option is available in the community;
- the plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program; and
- the offender, the offender's family, and the community will benefit from the use of the Mental Health Disposition Alternative.

An offender who is adjudicated of a sex or violent offense is not eligible for the Mental Health Disposition Alternative.

Summary of Amended Bill: The requirement that the juvenile offender be subject to a standard range sentence between 15 and 65 weeks is eliminated and replaced with a requirement that the offender be subject to a disposition involving confinement by the Department of Social and Health Services.

The law is amended to modify the list of offenders who are ineligible for the Mental Health Disposition Alternative. Offenders are ineligible for the Mental Health Disposition Alternative if the offender is ordered to serve a disposition for a firearm violation under RCW 13.40.193 or if the offense for which the current disposition is being considered is:

- a class A+, A, or A- offense, or an attempt, conspiracy, or solicitation to commit a class A+, A, or A- offense;
- manslaughter in the second degree (RCW 9A.32.060);
- a sex offense as defined in RCW 9A.32.060; or
- a class B+ or B offense, when the offense includes infliction of bodily harm upon another or when, during the commission or immediate withdrawal from the offense, the respondent was armed with a deadly weapon.

Subject to funds appropriated for this purpose, the juvenile courts must be funded by the Department of Social and Health Services' Juvenile Rehabilitation Administration for doing mental health and psychiatric evaluations, as well as for supervision and treatment costs.

Amended Bill Compared to Original Bill: The inclusion of the word "violent" in the bill is eliminated, and the reference to manslaughter is changed from manslaughter in the first degree to manslaughter in the second degree. Subject to funds appropriated for this purpose, the juvenile courts must be funded by the Department of Social and Health Services' Juvenile Rehabilitation Administration for doing mental health and psychiatric evaluations, as well as for supervision and treatment costs.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The purpose of the bill is to increase eligibility for the mental health disposition alternative. The inclusion of the word "violent" in the bill should be eliminated, and the reference to manslaughter should be to manslaughter in the second degree. The difference between the two versions is that the Senate bill lists crimes that would make an offender ineligible for the mental health disposition alternative, while the House version lists classes of offenses that would make an offender ineligible. The juvenile courts would like to be funded for doing mental health and psychiatric evaluations, as well as for supervision and treatment costs.

Testimony Against: None.

Who Testified: Rep. Mary Lou Dickerson, prime sponsor; Bruce Knutson, Washington Association of Juvenile Court Administrators.