
HOUSE BILL 1358

State of Washington 54th Legislature 1995 Regular Session

By Representatives Costa, Ballasiotes and Morris

Read first time 01/23/95. Referred to Committee on Corrections.

1 AN ACT Relating to parole of juvenile offenders; amending RCW
2 13.40.210; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.210 and 1994 sp.s. c 7 s 527 are each amended to
5 read as follows:

6 (1) The secretary shall, except in the case of a juvenile committed
7 by a court to a term of confinement in a state institution outside the
8 appropriate standard range for the offense(s) for which the juvenile
9 was found to be guilty established pursuant to RCW 13.40.030, set a
10 release or discharge date for each juvenile committed to its custody.
11 The release or discharge date shall be within the prescribed range to
12 which a juvenile has been committed except as provided in RCW 13.40.320
13 concerning offenders the department determines are eligible for the
14 juvenile offender basic training camp program. Such dates shall be
15 determined prior to the expiration of sixty percent of a juvenile's
16 minimum term of confinement included within the prescribed range to
17 which the juvenile has been committed. The secretary shall release any
18 juvenile committed to the custody of the department within four
19 calendar days prior to the juvenile's release date or on the release

1 date set under this chapter. Days spent in the custody of the
2 department shall be tolled by any period of time during which a
3 juvenile has absented himself or herself from the department's
4 supervision without the prior approval of the secretary or the
5 secretary's designee.

6 (2) The secretary shall monitor the average daily population of the
7 state's juvenile residential facilities. When the secretary concludes
8 that in-residence population of residential facilities exceeds one
9 hundred five percent of the rated bed capacity specified in statute, or
10 in absence of such specification, as specified by the department in
11 rule, the secretary may recommend reductions to the governor. On
12 certification by the governor that the recommended reductions are
13 necessary, the secretary has authority to administratively release a
14 sufficient number of offenders to reduce in-residence population to one
15 hundred percent of rated bed capacity. The secretary shall release
16 those offenders who have served the greatest proportion of their
17 sentence. However, the secretary may deny release in a particular case
18 at the request of an offender, or if the secretary finds that there is
19 no responsible custodian, as determined by the department, to whom to
20 release the offender, or if the release of the offender would pose a
21 clear danger to society. The department shall notify the committing
22 court of the release at the time of release if any such early releases
23 have occurred as a result of excessive in-residence population. In no
24 event shall an offender adjudicated of a violent offense be granted
25 release under the provisions of this subsection.

26 (3) Following the juvenile's release under subsection (1) of this
27 section, the secretary may require the juvenile to comply with a
28 program of parole to be administered by the department in his or her
29 community which shall last no less than twelve months and no longer
30 than eighteen months, except that in the case of a juvenile sentenced
31 for rape in the first or second degree, rape of a child in the first or
32 second degree, child molestation in the first degree, or indecent
33 liberties with forcible compulsion, the period of parole shall be
34 twenty-four months. A parole program is mandatory for offenders
35 released under subsection (2) of this section. The secretary shall,
36 for the period of parole, facilitate the juvenile's reintegration into
37 his or her community and to further this goal shall require the
38 juvenile to refrain from possessing a firearm or using a deadly weapon
39 and refrain from committing new offenses and ((may)) shall require the

1 juvenile to: (a) Undergo available medical or psychiatric treatment,
2 inpatient or outpatient substance abuse treatment, inpatient or
3 outpatient mental health treatment, anger management counseling, or
4 other counseling or treatment; (b) report as directed to a parole
5 officer; (c) attend school or other educational programs appropriate
6 for the juvenile as determined by the school district, or pursue a
7 course of study or vocational training or employment; ~~((and))~~ (d)
8 remain within prescribed geographical boundaries and ~~((notify the~~
9 ~~department of any change in his or her address))~~ reside at a specified
10 location approved in advance by the parole officer; (e) have no alcohol
11 or other substance use and submit to random urinalysis tests or blood
12 tests or similar tests at the request of the supervising parole
13 officer; (f) refrain from associating with individuals who have
14 criminal histories or who are codefendants to the offenses for which
15 the juvenile was committed to the department; and (g) submit to
16 physical searches at the request of a parole officer or other law
17 enforcement officer, who shall be of the same gender as the juvenile.
18 The secretary may impose any or all of the above requirements as
19 conditions of parole.

20 (4)(a) Upon the juvenile's release from residential custody, the
21 juvenile shall serve an initial intensive monitoring period, which
22 shall include electronic home monitoring for not less than thirty days
23 and not more than ninety days.

24 (b) The initial intensive monitoring period described in (a) of
25 this subsection shall be followed by an additional period of home
26 monitoring for not less than thirty days and not more than one hundred
27 eighty days. This period of home monitoring shall include:

28 (i) A curfew, including a designation of hours during which the
29 juvenile must remain at home, work, school, or court-ordered treatment
30 programs; and

31 (ii) Prohibitions on leaving or entering designated geographical
32 areas. After termination of the parole period, the juvenile shall be
33 discharged from the department's supervision.

34 ~~((+4))~~ (5)(a) The department may also modify parole for violation
35 thereof. If, after affording a juvenile all of the due process rights
36 to which he or she would be entitled if the juvenile were an adult, the
37 secretary finds that a juvenile has violated a condition of his or her
38 parole, the secretary shall order one of the following which is
39 reasonably likely to effectuate the purpose of the parole and to

1 protect the public: (i) Continued supervision under the same
2 conditions previously imposed; (ii) intensified supervision with
3 increased reporting requirements; (iii) additional conditions of
4 supervision authorized by this chapter; (iv) except as provided in
5 (a)(v) of this subsection, imposition of a period of confinement not to
6 exceed thirty days per violation in a facility operated by or pursuant
7 to a contract with the state of Washington or any city or county for a
8 portion of each day or for a certain number of days each week with the
9 balance of the days or weeks spent under supervision; and (v) the
10 secretary may order any of the conditions or may return the offender to
11 confinement in an institution for a portion or the remainder of the
12 sentence range ((if the offense for which the offender was sentenced is
13 rape in the first or second degree, rape of a child in the first or
14 second degree, child molestation in the first degree, indecent
15 liberties with forcible compulsion, or a sex offense that is also a
16 serious violent offense as defined by RCW 9.94A.030)). If the juvenile
17 is returned to confinement for a portion or the remainder of the
18 disposition range, another period of parole shall be imposed upon the
19 juvenile after his or her release from department residential custody.

20 (b) If the department finds that any juvenile in a program of
21 parole has possessed a firearm or used a deadly weapon during the
22 program of parole, the department shall modify the parole under (a) of
23 this subsection and confine the juvenile for at least thirty days.
24 Confinement shall be in a facility operated by or pursuant to a
25 contract with the state or any county.

26 ((+5+)) (6) A parole officer of the department of social and health
27 services shall have the power to arrest a juvenile under his or her
28 supervision on the same grounds as a law enforcement officer would be
29 authorized to arrest the person.

30 ((+6+)) (7) If so requested and approved under chapter 13.06 RCW,
31 the secretary shall permit a county or group of counties to perform
32 functions under subsections (3) through ((+5+)) (6) of this section.

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