

2 **HB 2380** - S AMD 748

3 By Senators Benton, Hargrove, Long and Costa

4 ADOPTED 03/06/02

5 On page 2, after line 34, insert the following:

6 "**Sec. 2.** RCW 13.40.040 and 1999 c 167 s 2 are each amended to read
7 as follows:

8 (1) A juvenile may be taken into custody:

9 (a) Pursuant to a court order if a complaint is filed with the
10 court alleging, and the court finds probable cause to believe, that the
11 juvenile has committed an offense or has violated terms of a
12 disposition order or release order; or

13 (b) Without a court order, by a law enforcement officer if grounds
14 exist for the arrest of an adult in identical circumstances. Admission
15 to, and continued custody in, a court detention facility shall be
16 governed by subsection (2) of this section; or

17 (c) Pursuant to a court order that the juvenile be held as a
18 material witness; or

19 (d) Where the secretary or the secretary's designee has suspended
20 the parole of a juvenile offender.

21 (2) A juvenile may not be held in detention unless there is
22 probable cause to believe that:

23 (a) The juvenile has committed an offense or has violated the terms
24 of a disposition order; and

25 (i) The juvenile will likely fail to appear for further
26 proceedings; or

27 (ii) Detention is required to protect the juvenile from himself or
28 herself; or

29 (iii) The juvenile is a threat to community safety; or

30 (iv) The juvenile will intimidate witnesses or otherwise unlawfully
31 interfere with the administration of justice; or

32 (v) The juvenile has committed a crime while another case was
33 pending; or

34 (b) The juvenile is a fugitive from justice; or

35 (c) The juvenile's parole has been suspended or modified; or

36 (d) The juvenile is a material witness.

1 (3) Notwithstanding subsection (2) of this section, and within
2 available funds, a juvenile who has been found guilty of one of the
3 following offenses shall be detained pending disposition: Rape in the
4 first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a child
5 in the first, second, or third degree (RCW 9A.44.073, 9A.44.076, and
6 9A.44.079); or child molestation in the first, second, or third degree
7 (RCW 9A.44.083, 9A.44.086, and 9A.44.089).

8 (4) Upon a finding that members of the community have threatened
9 the health of a juvenile taken into custody, at the juvenile's request
10 the court may order continued detention pending further order of the
11 court.

12 (~~(4)~~) (5) Except as provided in RCW 9.41.280, a juvenile detained
13 under this section may be released upon posting a probation bond set by
14 the court. The juvenile's parent or guardian may sign for the
15 probation bond. A court authorizing such a release shall issue an
16 order containing a statement of conditions imposed upon the juvenile
17 and shall set the date of his or her next court appearance. The court
18 shall advise the juvenile of any conditions specified in the order and
19 may at any time amend such an order in order to impose additional or
20 different conditions of release upon the juvenile or to return the
21 juvenile to custody for failing to conform to the conditions imposed.
22 In addition to requiring the juvenile to appear at the next court date,
23 the court may condition the probation bond on the juvenile's compliance
24 with conditions of release. The juvenile's parent or guardian may
25 notify the court that the juvenile has failed to conform to the
26 conditions of release or the provisions in the probation bond. If the
27 parent notifies the court of the juvenile's failure to comply with the
28 probation bond, the court shall notify the surety. As provided in the
29 terms of the bond, the surety shall provide notice to the court of the
30 offender's noncompliance. A juvenile may be released only to a
31 responsible adult or the department of social and health services.
32 Failure to appear on the date scheduled by the court pursuant to this
33 section shall constitute the crime of bail jumping."

34 Renumber the remaining section consecutively.

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4 On page 1, line 1 of the title, after "to" strike all material
5 through "72.01.410;" on line 2, and insert "children offenders;
6 amending RCW 72.01.410 and 13.40.040;"

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