1 2466-S AMH JUD H4729.1

2 SHB 2466 - H COMM AMD

3 By Committee on Judiciary

4

- 5 Strike everything after the enacting clause and insert the
- 6 following:

7 "PART I - JUVENILE JUSTICE"

- 8 "NEW SECTION. Sec. 101. The legislature reaffirms the dual
- 9 policies of the juvenile justice act of 1977 of punishment and
- 10 rehabilitation. However, the legislature finds that confusion exists
- 11 about the relative priority of the purposes enumerated in section 55,
- 12 chapter 291, Laws of 1977 ex. sess. and that simplification and
- 13 clarification is necessary to reduce that confusion. The legislature
- 14 finds that the policies of rehabilitation; accountability; and
- 15 flexibility in service delivery, sanctions, and placement options are
- 16 equally important in ensuring public safety. The purpose of section
- 17 102 of this act is to clarify that these goals are equally important."
- 18 "NEW SECTION. Sec. 102. A new section is added to chapter 13.40
- 19 RCW to read as follows:
- 20 The purpose of this chapter is to establish a juvenile justice
- 21 system that both punishes and rehabilitates juvenile offenders. The
- 22 legislature intends that juvenile offenders be held accountable for
- 23 their offenses, are justly punished, but are provided necessary
- 24 treatment, rehabilitation, and supervision. Active parental and
- 25 community involvement is vital to ensure swift response to youthful
- 26 offenders' needs. Flexibility in disposition, sanctions, placement,

- 1 and treatment alternatives within a structured discretionary framework
- 2 will enhance the system's ability to respond to individual offender's
- 3 needs while ensuring proportionality and fairness. Community safety
- 4 will be achieved by implementing the following equally important
- 5 purposes:
- 6 (1) Accountability and just punishment proportional to the offense,
- 7 juvenile's age, and offense history;
- 8 (2) Treatment, rehabilitation, and supervision through flexibility
- 9 in options for disposition, treatment, custody, programming, and active
- 10 parental and community involvement;
- 11 (3) Victim restitution; and
- 12 (4) Due process protection for juvenile offenders with a clear
- 13 policy to determine which types of offenders shall receive punishment,
- 14 treatment, or both, and to determine the jurisdictional limitations of
- 15 the court, institutions, and community services."
- 16 "Sec. 103. RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each
- 17 amended to read as follows:
- 18 For the purposes of this chapter:
- 19 (1) "Serious offender" means a person fifteen years of age or older
- 20 who has committed an offense which if committed by an adult would be:
- 21 (a) A class A felony, or an attempt to commit a class A felony;
- 22 (b) Manslaughter in the first degree; or
- 23 (c) Assault in the second degree, extortion in the first degree,
- 24 child molestation in the second degree, kidnapping in the second
- 25 degree, robbery in the second degree, residential burglary, or burglary
- 26 in the second degree, where such offenses include the infliction of
- 27 bodily harm upon another or where during the commission of or immediate
- 28 withdrawal from such an offense the perpetrator is armed with a deadly
- 29 weapon or firearm as defined in RCW 9A.04.110;

- 1 (2) "Community service" means compulsory service, without
- 2 compensation, performed for the benefit of the community by the
- 3 offender as punishment for committing an offense. Community service
- 4 may be performed through public or private organizations or through
- 5 work crews;
- 6 (3) "Community supervision" means an order of disposition by the
- 7 court of an adjudicated youth not committed to the department. A
- 8 community supervision order for a single offense may be for a period of
- 9 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
- 10 one year for other offenses ((and)). Community supervision is an
- 11 <u>individualized program comprised of one or more of the following:</u>
- 12 (a) Community-based sanctions;
- 13 (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- 15 (4) Community-based sanctions may include one or more of the
- 16 following:
- 17 (a) A fine, not to exceed one hundred dollars;
- 18 (b) Community service not to exceed one hundred fifty hours of
- 19 service;
- 20 (((c))) (5) "Community-based rehabilitation" means one or more of
- 21 the following: Attendance of information classes;
- 22 (((d) Counseling; or
- 23 (e) Such other services to the extent funds are available for such
- 24 services,)) counseling, outpatient substance abuse treatment programs,
- 25 <u>outpatient mental health programs, anger management classes, or other</u>
- 26 services; attendance at school or other educational programs
- 27 appropriate for the juvenile as determined by the school district; or
- 28 placement in foster care that is not used as a pretrial,
- 29 postadjudication, or postdisposition detention facility. Placement in
- 30 community-based rehabilitation programs is subject to available funds;

- (6) "Monitoring and reporting requirements" means one or more of 1 2 the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; 3 restrictions from leaving or entering specified geographical areas; 4 requirements to report to the probation officer as directed and to 5 6 remain under the probation officer's supervision; home monitoring by electronic or staff monitoring; and other conditions ((-)) or 7 limitations as the court may require which may not include confinement; 8 9 $((\frac{4}{1}))$ "Confinement" means $(\frac{physical}{physical})$ custody by the 10 department of social and health services in a facility operated by or 11 pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county)) 12 incarceration in a detention facility following: Arrest pending a 13 14 detention hearing under RCW 13.40.050; entry of an order of detention entered pursuant to RCW 13.40.050; commitment to a county detention 15 facility, the department, or an inpatient drug and alcohol treatment 16 17 facility following imposition of option D of RCW 13.40.0357; modification of a disposition for violation of the disposition; or 18 19 modification of parole for violation of parole. The county may operate 20 or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for 21 juveniles committed to the department. Confinement of less than 22 thirty-one days imposed as part of a disposition or modification order 23 24 may be served consecutively or intermittently, in the discretion of the 25 court; ((+5))) (8) "Court", when used without further qualification, means 27 the juvenile court judge(s) or commissioner(s);
- 26
- 28 $((\frac{6}{}))$ "Criminal history" includes all criminal complaints 29 against the respondent for which, prior to the commission of a current 30 offense:

- 1 (a) The allegations were found correct by a court. If a respondent
- 2 is convicted of two or more charges arising out of the same course of
- 3 conduct, only the highest charge from among these shall count as an
- 4 offense for the purposes of this chapter; or
- 5 (b) The criminal complaint was diverted by a prosecutor pursuant to
- 6 the provisions of this chapter on agreement of the respondent and after
- 7 an advisement to the respondent that the criminal complaint would be
- 8 considered as part of the respondent's criminal history;
- 9 $((\frac{7}{10}))$ "Department" means the department of social and health
- 10 services;
- 11 $((\frac{8}{}))$ (11) "Detention facility" means a facility for the physical
- 12 confinement of a juvenile alleged to have committed an offense or an
- 13 <u>adjudicated offender subject to a disposition or modification order.</u>
- 14 Detention facilities may be secure, semisecure, or nonsecure, and may
- 15 include group homes and foster homes. Detention foster homes and group
- 16 homes may not be used for placement of juveniles who are ordered into
- 17 rehabilitation placements pursuant to a community supervision
- 18 disposition. "Secure detention" means lockup or staff-secure
- 19 <u>facilities</u>. "Nonsecure detention" means residential placement in the
- 20 community in a physically nonrestrictive environment under the
- 21 <u>supervision of the county probation department or department of social</u>
- 22 <u>and health services;</u>
- 23 (12) "Home monitoring" means placement of the juvenile in the
- 24 custody of the juvenile's parent, guardian, or custodian in a
- 25 physically nonrestrictive environment under the supervision of the
- 26 county probation department or the department of social and health
- 27 <u>services with electronic or staff monitoring;</u>
- 28 (13) "Diversion unit" means any probation counselor who enters into
- 29 a diversion agreement with an alleged youthful offender, or any other
- 30 person or entity with whom the juvenile court administrator has

- 1 contracted to arrange and supervise such agreements pursuant to RCW
- 2 ((13.04.040, as now or hereafter amended,)) 13.40.080, or any person or
- 3 entity specially funded by the legislature to arrange and supervise
- 4 diversion agreements in accordance with the requirements of this
- 5 chapter;
- 6 $((\frac{9}{}))$ (14) "Institution" means a juvenile facility established
- 7 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;
- 8 $((\frac{10}{10}))$ <u>(15)</u> "Juvenile," "youth," and "child" mean any individual
- 9 who is under the chronological age of eighteen years and who has not
- 10 been previously transferred to adult court;
- 11 $((\frac{11}{11}))$ <u>(16)</u> "Juvenile offender" means any juvenile who has been
- 12 found by the juvenile court to have committed an offense, including a
- 13 person eighteen years of age or older over whom jurisdiction has been
- 14 extended under RCW 13.40.300;
- 15 $((\frac{12}{12}))$ Manifest injustice means a disposition that would
- 16 either impose an excessive penalty on the juvenile or would impose a
- 17 serious, and clear danger to society in light of the purposes of this
- 18 chapter;
- 19 $((\frac{13}{13}))$ (18) "Middle offender" means a person who has committed an
- 20 offense and who is neither a minor or first offender nor a serious
- 21 offender;
- $((\frac{14}{14}))$ Minor or first offender means a person sixteen
- 23 years of age or younger whose current offense(s) and criminal history
- 24 fall entirely within one of the following categories:
- 25 (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors;
- 28 (d) Three gross misdemeanors;
- 29 (e) One class C felony except manslaughter in the second degree and
- 30 one misdemeanor or gross misdemeanor;

- 1 (f) One class B felony except: Any felony which constitutes an
- 2 attempt to commit a class A felony; manslaughter in the first degree;
- 3 assault in the second degree; extortion in the first degree; indecent
- 4 liberties; kidnapping in the second degree; robbery in the second
- 5 degree; burglary in the second degree; residential burglary; vehicular
- 6 homicide; or arson in the second degree.
- 7 For purposes of this definition, current violations shall be
- 8 counted as misdemeanors;
- 9 (((15))) (20) "Offense" means an act designated a violation or a
- 10 crime if committed by an adult under the law of this state, under any
- 11 ordinance of any city or county of this state, under any federal law,
- 12 or under the law of another state if the act occurred in that state;
- 13 $((\frac{16}{16}))$ "Respondent" means a juvenile who is alleged or
- 14 proven to have committed an offense;
- 15 $((\frac{17}{17}))$ (22) "Restitution" means financial reimbursement by the
- 16 offender to the victim, and shall be limited to easily ascertainable
- 17 damages for injury to or loss of property, actual expenses incurred for
- 18 medical treatment for physical injury to persons, lost wages resulting
- 19 from physical injury, and costs of the victim's counseling reasonably
- 20 related to the offense if the offense is a sex offense. Restitution
- 21 shall not include reimbursement for damages for mental anguish, pain
- 22 and suffering, or other intangible losses. Nothing in this chapter
- 23 shall limit or replace civil remedies or defenses available to the
- 24 victim or offender;
- $((\frac{18}{18}))$ "Secretary" means the secretary of the department of
- 26 social and health services;
- (((19))) (24) "Services" mean services which provide alternatives
- 28 to incarceration for those juveniles who have pleaded or been
- 29 adjudicated guilty of an offense or have signed a diversion agreement
- 30 pursuant to this chapter;

- 1 (((20))) "Sex offense" means an offense defined as a sex
- 2 offense in RCW 9.94A.030;
- 3 $((\frac{(21)}{)})$ (26) "Sexual motivation" means that one of the purposes
- 4 for which the respondent committed the offense was for the purpose of
- 5 his or her sexual gratification;
- 6 $((\frac{(22)}{2}))$ "Foster care" means temporary physical care in a
- 7 foster family home or group care facility as defined in RCW 74.15.020
- 8 and licensed by the department, or other legally authorized care;
- 9 $((\frac{(23)}{23}))$ "Violation" means an act or omission, which if
- 10 committed by an adult, must be proven beyond a reasonable doubt, and is
- 11 punishable by sanctions which do not include incarceration."
- 12 "Sec. 104. RCW 13.40.027 and 1989 c 407 s 2 are each amended to
- 13 read as follows:
- 14 (1) It is the responsibility of the commission to: (a) (i)
- 15 Evaluate the effectiveness of existing disposition standards and
- 16 related statutes in implementing policies set forth in ((RCW
- 17 13.40.010)) section 102 of this act generally and (ii) specifically
- 18 review the guidelines relating to the confinement of minor and first
- 19 offenders as well as the use of diversion; (b) solicit the comments and
- 20 suggestions of the juvenile justice community concerning disposition
- 21 standards; and (c) make recommendations to the legislature regarding
- 22 revisions or modifications of the disposition standards in accordance
- 23 with RCW 13.40.030.
- 24 (2) It is the responsibility of the department to: (a) Provide the
- 25 commission with available data concerning the implementation of the
- 26 disposition standards and related statutes and their effect on the
- 27 performance of the department's responsibilities relating to juvenile
- 28 offenders; (b) at the request of the commission, provide technical and
- 29 administrative assistance to the commission in the performance of its

- responsibilities; and (c) provide the commission and legislature with
- 2 recommendations for modification of the disposition standards."
- "Sec. 105. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to 3
- read as follows:

- 5 SCHEDULE A
- 6 DESCRIPTION AND OFFENSE CATEGORY

7		JUVENILE
8	JUVENILE	DISPOSITION
9	DISPOSITION	CATEGORY FOR ATTEMPT,

10 OFFENSE BAILJUMP, CONSPIRACY,

CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION 11

12

14	A	Arson 1 (9A.48.020)	B+
15	В	Arson 2 (9A.48.030)	С
16	С	Reckless Burning 1 (9A.48.040)	D
17	D	Reckless Burning 2 (9A.48.050)	E
18	В	Malicious Mischief 1 (9A.48.070)	С
19	С	Malicious Mischief 2 (9A.48.080)	D
20	D	Malicious Mischief 3 (<\$50 is	
21		E class) (9A.48.090)	E
22	E	Tampering with Fire Alarm	
23		Apparatus (9.40.100)	E
24	A	Possession of Incendiary Device	

Assault and Other Crimes

(9.40.120)

25

B+

1 Involving Physical Harm

2	А	Assault 1 (9A.36.011)	B+
3	B+	Assault 2 (9A.36.021)	C+
4	C+	Assault 3 (9A.36.031)	D+
5	D+	Assault 4 (9A.36.041)	E
6	D+	Reckless Endangerment	
7		(9A.36.050)	E
8	C+	Promoting Suicide Attempt	
9		(9A.36.060)	D+
10	D+	Coercion (9A.36.070)	E
11	C+	Custodial Assault (9A.36.100)	D+
12		Burglary and Trespass	
13	B+	Burglary 1 (9A.52.020)	C+
14	В	Burglary 2 (9A.52.030)	С
15	D	Burglary Tools (Possession of)	
16		(9A.52.060)	E
17	D	Criminal Trespass 1 (9A.52.070)	E
18	E	Criminal Trespass 2 (9A.52.080)	E
19	D	Vehicle Prowling (9A.52.100)	E
20		Drugs	
21	E	Possession/Consumption of Alcohol	
22		(66.44.270)	E
23	С	Illegally Obtaining Legend Drug	
24		(69.41.020)	D
25	C+	Sale, Delivery, Possession of Legend	
26		Drug with Intent to Sell	
27		(69.41.030)	D+

1	E	Possession of Legend Drug	
2		(69.41.030)	E
3	B+	Violation of Uniform Controlled	
4		Substances Act - Narcotic Sale	
5		(69.50.401(a)(1)(i))	B+
6	С	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic Sale	
8		(69.50.401(a)(1)(ii))	С
9	E	Possession of Marihuana <40 grams	
10		(69.50.401(e))	E
11	С	Fraudulently Obtaining Controlled	
12		Substance (69.50.403)	С
13	C+	Sale of Controlled Substance	
14		for Profit (69.50.410)	C+
15	E	((Glue Sniffing (9.47A.050)))	E
16		Unlawful Inhalation (9.47A.020)	
17	В	Violation of Uniform Controlled	
18		Substances Act - Narcotic	
19		Counterfeit Substances	
20		(69.50.401(b)(1)(i))	В
21	С	Violation of Uniform Controlled	
22		Substances Act - Nonnarcotic	
23		Counterfeit Substances	
24		(69.50.401(b)(1) (ii), (iii), (iv))	С
25	С	Violation of Uniform Controlled	
26		Substances Act - Possession of a	
27		Controlled Substance	
28		(69.50.401(d))	С
29	С	Violation of Uniform Controlled	
30		Substances Act - Possession of a	

1		Controlled Substance	
2		(69.50.401(c))	С
3		Firearms and Weapons	
4	((C+	Committing Crime when Armed	
5		(9.41.025)	D+))
6	E	Carrying Loaded Pistol Without	
7		Permit (9.41.050)	E
8	E	Use of Firearms by Minor (<14)	
9		(9.41.240)	E
10	D+	Possession of Dangerous Weapon	
11		(9.41.250)	E
12	D	Intimidating Another Person by use	
13		of Weapon (9.41.270)	E
14		Homicide	
15	A+	Murder 1 (9A.32.030)	A
	A+ A+		A B+
15		Murder 1 (9A.32.030)	
15 16	A+	Murder 1 (9A.32.030) Murder 2 (9A.32.050)	B+
15 16 17	A+ B+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060)	B+ C+
15 16 17 18	A+ B+ C+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070)	B+ C+ D+
15 16 17 18	A+ B+ C+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070)	B+ C+ D+
15 16 17 18 19	A+ B+ C+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070) Vehicular Homicide (46.61.520)	B+ C+ D+
15 16 17 18 19	A+ B+ C+ B+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070) Vehicular Homicide (46.61.520) Kidnapping	B+ C+ D+ C+
15 16 17 18 19 20 21	A+ B+ C+ B+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070) Vehicular Homicide (46.61.520) Kidnapping Kidnap 1 (9A.40.020)	B+ C+ D+ C+
15 16 17 18 19 20 21 22	A+ B+ C+ B+ A B+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070) Vehicular Homicide (46.61.520) Kidnapping Kidnap 1 (9A.40.020) Kidnap 2 (9A.40.030)	B+ C+ D+ C+
15 16 17 18 19 20 21 22 23	A+ B+ C+ B+ A B+	Murder 1 (9A.32.030) Murder 2 (9A.32.050) Manslaughter 1 (9A.32.060) Manslaughter 2 (9A.32.070) Vehicular Homicide (46.61.520) Kidnapping Kidnap 1 (9A.40.020) Kidnap 2 (9A.40.030) Unlawful Imprisonment	B+ C+ D+ C+

1		Obstructing Governmental Operation	
2	E	Obstructing a Public Servant	
3		(9A.76.020)	E
4	E	Resisting Arrest (9A.76.040)	E
5	В	Introducing Contraband 1	
6		(9A.76.140)	С
7	C	Introducing Contraband 2	
8		(9A.76.150)	D
9	E	Introducing Contraband 3	
10		(9A.76.160)	E
11	B+	Intimidating a Public Servant	
12		(9A.76.180)	C+
13	B+	Intimidating a Witness	
14		(9A.72.110)	C+
15	((E	Criminal Contempt	
16		(9.23.010)	
17		Public Disturbance	
18	C+	Riot with Weapon (9A.84.010)	D+
19	D+	Riot Without Weapon	
20		(9A.84.010)	E
21	E	Failure to Disperse (9A.84.020)	E
22	E	Disorderly Conduct (9A.84.030)	E
23		Sex Crimes	
24	А	Rape 1 (9A.44.040)	B+
25	A-	Rape 2 (9A.44.050)	B+
26	C+	Rape 3 (9A.44.060)	D+
27	A-	Rape of a Child 1 (9A.44.073)	B+
28	В	Rape of a Child 2 (9A.44.076)	C+

1	В	Incest 1 (9A.64.020(1))	С
2	С	Incest 2 (9A.64.020(2))	D
3	D+	((Public Indecency)) <u>Indecent Exposure</u>	
4		(Victim <14) (9A.88.010)	E
5	E	((Public Indecency)) Indecent Exposure	
6		(Victim 14 or over) (9A.88.010)	E
7	B+	Promoting Prostitution 1	
8		(9A.88.070)	C+
9	C+	Promoting Prostitution 2	
10		(9A.88.080)	D+
11	E	O & A (Prostitution) (9A.88.030)	E
12	B+	Indecent Liberties (9A.44.100)	C+
13	B+	Child Molestation 1 (9A.44.083)	C+
14	C+	Child Molestation 2 (9A.44.086)	С
15		Theft, Robbery, Extortion, and Forgery	
15 16	В	Theft, Robbery, Extortion, and Forgery Theft 1 (9A.56.030)	С
	ВС		
16		Theft 1 (9A.56.030)	С
16 17	C	Theft 1 (9A.56.030) Theft 2 (9A.56.040)	C D
16 17 18	C D	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050)	C D E
16 17 18 19	C D B	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080)	C D E C
16 17 18 19 20	C D B C	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020)	C D E C
16 17 18 19 20 21	C D B C	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200)	C D C D B+
16 17 18 19 20 21 22	C D B C A B+	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200) Robbery 2 (9A.56.210)	C D C D B+ C+
16 17 18 19 20 21 22 23	C D B C A B+ B+	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200) Robbery 2 (9A.56.210) Extortion 1 (9A.56.120)	C D E C D B+ C+
16 17 18 19 20 21 22 23 24	C D B C A B+ C+	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200) Robbery 2 (9A.56.210) Extortion 1 (9A.56.120) Extortion 2 (9A.56.130)	C D E C D B+ C+
16 17 18 19 20 21 22 23 24 25	C D B C A B+ C+	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200) Robbery 2 (9A.56.210) Extortion 1 (9A.56.120) Extortion 2 (9A.56.130) Possession of Stolen Property 1	C D E C D C+ C+ D+
16 17 18 19 20 21 22 23 24 25 26	C D B C A B+ C+ B	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200) Robbery 2 (9A.56.210) Extortion 1 (9A.56.120) Extortion 2 (9A.56.130) Possession of Stolen Property 1 (9A.56.150)	C D E C D C+ C+ D+
16 17 18 19 20 21 22 23 24 25 26 27	C D B C A B+ C+ B	Theft 1 (9A.56.030) Theft 2 (9A.56.040) Theft 3 (9A.56.050) Theft of Livestock (9A.56.080) Forgery (((9A.56.020))) (9A.60.020) Robbery 1 (9A.56.200) Robbery 2 (9A.56.210) Extortion 1 (9A.56.120) Extortion 2 (9A.56.130) Possession of Stolen Property 1 (9A.56.150) Possession of Stolen Property 2	C D E C D C+ C+ C+

	(9A.56.170)	E
С	Taking Motor Vehicle Without	
	Owner's Permission (9A.56.070)	D
	Motor Vehicle Related Crimes	
E	Driving Without a License	
	(46.20.021)	E
С	Hit and Run - Injury	
	(46.52.020(4))	D
D	Hit and Run-Attended	
	(46.52.020(5))	E
E	Hit and Run-Unattended	
	(46.52.010)	E
С	Vehicular Assault (46.61.522)	D
С	Attempting to Elude Pursuing	
	Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence	
	(46.61.515)	E
B+	Negligent Homicide by Motor	
	Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
С	Taking Motor Vehicle Without	
	Owner's Permission (9A.56.070)	D
	Other	
В	Bomb Threat (9.61.160)	С
С	Escape 1 (9A.76.110)	С
С	Escape 2 (9A.76.120)	С
	E C C C B+ D C	C Taking Motor Vehicle Without Owner's Permission (9A.56.070) Motor Vehicle Related Crimes E Driving Without a License (46.20.021) C Hit and Run - Injury (46.52.020(4)) D Hit and Run-Attended (46.52.020(5)) E Hit and Run-Unattended (46.52.010) C Vehicular Assault (46.61.522) C Attempting to Elude Pursuing Police Vehicle (46.61.024) E Reckless Driving (46.61.500) D Driving While Under the Influence (46.61.515) B+ Negligent Homicide by Motor Vehicle (46.61.520) C Vehicle Prowling (9A.52.100) C Taking Motor Vehicle Without Owner's Permission (9A.56.070) Other B Bomb Threat (9.61.160) C Escape 1 (9A.76.110)

1	D	Escape 3 (9A.76.130)	E
2	С	Failure to Appear in Court	
3		(10.19.130)	D
4	E	Tampering with Fire Alarm	
5		Apparatus (9.40.100)	E
6	E	Obscene, Harassing, Etc.,	
7		Phone Calls (9.61.230)	E
8	A	Other Offense Equivalent to an	
9		Adult Class A Felony	B+
10	В	Other Offense Equivalent to an	
11		Adult Class B Felony	С
12	С	Other Offense Equivalent to an	
13		Adult Class C Felony	D
14	D	Other Offense Equivalent to an	
15		Adult Gross Misdemeanor	E
16	E	Other Offense Equivalent to an	
17		Adult Misdemeanor	E
18	V	Violation of Order of Restitution,	
19		Community Supervision, or	
20		Confinement $^2(13.40.200)$	V

- 21 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
- 22 and the standard range is established as follows:
- 1st escape or attempted escape during 12-month period 4 weeks
- 24 confinement
- 25 2nd escape or attempted escape during 12-month period 8 weeks
- 26 confinement

- 3rd and subsequent escape or attempted escape during 12-month
- 2 period 12 weeks confinement
- 3 If the court finds that a respondent has violated terms of an order,
- 4 it may impose a penalty of up to 30 days of confinement.

5 SCHEDULE B

6 PRIOR OFFENSE INCREASE FACTOR

- 7 For use with all CURRENT OFFENSES occurring on or after July 1,
- 8 1989.

9 TIME SPAN

10	OFFENSE	0-12	13-24	25 Months
11	CATEGORY	Months	Months	or More
12	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •		• • • • • • • • • • • • • • • • • • • •
13	A+	.9	.9	.9
14	A	.9	.8	.6
15	A-	.9	.8	.5
16	B+	.9	.7	. 4
17	В	.9	.6	.3
18	C+	.6	.3	.2
19	С	.5	.2	.2
20	D+	.3	.2	.1
21	D	. 2	.1	.1
22	E	.1	.1	.1

- 1 Prior history Any offense in which a diversion agreement or counsel
- 2 and release form was signed, or any offense which has been adjudicated
- 3 by court to be correct prior to the commission of the current
- 4 offense(s).

5 SCHEDULE C

6 CURRENT OFFENSE POINTS

7 For use with all CURRENT OFFENSES occurring on or after July 1,

8 1989.

9 AGE

10	OFFENSE	12 &					
11	CATEGORY	Under	13	14	15	16	17
12	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • •	• • • • • • • • • • • • • • • • • • • •	• • • • • •	• • • • • • • • •	• • • • • • • • • • • • • • • • • • • •	•••••
13	A+		STANDARD	RANGE	180-224	WEEKS	
14	А	250	300	350	375	375	375
15	A-	150	150	150	200	200	200
16	B+	110	110	120	130	140	150
17	В	45	45	50	50	57	57
18	C+	44	44	49	49	55	55
19	С	40	40	45	45	50	50
20	D+	16	18	20	22	24	26
21	D	14	16	18	20	22	24
22	E	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS 1 2 SCHEDULE D-1 This schedule may only be used for minor/first offenders. After the 3 determination is made that a youth is a minor/first offender, the court 5 has the discretion to select sentencing option A, B, or C. <u>In</u> 6 addition, the court may select option D. A disposition order for a 7 minor/first offender may not include an order of confinement except 8 pursuant to option D. 9 The court shall not order option D if the court imposes a manifest injustice under option C and commits the juvenile to the department of 10 11 social and health services. 12 MINOR/FIRST OFFENDER 13 OPTION A 14 STANDARD RANGE 15 Community 16 Community Service 17 Points Supervision Hours Fine

18	1-9	((0-3))	0-12 months	and/or	0-8	and/or	0-\$10
19	10-19	((0-3))	0-12 months	and/or	0-8	and/or	0-\$10
20	20-29	((0-3))	0-12 months	and/or	0-16	and/or	0-\$10
21	30-39	((0-3))	0-12 months	and/or	8-24	and/or	0-\$25
22	40-49	((3-6))	0-12 months	and/or	16-32	and/or	0-\$25
23	50-59	((3-6))	0-12 months	and/or	24-40	and/or	0-\$25
24	60-69	((6-9))	0-12 months	and/or	32-48	and/or	0-\$50
25	70-79	((6-9))	0-12 months	and/or	40-55	and/or	0-\$50

1	80-89	((9-12))	0-12 months	and/or	48-64	and/or 10-\$100	
2	90-109	((9-12))	0-12 months	and/or	56-72	and/or 10-\$100	
3			OR				
4			OPTIO	N B			
5			STATUTORY	OPTION			
6	0-12 Months Com	munity Sup	ervision				
7	0-150 Hours Com	munity Ser	rvice				
8	0-100 Fine						
9	A term of commu			n a maximum	of 150	hours, \$100.00	
10	fine, and 12 mo	nths super	rvision.				
11			OR				
12			ODTIO	N C			
13	OPTION C MANIFEST INJUSTICE						
13			MANIFEST I	NOOSIICE			
14	When a term o	f communit	ty supervis	ion would e	effectua	ate a manifest	
15	injustice, anot						
16	sentence of con	finement ex	xceeding 30	days, the co	ourt sha	ll sentence the	
17	juvenile to a m	aximum ter	rm and the p	provisions o	f RCW (((13.40.030(5)))	
18	13.40.030(2), as now or hereafter amended, shall be used to determine						
19	the range.						
20			ANI	<u>)</u>			
21	OPTION D						
22	SUBSTANCE ABUSE TREATMENT						

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In addition to any disposition entered under option A, B, or C, 1 2 following adjudication for an offense, but prior to disposition, the 3 court may order the child to be evaluated for a substance abuse problem to determine whether inpatient or outpatient treatment for substance 4 5 abuse is necessary. If the court finds that the child suffers from a 6 substance abuse problem the court may order the child to participate in 7 an outpatient treatment program as a condition of community supervision. If the evaluation recommends that the child be placed in 8 treatment for a substance abuse problem, the court may order inpatient 9 10 treatment if the commitment criteria are met for involuntary commitment of minors to inpatient drug and alcohol treatment pursuant to RCW 11 12 70.96A.140. The maximum period of time the court may order the offender into inpatient treatment is ninety days as a term of the 13 14 disposition order for the offense. Placement in inpatient treatment or participation in outpatient treatment is subject to available funds. 15 Nothing in option D prevents the court from referring the juvenile 16 17 to inpatient or outpatient treatment services that the juvenile may obtain on a voluntary basis. In addition, if the juvenile agrees to 18 19 enter into inpatient or outpatient treatment on a voluntary basis, the 20 court may include the agreement as part of the court's order on disposition. Failure to enter into treatment pursuant to the terms of 21 the agreement entered in the disposition shall not be grounds to impose 22 23 sanctions for a violation of the disposition under RCW 13.40.200 but 24 shall be grounds for the court to modify the disposition order and, if 25 appropriate, order the juvenile into treatment on an involuntary basis pursuant to the commitment provisions of option D. 26

JUVENILE SENTENCING STANDARDS SCHEDULE D-2

- 3 This schedule may only be used for middle offenders. After the
- 4 determination is made that a youth is a middle offender, the court has
- 5 the discretion to select sentencing option A, B, or C.

6 MIDDLE OFFENDER

7 OPTION A

9

8 STANDARD RANGE

10	Community	Service	Confinement

Community

11	Points	Supervision	Hours	5	Fine		Days	Weeks
12	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •	• • • • • •	• • • • • •	• • • • • • •	• • • • • •	• • • • • •	• • • • •
13	1-9	((0-3)) <u>0-12</u>	months	and/or	0-8	and/or	0-\$10	and/or 0
14	10-19	((0-3)) <u>0-12</u>	months	and/or	0-8	and/or	0-\$10	and/or 0
15	20-29	((0-3)) <u>0-12</u>	months	and/or	0-16	and/or	0-\$10	and/or 0
16	30-39	((0-3)) <u>0-12</u>	months	and/or	8-24	and/or	0-\$25	and/or
17							((2	-4)) <u>0-10</u>
18	40-49	((3-6)) <u>0-12</u>	months	and/or	16-32	and/or	0-\$25	and/or
19							((2	-4)) <u>0-10</u>
20	50-59	((3-6)) <u>0-12</u>	months	and/or	24-40	and/or	0-\$25	and/or
21							((5 -	-10)) <u>0-10</u>
22	60-69	((6-9)) <u>0-12</u>	months	and/or	32-48	and/or	0-\$50	and/or
23							((5-2	10)) <u>10-20</u>
24	70-79	((6-9)) <u>0-12</u>	months	and/or	40-56	and/or	0-\$50	and/or
25								10-20

1	80-89	((9-12))	<u>0-12</u>	months	and/or	48-64	and/or	0-\$100	and/or
2								1	L0-20
3	90-109	((9-12))	0-12	months	and/or	56-72	and/or 0	-\$100 ar	nd/or
4							((1	.5-30)) <u>2</u>	20-30
5	110-129							8-12	
6	130-149							13-16	
7	150-199							21-28	
8	200-249							30-40	
9	250-299							52-65	
10	300-374							80-100	
11	375+							103-129)

- 12 Middle offenders with more than 110 points do not have to be committed.
- 13 They may be assigned community supervision under option B.
- 14 All A+ offenses 180-224 weeks

15 OR 16 17 **OPTION B**

18 STATUTORY OPTION

- 19 0-12 Months Community Supervision
- 20 0-150 Hours Community Service
- 21 0-100 Fine
- 22 The court may impose a determinate disposition of community supervision
- 23 and/or up to 30 days confinement; in which case, if confinement has
- 24 been imposed, the court shall state either aggravating or mitigating
- 25 factors as set forth in RCW 13.40.150, as now or hereafter amended.

1 OR

2

3 OPTION C

4 MANIFEST INJUSTICE

5 If the court determines that a disposition under A or B would

- 6 effectuate a manifest injustice, the court shall sentence the juvenile
- 7 to a maximum term and the provisions of RCW ((13.40.030(5)))
- 8 13.40.030(2), as now or hereafter amended, shall be used to determine
- 9 range.

18

10 **AND**

11 OPTION D

12 SUBSTANCE ABUSE TREATMENT

In addition to any disposition entered under option A, B, or C, following adjudication for an offense, but prior to disposition, the

15 court may order the child to be evaluated for a substance abuse problem

16 to determine whether inpatient or outpatient treatment for substance

17 abuse is necessary. If the court finds that the child suffers from a

substance abuse problem the court may order the child to participate in

19 an outpatient treatment program as a condition of community

20 supervision. If the evaluation recommends that the child be placed in

21 treatment for a substance abuse problem, the court may order inpatient

22 treatment if the commitment criteria are met for involuntary commitment

23 of minors to inpatient drug and alcohol treatment pursuant to RCW

24 70.96A.140. The maximum period of time the court may order the

25 offender into inpatient treatment is ninety days as a term of the

26 <u>disposition order for the offense</u>. <u>Placement in inpatient treatment or</u>

27 participation in outpatient treatment is subject to available funds.

- The court shall not order option D if the court commits the juvenile to the department of social and health services under an option A standard range commitment for middle offenders or under an option C manifest injustice. The court may order option D if the court imposes option B on a juvenile who may be committed to the department under the standard range.
- 7 Nothing in option D prevents the court from referring the juvenile to inpatient or outpatient treatment services that the juvenile may 8 obtain on a voluntary basis. In addition, if the juvenile agrees to 9 10 enter into inpatient or outpatient treatment on a voluntary basis, the court may include the agreement as part of the court's order on 11 12 disposition. Failure to enter into treatment pursuant to the terms of 13 the agreement entered in the disposition shall not be grounds to impose 14 sanctions for a violation of the disposition under RCW 13.40.200 but shall be grounds for the court to modify the disposition order and, if 15 appropriate, order the juvenile into treatment on an involuntary basis 16 17 pursuant to the commitment provisions of option D.

18 **JUVENILE SENTENCING STANDARDS**

19 SCHEDULE D-3

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

	SERIOUS OFFENDER								
2	OPTION A								
3	STANDARD RANGE								
4	Points	Institution Time							
5	0-129	8-12 weeks							
6	130-149	13-16 weeks							
7	150-199	21-28 weeks							
8	200-249	30-40 weeks							
9	250-299	52-65 weeks							
10	300-374	80-100 weeks							
11	375+	103-129 weeks							
12	All A+								
13	Offenses	180-224 weeks							
14		OR							
15									
16		OPTION B							
17	MANIF	EST INJUSTICE							
18	A disposition outside the stand	lard range shall be determined and shall							
19	be comprised of confinement or	community supervision or a combination							
20	thereof. When a judge finds	s a manifest injustice and imposes a							

SERIOUS OFFENDER

1

21

22

23

24

the range.

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sentence of confinement exceeding 30 days, the court shall sentence the

juvenile to a maximum term, and the provisions of RCW ((13.40.030(5)))

13.40.030(2), as now or hereafter amended, shall be used to determine

SCHEDULE E

1

2

DEADLY WEAPON DISPOSITION ENHANCEMENT

- 3 The following additional times shall be added to the determinate
- 4 disposition under option A, B, or C in schedule D for middle and
- 5 serious offenders if the court enters a finding that the offender or an
- 6 accomplice was armed with a deadly weapon as defined in RCW 9.94A.125:
- 7 (1) 26 weeks if the offender is adjudicated for the commission of
- 8 Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW
- 9 9A.40.020);
- 10 (2) 16 weeks if the offender is adjudicated for the commission of
- 11 Burglary 1 (RCW 9A.52.020);
- 12 (3) 12 weeks if the offender is adjudicated for the commission of
- 13 Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110),
- 14 <u>Kidnapping 2 (RCW 9A.40.030)</u>, <u>Burglary 2 of a building other than a</u>
- dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or
- 16 any drug offense."
- 17 "Sec. 106. RCW 13.40.038 and 1986 c 288 s 7 are each amended to
- 18 read as follows:
- 19 It is the policy of this state that all county juvenile detention
- 20 facilities provide a humane, safe, and rehabilitative environment and
- 21 that unadjudicated youth remain in the community whenever possible,
- 22 consistent with public safety and the provisions of chapter 13.40 RCW.
- The counties shall develop and implement detention intake standards
- 24 and risk assessment standards to determine whether detention is
- 25 warranted and if so whether the juvenile should be placed in secure or
- 26 nonsecure detention to implement the goals of this section. Inability
- 27 to pay for a less restrictive detention placement shall not be a basis
- 28 for denying a respondent a less restrictive placement in the community.

- 1 The detention and risk assessment standards shall be developed and
- 2 implemented no later than December 31, 1992."
- 3 "Sec. 107. RCW 13.40.050 and 1979 c 155 s 58 are each amended to
- 4 read as follows:
- 5 (1) When a juvenile taken into custody is held in detention:
- 6 (a) An information, a community supervision modification or
- 7 termination of diversion petition, or a parole modification petition
- 8 shall be filed within seventy-two hours, Saturdays, Sundays, and
- 9 holidays excluded, or the juvenile shall be released; and
- 10 (b) A detention hearing, a community supervision modification or
- 11 termination of diversion petition, or a parole modification petition
- 12 shall be held within seventy-two hours, Saturdays, Sundays, and
- 13 holidays excluded, from the time of filing the information or petition,
- 14 to determine whether continued detention is necessary under RCW
- 15 13.40.040.
- 16 (2) Upon filing an information, a community supervision
- 17 modification, or termination of diversion petition as required under
- 18 <u>subsection (1)(a) of this section, the clerk of the court shall issue</u>
- 19 a summons directed to the parent, guardian, or custodian, and such
- 20 other persons as appears to the court to be proper or necessary parties
- 21 to the proceedings, requiring them to appear personally before the
- 22 court at the time fixed for the hearing required under subsection
- 23 (1)(b) of this section. The summons shall include notice of the
- 24 ((detention)) hearing, stating the time, place, and purpose of the
- 25 hearing, and stating the right to counsel((, shall be given to the
- 26 parent, guardian, or custodian if such person can be found and)). Such
- 27 <u>notice</u> shall also be given to the juvenile ((if over twelve years of
- 28 age)) held in detention. When the custodian is summoned, the parent or
- 29 quardian or both shall also be served with a summons.

- 1 (3) At the commencement of the detention hearing, the court shall
- 2 advise the parties of their rights under this chapter and shall appoint
- 3 counsel as specified in this chapter.
- 4 (4) The court shall, based upon the allegations in the information,
- 5 determine whether the case is properly before it or whether the case
- 6 should be treated as a diversion case under RCW 13.40.080. If the case
- 7 is not properly before the court the juvenile shall be ordered
- 8 released.
- 9 (5) Notwithstanding a determination that the case is properly
- 10 before the court and that probable cause exists, a juvenile shall at
- 11 the detention hearing be ordered released on the juvenile's personal
- 12 recognizance pending further hearing unless the court finds detention
- 13 is necessary under RCW 13.40.040 as now or hereafter amended.
- 14 (6) If detention is not necessary under RCW 13.40.040, as now or
- 15 hereafter amended, the court shall impose the most appropriate of the
- 16 following conditions or, if necessary, any combination of the following
- 17 conditions:
- 18 (a) Place the juvenile in the custody of a designated person
- 19 agreeing to supervise such juvenile;
- 20 (b) Place restrictions on the travel of the juvenile during the
- 21 period of release;
- (c) Require the juvenile to report regularly to and remain under
- 23 the supervision of the juvenile court;
- 24 (d) Impose any condition other than detention deemed reasonably
- 25 necessary to assure appearance as required; ((or))
- 26 (e) Place the juvenile under home monitoring; or
- 27 $\underline{\text{(f)}}$ Require that the juvenile return to detention during specified
- 28 hours.
- 29 (7) If the parent, quardian, or custodian of the juvenile in
- 30 detention is available, the court shall consult with them prior to a

- 1 determination to further detain or release the juvenile or treat the
- 2 case as a diversion case under RCW 13.40.080."
- 3 "Sec. 108. RCW 13.40.070 and 1989 c 407 s 9 are each amended to
- 4 read as follows:
- 5 (1) Complaints referred to the juvenile court alleging the
- 6 commission of an offense shall be referred directly to the prosecutor.
- 7 The prosecutor, upon receipt of a complaint, shall screen the complaint
- 8 to determine whether:
- 9 (a) The alleged facts bring the case within the jurisdiction of the
- 10 court; and
- 11 (b) On a basis of available evidence there is probable cause to
- 12 believe that the juvenile did commit the offense.
- 13 (2) If the identical alleged acts constitute an offense under both
- 14 the law of this state and an ordinance of any city or county of this
- 15 state, state law shall govern the prosecutor's screening and charging
- 16 decision for both filed and diverted cases.
- 17 (3) If the requirements of subsections (1) (a) and (b) of this
- 18 section are met, the prosecutor shall either file an information in
- 19 juvenile court or divert the case, as set forth in subsections (5),
- 20 (6), and (7) of this section. If the prosecutor finds that the
- 21 requirements of subsection (1) (a) and (b) of this section are not met,
- 22 the prosecutor shall maintain a record, for one year, of such decision
- 23 and the reasons therefor. In lieu of filing an information or
- 24 diverting an offense a prosecutor may file a motion to modify community
- 25 supervision where such offense constitutes a violation of community
- 26 supervision.
- 27 (4) An information shall be a plain, concise, and definite written
- 28 statement of the essential facts constituting the offense charged. It

- 1 shall be signed by the prosecuting attorney and conform to chapter
- 2 10.37 RCW.
- 3 (5) Where a case is legally sufficient, the prosecutor shall file
- 4 an information with the juvenile court if:
- 5 (a) An alleged offender is accused of a class A felony, a class B
- 6 felony, an attempt to commit a class B felony, ((assault in the third
- 7 degree, rape in the third degree)) a class C felony listed in RCW
- 8 <u>9.94A.440(2)</u> as a crime against persons, or any other offense listed in
- 9 RCW 13.40.020(1) (b) or (c); or
- 10 (b) An alleged offender is accused of a felony and has a criminal
- 11 history of at least one class A or class B felony, or two class C
- 12 felonies, or at least two gross misdemeanors, or at least two
- 13 misdemeanors and one additional misdemeanor or gross misdemeanor, or at
- 14 least one class C felony and one misdemeanor or gross misdemeanor; or
- 15 (c) An alleged offender has previously been committed to the
- 16 <u>department; or</u>
- 17 <u>(d)</u> An alleged offender has been referred by a diversion unit for
- 18 prosecution or desires prosecution instead of diversion; or
- 19 $((\frac{d}{d}))$ (e) An alleged offender has three or more diversions on the
- 20 alleged offender's criminal history ((within eighteen months of the
- 21 current alleged offense)).
- 22 (6) Where a case is legally sufficient the prosecutor shall divert
- 23 the case if the alleged offense is a misdemeanor or gross misdemeanor
- 24 or violation and the alleged offense(s) in combination with the alleged
- 25 offender's criminal history do not exceed two offenses or violations
- 26 and do not include any felonies: PROVIDED, That if the alleged
- 27 offender is charged with a related offense that must or may be filed
- 28 under subsections (5) and (7) of this section, a case under this
- 29 subsection may also be filed.

- 1 (7) Where a case is legally sufficient and falls into neither
- 2 subsection (5) nor (6) of this section, it may be filed or diverted.
- 3 In deciding whether to file or divert an offense under this section the
- 4 prosecutor shall be guided only by the length, seriousness, and recency
- 5 of the alleged offender's criminal history and the circumstances
- 6 surrounding the commission of the alleged offense.
- 7 (8) Whenever a juvenile is placed in custody or, where not placed
- 8 in custody, referred to a diversionary interview, the parent or legal
- 9 guardian of the juvenile shall be notified as soon as possible
- 10 concerning the allegation made against the juvenile and the current
- 11 status of the juvenile. Where a case involves victims of crimes
- 12 against persons or victims whose property has not been recovered at the
- 13 time a juvenile is referred to a diversionary unit, the victim shall be
- 14 <u>notified of the referral and informed how to contact the unit.</u>
- 15 (9) The responsibilities of the prosecutor under subsections (1)
- 16 through (8) of this section may be performed by a juvenile court
- 17 probation counselor for any complaint referred to the court alleging
- 18 the commission of an offense which would not be a felony if committed
- 19 by an adult, if the prosecutor has given sufficient written notice to
- 20 the juvenile court that the prosecutor will not review such complaints.
- 21 (10) The prosecutor, juvenile court probation counselor, or
- 22 diversion unit may, in exercising their authority under this section or
- 23 RCW 13.40.080, refer juveniles to mediation or victim offender
- 24 reconciliation programs. Mediation and victim offender reconciliation
- 25 programs shall be voluntary for victims."
- 26 "Sec. 109. RCW 13.40.080 and 1985 c 73 s 2 are each amended to
- 27 read as follows:
- 28 (1) A diversion agreement shall be a contract between a juvenile
- 29 accused of an offense and a diversionary unit whereby the juvenile

- 1 agrees to fulfill certain conditions in lieu of prosecution. Such
- 2 agreements may be entered into only after the prosecutor, or probation
- 3 counselor pursuant to this chapter, has determined that probable cause
- 4 exists to believe that a crime has been committed and that the juvenile
- 5 committed it. Such agreements shall be entered into as expeditiously
- 6 <u>as possible.</u>
- 7 (2) A diversion agreement shall be limited to:
- 8 (a) Community service not to exceed one hundred fifty hours, not to
- 9 be performed during school hours if the juvenile is attending school;
- 10 (b) Restitution limited to the amount of actual loss incurred by
- 11 the victim, and to an amount the juvenile has the means or potential
- 12 means to pay;
- (c) Attendance at up to ((two)) ten hours of counseling and/or up
- 14 to ((ten)) twenty hours of educational or informational sessions at a
- 15 community agency: PROVIDED, That the state shall not be liable for
- 16 costs resulting from the diversionary unit exercising the option to
- 17 permit diversion agreements to mandate attendance at up to ((two)) ten
- 18 hours of counseling and/or up to ((ten)) twenty hours of educational or
- 19 informational sessions; and
- 20 (d) A fine, not to exceed one hundred dollars. In determining the
- 21 amount of the fine, the diversion unit shall consider only the
- 22 juvenile's financial resources and whether the juvenile has the means
- 23 to pay the fine. The diversion unit shall not consider the financial
- 24 resources of the juvenile's parents, guardian, or custodian in
- 25 determining the fine to be imposed.
- 26 (3) In assessing periods of community service to be performed and
- 27 restitution to be paid by a juvenile who has entered into a diversion
- 28 agreement, the court officer to whom this task is assigned shall
- 29 consult with victims who have contacted the diversionary unit and, to
- 30 the extent possible, involve members of the community. Such members of

- 1 the community shall meet with the juvenile and advise the court officer
- 2 as to the terms of the diversion agreement and shall supervise the
- 3 juvenile in carrying out its terms.
- 4 (4) A diversion agreement may not exceed a period of six months
- 5 ((for a misdemeanor or gross misdemeanor or one year for a felony)) and
- 6 may include a period extending beyond the eighteenth birthday of the
- 7 divertee. Any restitution assessed during its term may not exceed an
- 8 amount which the juvenile could be reasonably expected to pay during
- 9 this period. If additional time is necessary for the juvenile to
- 10 complete restitution to the victim, the time period limitations of this
- 11 subsection may be extended by an additional six months.
- 12 (5) The juvenile shall retain the right to be referred to the court
- 13 at any time prior to the signing of the diversion agreement.
- 14 (6) Divertees and potential divertees shall be afforded due process
- 15 in all contacts with a diversionary unit regardless of whether the
- 16 juveniles are accepted for diversion or whether the diversion program
- 17 is successfully completed. Such due process shall include, but not be
- 18 limited to, the following:
- 19 (a) A written diversion agreement shall be executed stating all
- 20 conditions in clearly understandable language;
- 21 (b) Violation of the terms of the agreement shall be the only
- 22 grounds for termination;
- 23 (c) No divertee may be terminated from a diversion program without
- 24 being given a court hearing, which hearing shall be preceded by:
- 25 (i) Written notice of alleged violations of the conditions of the
- 26 diversion program; and
- 27 (ii) Disclosure of all evidence to be offered against the divertee;
- 28 (d) The hearing shall be conducted by the juvenile court and shall
- 29 include:
- 30 (i) Opportunity to be heard in person and to present evidence;

- 1 (ii) The right to confront and cross-examine all adverse witnesses;
- 2 (iii) A written statement by the court as to the evidence relied on
- 3 and the reasons for termination, should that be the decision; and
- 4 (iv) Demonstration by evidence that the divertee has substantially
- 5 violated the terms of his or her diversion agreement.
- 6 (e) The prosecutor may file an information on the offense for which
- 7 the divertee was diverted:
- 8 (i) In juvenile court if the divertee is under eighteen years of
- 9 age; or
- 10 (ii) In superior court or the appropriate court of limited
- 11 jurisdiction if the divertee is eighteen years of age or older.
- 12 (7) The diversion unit shall, subject to available funds, be
- 13 responsible for providing interpreters when juveniles need interpreters
- 14 to effectively communicate during diversion unit hearings or
- 15 <u>negotiations</u>.
- 16 (8) The diversion unit shall be responsible for advising a divertee
- 17 of his or her rights as provided in this chapter.
- 18 $((\frac{8}{}))$ (9) The diversion unit may refer a juvenile to treatment
- 19 programs or the department's family reconciliation services.
- 20 (10) The right to counsel shall inure prior to the initial
- 21 interview for purposes of advising the juvenile as to whether he or she
- 22 desires to participate in the diversion process or to appear in the
- 23 juvenile court. The juvenile may be represented by counsel at any
- 24 critical stage of the diversion process, including intake interviews
- 25 and termination hearings. The juvenile shall be fully advised at the
- 26 intake of his or her right to an attorney and of the relevant services
- 27 an attorney can provide. For the purpose of this section, intake
- 28 interviews mean all interviews regarding the diversion agreement
- 29 process.

- 1 The juvenile shall be advised that a diversion agreement shall
- 2 constitute a part of the juvenile's criminal history as defined by RCW
- 3 13.40.020($(\frac{(6)}{(6)})$)(9) as now or hereafter amended. A signed
- 4 acknowledgment of such advisement shall be obtained from the juvenile,
- 5 and the document shall be maintained by the diversionary unit together
- 6 with the diversion agreement, and a copy of both documents shall be
- 7 delivered to the prosecutor if requested by the prosecutor. The
- 8 supreme court shall promulgate rules setting forth the content of such
- 9 advisement in simple language.
- 10 $((\frac{9}{1}))$ (11) When a juvenile enters into a diversion agreement, the
- 11 juvenile court may receive only the following information for
- 12 dispositional purposes:
- 13 (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- 15 (c) The juvenile's obligations under such agreement;
- 16 (d) Whether the alleged offender performed his or her obligations
- 17 under such agreement; and
- 18 (e) The facts of the alleged offense.
- 19 $((\frac{10}{10}))$ A diversionary unit may refuse to enter into a
- 20 diversion agreement with a juvenile. When a diversionary unit refuses
- 21 to enter a diversion agreement with a juvenile, it shall immediately
- 22 refer such juvenile to the court for action and shall forward to the
- 23 court the criminal complaint and a detailed statement of its reasons
- 24 for refusing to enter into a diversion agreement. The diversionary
- 25 unit shall also immediately refer the case to the prosecuting attorney
- 26 for action if such juvenile violates the terms of the diversion
- 27 agreement.
- 28 $((\frac{11}{11}))$ A diversionary unit may, in instances where it
- 29 determines that the act or omission of an act for which a juvenile has
- 30 been referred to it involved no victim, or where it determines that the

- juvenile referred to it has no prior criminal history and is alleged to 1 have committed an illegal act involving no threat of or instance of 2 3 actual physical harm and involving not more than fifty dollars in 4 property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or 5 6 release such a juvenile without entering into a diversion agreement ((÷ PROVIDED, That)). A diversion unit's authority to counsel and release 7 a juvenile under this subsection shall include the authority to refer 8 9 the juvenile to local treatment programs or the department's family reconciliation services. Any juvenile ((so handled)) released under 10 this subsection shall be advised that the act or omission of any act 11 12 for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(((6)))(9) as 13 14 now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be 15 maintained by the unit, and a copy of the document shall be delivered 16 17 to the prosecutor if requested by the prosecutor. The supreme court 18 shall promulgate rules setting forth the content of such advisement in 19 simple language((: PROVIDED FURTHER, That)). A juvenile determined to 20 be eligible by a diversionary unit for ((such)) release as provided in this subsection shall retain the same right to counsel and right to 21 have his or her case referred to the court for formal action as any 22 other juvenile referred to the unit. 23 $((\frac{12}{12}))$ (14) A diversion unit may supervise the fulfillment of a
- ((\(\frac{(12)}{12}\))) (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.
- (((13))) <u>(15)</u> If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the

- 1 concurrence of the diversion unit to convert an unpaid fine into
- 2 community service. The modification of the diversion agreement shall
- 3 be in writing and signed by the divertee and the diversion unit. The
- 4 number of hours of community service in lieu of a monetary penalty
- 5 shall be converted at the rate of the prevailing state minimum wage per
- 6 hour.
- 7 $((\frac{14}{14}))$ (16) Fines imposed under this section shall be collected
- 8 and paid into the county general fund in accordance with procedures
- 9 established by the juvenile court administrator under RCW 13.04.040 and
- 10 may be used only for juvenile services. In the expenditure of funds
- 11 for juvenile services, there shall be a maintenance of effort whereby
- 12 counties exhaust existing resources before using amounts collected
- 13 under this section."
- 14 "Sec. 110. RCW 13.40.100 and 1979 c 155 s 62 are each amended to
- 15 read as follows:
- 16 (1) Upon the filing of an information the alleged offender shall be
- 17 notified by summons, warrant, or other method approved by the court of
- 18 the next required court appearance.
- 19 (2) ((If notice is by summons,)) <u>T</u>he clerk of the court shall <u>also</u>
- 20 issue a summons directed to ((the juvenile, if the juvenile is twelve
- 21 or more years of age, and another to)) the parents, guardian, or
- 22 custodian, and such other persons as appear to the court to be proper
- 23 or necessary parties to the proceedings, requiring them to appear
- 24 personally before the court at the time fixed to hear the petition.
- 25 Where the custodian is summoned, the parent or guardian or both shall
- 26 also be served with a summons.
- 27 (3) A copy of the information shall be attached to each summons.
- 28 (4) The summons shall advise the parties of the right to counsel.

- 1 (5) The judge may endorse upon the summons an order directing the 2 parents, guardian, or custodian having the custody or control of the
- 3 juvenile to bring the juvenile to the hearing.
- 4 (6) If it appears from affidavit or sworn statement presented to
- 5 the judge that there is probable cause for the issuance of a warrant of
- 6 arrest or that the juvenile needs to be taken into custody pursuant to
- 7 RCW 13.34.050, as now or hereafter amended, the judge may endorse upon
- 8 the summons an order that an officer serving the summons shall at once
- 9 take the juvenile into custody and take the juvenile to the place of
- 10 detention or shelter designated by the court.
- 11 (7) Service of summons may be made under the direction of the court
- 12 by any law enforcement officer or probation counselor.
- 13 (8) If the person summoned as herein provided fails without
- 14 reasonable cause to appear and abide the order of the court, the person
- 15 may be proceeded against as for contempt of court.
- 16 (9) When the clerk issues a summons to the parents, the clerk shall
- 17 <u>also serve with the summons a letter from the court directed to the</u>
- 18 parents. The letter shall encourage the parents to appear and
- 19 participate in the juvenile court proceedings. The letter shall notify
- 20 the parents that the parents: (a) Have a right to be advised of future
- 21 court dates involving the juvenile if the parents appear at the next
- 22 <u>hearing; (b) have a right to give a statement to the court regarding</u>
- 23 the disposition to be imposed if the offender is found to have
- 24 committed the offense; and (c) may obtain referrals for appropriate
- 25 services from the court if the parent appears at the hearings. The
- 26 letter shall notify the parent who is the assigned probation officer,
- 27 <u>if any, and if no probation officer is assigned, the letter shall</u>
- 28 provide a telephone number for the parent to use to call for
- 29 information about hearings involving their child. If the child is in
- 30 <u>a detention facility, the letter shall provide the telephone number of</u>

- 1 the detention facility. The letter shall advise the parents that the
- 2 court may hold the parent in contempt for failure to appear at the next
- 3 hearing specified in the summons but that the court may excuse the
- 4 parent's attendance for a reasonable cause. The letter shall also
- 5 advise the parents that the court may refer the child and family to
- 6 other agencies for appropriate services such as counseling, appropriate
- 7 classes, the department's family reconciliation services, or to
- 8 investigating agencies such as community mental health or drug and
- 9 <u>alcohol specialists or the attorney general for child protective</u>
- 10 <u>services investigations</u>.
- 11 The office of the administrator for the courts may develop a form
- 12 <u>letter for the court clerk's use.</u>
- 13 Subject to available funds and time constraints, the court clerk
- 14 shall make a reasonable effort to determine if the juvenile is a
- 15 dependant of the state of Washington, in which case, the juvenile court
- 16 may waive all or part of the requirement to send the letter to the
- 17 parents. If the juvenile is the subject of a dependency provision, the
- 18 court may waive all or a portion of the requirement to send a letter,
- 19 but the court clerk shall advise the department of social and health
- 20 <u>services of the pending matter.</u>"
- 21 "Sec. 111. RCW 13.40.130 and 1981 c 299 s 10 are each amended to
- 22 read as follows:
- 23 (1) The respondent shall be advised of the allegations in the
- 24 information and shall be required to plead guilty or not guilty to the
- 25 allegation(s). The state or the respondent may make preliminary
- 26 motions up to the time of the plea.
- 27 (2) If the respondent pleads guilty, the court may proceed with
- 28 disposition or may continue the case for a dispositional hearing. If
- 29 the respondent denies quilt, an adjudicatory hearing date shall be set.

- 1 (3) At the adjudicatory hearing it shall be the burden of the
- 2 prosecution to prove the allegations of the information beyond a
- 3 reasonable doubt.
- 4 (4) The court shall record its findings of fact and shall enter its
- 5 decision upon the record. Such findings shall set forth the evidence
- 6 relied upon by the court in reaching its decision.
- 7 (5) If the respondent is found not guilty he or she shall be
- 8 released from detention.
- 9 (6) If the respondent is found guilty the court may immediately
- 10 proceed to disposition or may continue the case for a dispositional
- 11 hearing. Notice of the time and place of the continued hearing may be
- 12 given in open court. If notice is not given in open court to a party,
- 13 the party shall be notified by mail of the time and place of the
- 14 continued hearing.
- 15 (7) The court following an adjudicatory hearing may request that a
- 16 predisposition study be prepared to aid the court in its evaluation of
- 17 the matters relevant to disposition of the case.
- 18 (8) The disposition hearing shall be held within fourteen days
- 19 after the adjudicatory hearing or plea of guilty unless good cause is
- 20 shown for further delay, or within twenty-one days if the juvenile is
- 21 not held in a detention facility, unless good cause is shown for
- 22 further delay.
- 23 (9) In sentencing an offender, the court shall use the disposition
- 24 standards in effect on the date of the offense.
- 25 (10) The court may require the probation officer conducting the
- 26 predisposition study ordered under subsection (7) of this section, to
- 27 <u>investigate whether the juvenile's parents require services to address</u>
- 28 <u>family problems or substance abuse problems that may be adversely</u>
- 29 impacting the juvenile and may be contributing to the juvenile's
- 30 involvement with delinquency. If the court orders the investigation,

- 1 the probation officer shall, within available funds, conduct an
- 2 investigation and make a recommendation to the court regarding referral
- 3 to services or to other investigatory agencies."
- 4 "Sec. 112. RCW 13.40.150 and 1990 c 3 s 605 are each amended to
- 5 read as follows:
- 6 (1) In disposition hearings all relevant and material evidence,
- 7 including oral and written reports, may be received by the court and
- 8 may be relied upon to the extent of its probative value, even though
- 9 such evidence may not be admissible in a hearing on the information.
- 10 The youth or the youth's counsel and the prosecuting attorney shall be
- 11 afforded an opportunity to examine and controvert written reports so
- 12 received and to cross-examine individuals making reports when such
- 13 individuals are reasonably available, but sources of confidential
- 14 information need not be disclosed. The prosecutor and counsel for the
- 15 juvenile may submit recommendations for disposition.
- 16 (2) For purposes of disposition:
- 17 (a) Violations which are current offenses count as misdemeanors;
- 18 (b) Violations may not count as part of the offender's criminal
- 19 history;
- 20 (c) In no event may a disposition for a violation include
- 21 confinement.
- 22 (3) Before entering a dispositional order as to a respondent found
- 23 to have committed an offense, the court shall hold a disposition
- 24 hearing, at which the court shall:
- 25 (a) Consider the facts supporting the allegations of criminal
- 26 conduct by the respondent;
- 27 (b) Consider information and arguments offered by parties and their
- 28 counsel;
- 29 (c) Consider any predisposition reports;

- 1 (d) Consult with the respondent's parent, quardian, or custodian on
- 2 the appropriateness of dispositional options under consideration and
- 3 afford the respondent and the respondent's parent, guardian, or
- 4 custodian an opportunity to speak in the respondent's behalf;
- 5 (e) Allow the victim or a representative of the victim and an
- 6 investigative law enforcement officer to speak;
- 7 (f) Determine the amount of restitution owing to the victim, if
- 8 any;
- 9 (g) Determine whether the respondent is a serious offender, a
- 10 middle offender, or a minor or first offender;
- 11 (h) Consider whether or not any of the following mitigating factors
- 12 exist:
- 13 (i) The respondent's conduct neither caused nor threatened serious
- 14 bodily injury or the respondent did not contemplate that his or her
- 15 conduct would cause or threaten serious bodily injury;
- 16 (ii) The respondent acted under strong and immediate provocation;
- 17 (iii) The respondent was suffering from a mental or physical
- 18 condition that significantly reduced his or her culpability for the
- 19 offense though failing to establish a defense;
- 20 (iv) Prior to his or her detection, the respondent compensated or
- 21 made a good faith attempt to compensate the victim for the injury or
- 22 loss sustained; and
- 23 (v) There has been at least one year between the respondent's
- 24 current offense and any prior criminal offense;
- 25 (i) Consider whether or not any of the following aggravating
- 26 factors exist:
- 27 (i) In the commission of the offense, or in flight therefrom, the
- 28 respondent inflicted or attempted to inflict serious bodily injury to
- 29 another;

- 1 (ii) The offense was committed in an especially heinous, cruel, or
- 2 depraved manner;
- 3 (iii) The victim or victims were particularly vulnerable;
- 4 (iv) The respondent has a recent criminal history or has failed to
- 5 comply with conditions of a recent dispositional order or diversion
- 6 agreement;
- 7 (v) The current offense included a finding of sexual motivation
- 8 pursuant to RCW 9.94A.127;
- 9 (vi) The respondent was the leader of a criminal enterprise
- 10 involving several persons; and
- 11 (vii) There are other complaints which have resulted in diversion
- 12 or a finding or plea of guilty but which are not included as criminal
- 13 history.
- 14 (4) The following factors may not be considered in determining the
- 15 punishment to be imposed:
- 16 (a) The sex of the respondent;
- 17 (b) The race or color of the respondent or the respondent's family;
- 18 (c) The creed or religion of the respondent or the respondent's
- 19 family;
- 20 (d) The economic or social class of the respondent or the
- 21 respondent's family; and
- (e) Factors indicating that the respondent may be or is a dependent
- 23 child within the meaning of this chapter.
- 24 (5) A court may not commit a juvenile to a state institution solely
- 25 because of the lack of facilities, including treatment facilities,
- 26 existing in the community."
- 27 "NEW SECTION. Sec. 113. A new section is added to chapter 13.40
- 28 RCW to read as follows:

- disposition hearing, the court shall consider 1 Αt 2 recommendations in the presentence report regarding referrals of the 3 parents to services or agencies designed to address any family problems 4 or any parental substance abuse problems that may be adversely impacting the juvenile and may be contributing to the juvenile's 5 6 involvement with delinquency. The parents may respond to the recommendations at the disposition hearing. If the court determines 7 that referral to other services or to another investigatory agency is 8 9 appropriate the court shall enter findings of fact in the disposition 10 order. The court shall make or cause appropriate referrals to be made. 11 The referral of the parents to services or to other agencies shall not be a condition of the juvenile's disposition for the offense. 12 finding by the court that the parent's family problems or substance 13 14 abuse problems may be adversely impacting the juvenile or may be contributing to the juvenile's involvement with delinquency shall not 15 be a mitigating factor in setting the disposition. 16
- 17 The purpose of this section is solely to provide the court express 18 authority to refer parents to services and other investigatory 19 agencies. Nothing in this section shall be construed to require 20 addition of new facilities, expansion of programs, or expenditure of funds beyond existing resources nor does it affect the department of 21 social and health services', the counties', and private vendors' 22 authority to determine the uses of those existing programs and 23 24 facilities."
- 25 "Sec. 114. RCW 13.40.200 and 1986 c 288 s 5 are each amended to 26 read as follows:
- 27 (1) When a respondent fails to comply with an order of restitution, 28 community supervision, penalty assessments, or confinement of less than

- 1 thirty days, the court upon motion of the prosecutor or its own motion,
- 2 may modify the order after a hearing on the violation.
- 3 (2) The hearing shall afford the respondent the same due process of
- 4 law as would be afforded an adult probationer. The court may issue a
- 5 summons or a warrant to compel the respondent's appearance. The state
- 6 shall have the burden of proving by a preponderance of the evidence the
- 7 fact of the violation. The respondent shall have the burden of showing
- 8 that the violation was not a wilful refusal to comply with the terms of
- 9 the order. If a respondent has failed to pay a fine, penalty
- 10 assessments, or restitution or to perform community service hours, as
- 11 required by the court, it shall be the respondent's burden to show that
- 12 he or she did not have the means and could not reasonably have acquired
- 13 the means to pay the fine, penalty assessments, or restitution or
- 14 perform community service.
- 15 (3) (a) If the court finds that a respondent has wilfully violated
- 16 the terms of an order pursuant to subsections (1) and (2) of this
- 17 section, it may impose a penalty of up to thirty days' confinement.
- 18 Penalties for multiple violations occurring prior to the hearing shall
- 19 not be aggregated to exceed thirty days' confinement. Regardless of
- 20 the number of times a respondent is brought to court for violations of
- 21 the terms of a single disposition order, the combined total number of
- 22 days spent by the respondent in detention shall never exceed the
- 23 maximum term to which an adult could be sentenced for the underlying
- 24 offense.
- 25 (b) If the violation of the terms of the order under (a) of this
- 26 subsection is failure to pay fines, penalty assessments, complete
- 27 community service, or make restitution, the term of confinement imposed
- 28 under (a) of this subsection shall be assessed at a rate of one day of
- 29 confinement for each twenty-five dollars or eight hours owed.

- 1 (4) If a respondent has been ordered to pay a fine or monetary
- 2 penalty and due to a change of circumstance cannot reasonably comply
- 3 with the order, the court, upon motion of the respondent, may order
- 4 that the unpaid fine or monetary penalty be converted to community
- 5 service. The number of hours of community service in lieu of a
- 6 monetary penalty or fine shall be converted at the rate of the
- 7 prevailing state minimum wage per hour. The monetary penalties or
- 8 fines collected shall be deposited in the county general fund. A
- 9 failure to comply with an order under this subsection shall be deemed
- 10 a failure to comply with an order of community supervision and may be
- 11 proceeded against as provided in this section.
- 12 (5) Nothing in this section prohibits filing of escape charges if
- 13 the juvenile escapes from confinement except that no escape charges may
- 14 be filed if the juvenile leaves an inpatient treatment facility without
- 15 permission in violation of a court order pursuant to option D of RCW
- 16 <u>13.40.0357</u>. Failure to comply with an order pursuant to option D of
- 17 RCW 13.40.0357 shall be a basis for modification under this section."
- 18 "NEW SECTION. Sec. 115. A new section is added to chapter 13.40
- 19 RCW to read as follows:
- The legislature finds that the purposes of this chapter are best
- 21 implemented by regionally based facilities.
- 22 Consistent with this finding, the department, in cooperation and
- 23 consultation with local communities and affected agencies, shall
- 24 develop a plan to reduce its reliance on large institutional facilities
- 25 for juvenile offenders committed to the department by redistributing a
- 26 portion of its institutional beds to secure and semisecure regionally
- 27 based facilities. The department's plan shall: (1) Provide sufficient
- 28 beds to house all committed offenders at security levels commensurate
- 29 with the offender's risk to public safety; (2) redistribute to secure

- 1 and semisecure regional facilities up to two hundred forty beds from
- 2 the five existing institutions for juvenile offenders between July 1,
- 3 1993, and June 30, 1997; (3) include a specific risk assessment tool
- 4 for determining which offenders may be placed in various security
- 5 levels which will ensure offenders posing the greatest risk are held in
- 6 more secure settings than offenders posing lesser risk; (4) include a
- 7 siting plan and schedule for the timely siting and development of
- 8 smaller secure and semisecure regional facilities to ensure the most
- 9 effective rehabilitation efforts; (5) include a specific plan ensuring
- 10 offenders will be housed in regional facilities close to their home
- 11 communities unless such placement is contrary to the best interests of
- 12 the offender, their family, or public safety; (6) include a cost
- 13 analysis of the construction and renovation, if any, and operation of
- 14 the facilities.
- The department shall submit the plan no later than September 1,
- 16 1992, to the appropriate policy and fiscal committees of the house of
- 17 representatives and the senate. The department shall also incorporate
- 18 the plan into the department's budget proposal for the 1993-95
- 19 biennium."
- 20 "NEW SECTION. Sec. 116. The department of social and health
- 21 services shall investigate mechanisms for increasing the use of federal
- 22 funds throughout the juvenile justice system. The department shall
- 23 identify ways to increase federal funding for these programs in concert
- 24 with the office of financial management, the counties, and juvenile
- 25 court administrators. The department shall report the results of its
- 26 investigation to the appropriate fiscal committees of the senate and
- 27 house of representatives by December 1, 1992."

- 1 "Sec. 117. RCW 2.56.030 and 1989 c 95 s 2 are each amended to read
- 2 as follows:
- 3 The administrator for the courts shall, under the supervision and
- 4 direction of the chief justice:
- 5 (1) Examine the administrative methods and systems employed in the
- 6 offices of the judges, clerks, stenographers, and employees of the
- 7 courts and make recommendations, through the chief justice, for the
- 8 improvement of the same;
- 9 (2) Examine the state of the dockets of the courts and determine
- 10 the need for assistance by any court;
- 11 (3) Make recommendations to the chief justice relating to the
- 12 assignment of judges where courts are in need of assistance and carry
- 13 out the direction of the chief justice as to the assignments of judges
- 14 to counties and districts where the courts are in need of assistance;
- 15 (4) Collect and compile statistical and other data and make reports
- 16 of the business transacted by the courts and transmit the same to the
- 17 chief justice to the end that proper action may be taken in respect
- 18 thereto;
- 19 (5) Prepare and submit budget estimates of state appropriations
- 20 necessary for the maintenance and operation of the judicial system and
- 21 make recommendations in respect thereto;
- 22 (6) Collect statistical and other data and make reports relating to
- 23 the expenditure of public moneys, state and local, for the maintenance
- 24 and operation of the judicial system and the offices connected
- 25 therewith;
- 26 (7) Obtain reports from clerks of courts in accordance with law or
- 27 rules adopted by the supreme court of this state on cases and other
- 28 judicial business in which action has been delayed beyond periods of
- 29 time specified by law or rules of court and make report thereof to
- 30 supreme court of this state;

- 1 (8) Act as secretary of the judicial conference referred to in RCW
- 3 (9) Formulate and submit to the judicial council of this state
- 4 recommendations of policies for the improvement of the judicial system;
- 5 (10) Submit annually, as of February 1st, to the chief justice and
- 6 the judicial council, a report of the activities of the administrator's
- 7 office for the preceding calendar year;
- 8 (11) Administer programs and standards for the training and
- 9 education of judicial personnel;

2

2.56.060;

- 10 (12) Examine the need for new superior court and district judge
- 11 positions under a weighted caseload analysis that takes into account
- 12 the time required to hear all the cases in a particular court and the
- 13 amount of time existing judges have available to hear cases in that
- 14 court. The results of the weighted caseload analysis shall be reviewed
- 15 by the board for judicial administration and the judicial council, both
- 16 of which shall make recommendations to the legislature by January 1,
- 17 1989. It is the intent of the legislature that weighted caseload
- 18 analysis become the basis for creating additional district court
- 19 positions, and recommendations should address that objective;
- 20 (13) Provide staff to the judicial retirement account plan under
- 21 chapter 2.14 RCW;
- 22 (14) Attend to such other matters as may be assigned by the supreme
- 23 court of this state;
- 24 (15) Develop a curriculum for a general understanding of child
- 25 development, placement, and treatment resources, as well as specific
- 26 legal skills and knowledge of relevant statutes including chapters
- 27 13.32A ((and)), 13.34, and 13.40 RCW, cases, court rules, interviewing
- 28 skills, and special needs of the abused or neglected child. This
- 29 curriculum shall be completed and made available to all juvenile court
- 30 judges, court personnel, and service providers by July 1, 1988. The

- 1 curriculum shall be updated yearly to reflect changes in statutes,
- 2 court rules, or case law;
- 3 (16) Develop a curriculum for a general understanding of hate or
- 4 bias crimes, as well as specific legal skills and knowledge of RCW
- 5 9A.36.080, relevant cases, court rules, and the special needs of
- 6 malicious harassment victims. This curriculum shall be completed and
- 7 made available to all superior court and court of appeals judges and to
- 8 all justices of the supreme court by July 1, 1989."
- 9 "Sec. 118. RCW 2.56.030 and 1992 c -- s 117 (section 117 of this
- 10 act) are each amended to read as follows:
- 11 The administrator for the courts shall, under the supervision and
- 12 direction of the chief justice:
- 13 (1) Examine the administrative methods and systems employed in the
- 14 offices of the judges, clerks, stenographers, and employees of the
- 15 courts and make recommendations, through the chief justice, for the
- 16 improvement of the same;
- 17 (2) Examine the state of the dockets of the courts and determine
- 18 the need for assistance by any court;
- 19 (3) Make recommendations to the chief justice relating to the
- 20 assignment of judges where courts are in need of assistance and carry
- 21 out the direction of the chief justice as to the assignments of judges
- 22 to counties and districts where the courts are in need of assistance;
- 23 (4) Collect and compile statistical and other data and make reports
- 24 of the business transacted by the courts and transmit the same to the
- 25 chief justice to the end that proper action may be taken in respect
- 26 thereto;
- 27 (5) Prepare and submit budget estimates of state appropriations
- 28 necessary for the maintenance and operation of the judicial system and
- 29 make recommendations in respect thereto;

- 1 (6) Collect statistical and other data and make reports relating to
- 2 the expenditure of public moneys, state and local, for the maintenance
- 3 and operation of the judicial system and the offices connected
- 4 therewith;
- 5 (7) Obtain reports from clerks of courts in accordance with law or
- 6 rules adopted by the supreme court of this state on cases and other
- 7 judicial business in which action has been delayed beyond periods of
- 8 time specified by law or rules of court and make report thereof to
- 9 supreme court of this state;
- 10 (8) Act as secretary of the judicial conference referred to in RCW
- 11 2.56.060;
- 12 (9) Formulate and submit to the judicial council of this state
- 13 recommendations of policies for the improvement of the judicial system;
- 14 (10) Submit annually, as of February 1st, to the chief justice and
- 15 the judicial council, a report of the activities of the administrator's
- 16 office for the preceding calendar year;
- 17 (11) Administer programs and standards for the training and
- 18 education of judicial personnel;
- 19 (12) Examine the need for new superior court and district judge
- 20 positions under a weighted caseload analysis that takes into account
- 21 the time required to hear all the cases in a particular court and the
- 22 amount of time existing judges have available to hear cases in that
- 23 court. The results of the weighted caseload analysis shall be reviewed
- 24 by the board for judicial administration and the judicial council, both
- 25 of which shall make recommendations to the legislature by January 1,
- 26 1989. It is the intent of the legislature that weighted caseload
- 27 analysis become the basis for creating additional district court
- 28 positions, and recommendations should address that objective;
- 29 (13) Provide staff to the judicial retirement account plan under
- 30 chapter 2.14 RCW;

- 1 (14) Attend to such other matters as may be assigned by the supreme
- 2 court of this state;
- 3 (15) Develop a curriculum for a general understanding of child
- 4 development, placement, and treatment resources, as well as specific
- 5 legal skills and knowledge of relevant statutes including chapters
- 6 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills,
- 7 and special needs of the abused or neglected child. This curriculum
- 8 shall be completed and made available to all juvenile court judges,
- 9 court personnel, and service providers by July 1, 1988. The curriculum
- 10 shall be updated yearly to reflect changes in statutes, court rules, or
- 11 case law;
- 12 (16) Develop a curriculum for a general understanding of hate or
- 13 bias crimes, as well as specific legal skills and knowledge of RCW
- 14 9A.36.080, relevant cases, court rules, and the special needs of
- 15 malicious harassment victims. This curriculum shall be completed and
- 16 made available to all superior court and court of appeals judges and to
- 17 all justices of the supreme court by July 1, 1989:
- 18 (17) Collect data as may be necessary to monitor any disparity in
- 19 processing or disposing of cases involving juvenile offenders due to
- 20 <u>economic or racial factors that may result from implementation of</u>
- 21 chapter ..., Laws of 1992 (this act). Beginning December 1, 1993, the
- 22 office of the administrator for the courts shall report annually to the
- 23 <u>legislature on economic or racial disproportionality in the rates of</u>
- 24 arrest, detention, trial, treatment, and disposition in the state's
- 25 juvenile justice system. The report shall cover the preceding calendar
- 26 year. The annual report shall identify the causes of the
- 27 <u>disproportionality and shall specifically point out any economic or</u>
- 28 racial disproportionality resulting from implementation of chapter ...,
- 29 <u>Laws of 1992 (this act).</u>"

- 1 "Sec. 119. RCW 9.41.010 and 1983 c 232 s 1 are each amended to
- 2 read as follows:
- 3 (1) "Short firearm" or "pistol" as used in this chapter means any
- 4 firearm with a barrel less than twelve inches in length.
- 5 (2) "Crime of violence" as used in this chapter means:
- 6 (a) Any of the following felonies, as now existing or hereafter
- 7 amended: Any felony defined under any law as a class A felony or an
- 8 attempt to commit a class A felony, criminal solicitation of or
- 9 criminal conspiracy to commit a class A felony, manslaughter in the
- 10 first degree, manslaughter in the second degree, indecent liberties if
- 11 committed by forcible compulsion, rape in the second degree, kidnapping
- 12 in the second degree, arson in the second degree, assault in the second
- 13 degree, extortion in the first degree, burglary in the second degree,
- 14 and robbery in the second degree;
- 15 (b) Any conviction or adjudication for a felony offense in effect
- 16 at any time prior to July 1, 1976, which is comparable to a felony
- 17 classified as a crime of violence in subsection (2)(a) of this section;
- 18 and
- 19 (c) Any federal or out-of-state conviction or adjudication for an
- 20 offense comparable to a felony classified as a crime of violence under
- 21 subsection (2) (a) or (b) of this section.
- 22 (3) "Firearm" as used in this chapter means a weapon or device from
- 23 which a projectile may be fired by an explosive such as gunpowder.
- 24 (4) "Commercial seller" as used in this chapter means a person who
- 25 has a federal firearms license."
- 26 "Sec. 120. RCW 9.41.040 and 1983 c 232 s 2 are each amended to
- 27 read as follows:
- 28 (1) ((A person)) An adult or juvenile is guilty of the crime of
- 29 unlawful possession of a short firearm or pistol, if, having previously

- 1 been convicted or, as a juvenile, adjudicated in this state or
- 2 elsewhere of a crime of violence or of a felony in which a firearm was
- 3 used or displayed, the person owns or has in his possession any short
- 4 firearm or pistol.
- 5 (2) Unlawful possession of a short firearm or pistol shall be
- 6 punished as a class C felony under chapter 9A.20 RCW.
- 7 (3) As used in this section, a person has been "convicted or
- 8 adjudicated" at such time as a plea of guilty has been accepted or a
- 9 verdict of guilty has been filed, notwithstanding the pendency of any
- 10 future proceedings including but not limited to sentencing or
- 11 <u>disposition</u>, post-trial <u>or post-factfinding</u> motions, and appeals. A
- 12 person shall not be precluded from possession under this section if the
- 13 conviction or adjudication has been the subject of a pardon, annulment,
- 14 certificate of rehabilitation, or other equivalent procedure based on
- 15 a finding of the rehabilitation of the person convicted or adjudicated
- 16 or the conviction or disposition has been the subject of a pardon,
- 17 annulment, or other equivalent procedure based on a finding of
- 18 innocence.
- 19 (4) Except as provided in subsection (5) of this section, a person
- 20 is guilty of the crime of unlawful possession of a short firearm or
- 21 pistol if, after having been convicted or adjudicated of any felony
- 22 violation of the uniform controlled substances act, chapter 69.50 RCW,
- 23 or equivalent statutes of another jurisdiction, or after any period of
- 24 confinement under RCW 71.05.320 or an equivalent statute of another
- 25 jurisdiction, or following a record of commitment pursuant to chapter
- 26 10.77 RCW or equivalent statutes of another jurisdiction, he owns or
- 27 has in his possession or under his control any short firearm or pistol.
- 28 (5) Notwithstanding subsection (1) of this section, a person
- 29 convicted of an offense other than murder, manslaughter, robbery, rape,
- 30 indecent liberties, arson, assault, kidnapping, extortion, burglary, or

- 1 violations with respect to controlled substances under RCW 69.50.401(a)
- 2 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
- 3 and who received a dismissal of the charge under RCW 9.95.240, shall
- 4 not be precluded from ownership, possession, or control of a firearm as
- 5 a result of the conviction."
- 6 "Sec. 121. RCW 9.41.280 and 1989 c 219 s 1 are each amended to
- 7 read as follows:
- 8 (1) It is unlawful for an elementary or secondary school student
- 9 under the age of twenty-one knowingly to carry onto public or private
- 10 elementary or secondary school premises:
- 11 (a) Any firearm; or
- 12 (b) Any dangerous weapon as defined in RCW 9.41.250; or
- 13 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
- 14 two or more lengths of wood, metal, plastic, or similar substance
- 15 connected with wire, rope, or other means; or
- 16 (d) Any device, commonly known as "throwing stars", which are
- 17 multi-pointed, metal objects designed to embed upon impact from any
- 18 aspect; or
- 19 (e) Any air gun, including any air pistol or air rifle, designed to
- 20 propel a BB, pellet, or other projectile by the discharge of compressed
- 21 air, carbon dioxide, or other gas.
- 22 (2) Any such student violating subsection (1) (b) through (e) of
- 23 this section is guilty of a gross misdemeanor. Any student violating
- 24 <u>subsection (1)(a) of this section is guilty of a class C felony.</u>
- 25 Any violation of subsection (1) of this section constitutes grounds
- 26 for expulsion.
- 27 (3) Subsection (1) of this section does not apply to:
- 28 (a) Any student of a private military academy; or

- 1 (b) Any student engaged in military activities, sponsored by the
- 2 federal or state governments while engaged in official duties; or
- 3 (c) Any student who is attending a convention or firearms safety
- 4 course authorized by school authorities in which the firearms of
- 5 collectors or instructors are handled or displayed; or
- 6 (d) Any student who possesses nun-chu-ka sticks, throwing stars, or
- 7 other dangerous weapons to be used in martial arts classes conducted on
- 8 the school premises; ((or))
- 9 (e) Any student while the student is participating in a firearms or
- 10 air gun competition approved by the school or school district;
- 11 (f) Any student who has permission of the school authorities to
- 12 bring the firearm to school for participation in school classes such as
- 13 <u>a woodworking class; or</u>
- 14 (g) Any student who keeps a hunting rifle or shotgun in a vehicle
- 15 the student drives to the school premises if the student keeps the
- 16 <u>vehicle locked while unattended and does not remove the firearm from</u>
- 17 the vehicle while on the school premises without permission of the
- 18 <u>school authorities</u>."
- 19 "Sec. 122. RCW 13.04.011 and 1979 c 155 s 1 are each amended to
- 20 read as follows:
- 21 For purposes of this title:
- 22 (1) Except as specifically provided in RCW 13.40.020 and chapter
- 23 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and
- 24 "child" mean any individual who is under the chronological age of
- 25 eighteen years;
- 26 (2) "Juvenile offender" and "juvenile offense" have the meaning
- 27 ascribed in RCW ((13.40.010 through 13.40.240)) <u>13.40.020</u>;
- 28 (3) "Court" when used without further qualification means the
- 29 juvenile court judge(s) or commissioner(s);

- 1 (4) "Parent" or "parents," except as used in chapter 13.34 RCW, as
- 2 now or hereafter amended, means that parent or parents who have the
- 3 right of legal custody of the child. "Parent" or "parents" as used in
- 4 chapter 13.34 RCW, means the biological or adoptive parents of a child
- 5 unless the legal rights of that person have been terminated by judicial
- 6 proceedings;
- 7 (5) "Custodian" means that person who has the legal right to
- 8 custody of the child."
- 9 "NEW SECTION. Sec. 123. A new section is added to chapter 28A.600
- 10 RCW to read as follows:
- 11 School districts may participate in the exchange of information
- 12 with law enforcement and juvenile court officials to the extent
- 13 permitted by federal law. When directed by court order or pursuant to
- 14 any lawfully issued subpoena, a school district shall make student
- 15 records and information available to law enforcement officials,
- 16 probation officers, court personnel, and others legally entitled to the
- 17 information. Parents and students shall be notified by the school
- 18 district of all such orders or subpoenas in advance of compliance with
- 19 them."
- 20 "NEW SECTION. Sec. 124. RCW 13.40.010 and 1977 ex.s. c 291 s 55
- 21 are each repealed."

22 "PART II - FAMILIES AT RISK"

- 23 "NEW SECTION. Sec. 201. A new section is added to chapter 28A.225
- 24 RCW to read as follows:
- 25 Each school within a school district shall inform the students and
- 26 the parents of the students enrolled in the school about the compulsory

- 1 education requirements under this chapter. The school shall distribute
- 2 the information at least annually."

27

absence.

- 3 "Sec. 202. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to 4 read as follows:
- Any person violating any of the provisions of either RCW 5 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five 6 dollars for each day of unexcused absence from school. However, a 7 child found to be in violation of RCW 28A.225.010 shall be required to 8 attend school and shall not be fined. If the child fails to comply 9 10 with the court order to attend school, the court may order the child be punished by detention or may impose alternatives to detention such as 11 12 community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a 13 14 child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted 15 16 pursuant to a contempt proceeding against a child under chapter 13.32A 17 It shall be a defense for a parent charged with violating RCW RCW. 18 28A.225.010 to show that he or she exercised reasonable diligence in 19 attempting to cause a child in his or her custody to attend school or 20 that the juvenile's school did not perform its duties as required in RCW 28A.225.020. Any fine imposed pursuant to this section may be 21 suspended upon the condition that a parent charged with violating RCW 22 23 28A.225.010 shall participate with the school and the juvenile in a 24 supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled 25 26 by a school for the purpose of analyzing the causes of a child's

- 1 Attendance officers shall make complaint for violation of the
- 2 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
- 3 superior or district court."
- 4 "Sec. 203. RCW 28A.225.150 and 1990 c 33 s 232 are each amended to
- 5 read as follows:
- 6 The school district attendance officer shall report biannually to
- 7 the educational service district superintendent, in the instance of
- 8 petitions filed alleging a violation by a child under RCW 28A.225.030:
- 9 (1) The number of petitions filed by a school district or by a
- 10 parent;
- 11 (2) The frequency of each action taken under RCW 28A.225.020 prior
- 12 to the filing of such petition;
- 13 (3) When deemed appropriate under RCW 28A.225.020, the frequency of
- 14 delivery of supplemental services; and
- 15 (4) Disposition of cases filed with the juvenile court, including
- 16 the frequency of contempt orders issued to enforce a court's order
- 17 under RCW 28A.225.090.
- 18 The educational service district superintendent shall compile such
- 19 information and report annually to the superintendent of public
- 20 instruction. The superintendent of public instruction shall compile
- 21 such information and report to the committees of the house of
- 22 representatives and the senate by ((January 1, 1988)) <u>September 1 of</u>
- 23 <u>each year</u>."
- 24 "Sec. 204. RCW 13.32A.130 and 1990 c 276 s 8 are each amended to
- 25 read as follows:
- 26 A child admitted to a crisis residential center under this chapter
- 27 who is not returned to the home of his or her parent or who is not
- 28 placed in an alternative residential placement under an agreement

between the parent and child, shall, except as provided for by RCW 1 13.32A.140 and 13.32A.160(2), reside in such placement under the rules 2 3 and regulations established for the center for a period not to exceed 4 ((seventy-two hours, excluding Saturdays, Sundays, and holidays,)) five 5 consecutive days from the time of intake, except as otherwise provided 6 by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. 7 reconciliation and voluntary return of the child has not been achieved 8 9 within forty-eight hours((, excluding Saturdays, Sundays and 10 holidays,)) from the time of intake, and if the person in charge of the 11 center does not consider it likely that reconciliation will be achieved within the ((seventy-two hour)) five-day period, then the person in 12 charge shall inform the parent and child of (1) the availability of 13 14 counseling services; (2) the right to file a petition for an 15 alternative residential placement, the right of a parent to file an atrisk youth petition, and the right of the parent and child to obtain 16 17 assistance in filing the petition; and (3) the right to request a review of any alternative residential placement: PROVIDED, That at no 18 19 time shall information regarding a parent's or child's rights be 20 withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each 21 crisis residential center administrator a written statement delineating 22 such services and rights. Every officer taking a child into custody 23 24 shall provide the child and his or her parent(s) or responsible adult 25 with whom the child is placed with a copy of such statement. addition, the administrator of the facility or his or her designee 26 27 shall provide every resident and parent with a copy of such statement."

28 "Sec. 205. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to 29 read as follows:

- 1 The department shall file a petition to approve an alternative
- 2 residential placement on behalf of a child under any of the following
- 3 sets of circumstances:
- 4 (1) The child has been admitted to a crisis residential center or
- 5 has been placed with a responsible person other than his or her parent,
- 6 and:
- 7 (a) The parent has been notified that the child was so admitted or
- 8 placed;
- 9 (b) ((Seventy-two hours, including Saturdays, Sundays, and
- 10 holidays,)) Five consecutive days have passed since such notification;
- 11 (c) No agreement between the parent and the child as to where the
- 12 child shall live has been reached;
- 13 (d) No petition requesting approval of an alternative residential
- 14 placement has been filed by either the child or parent or legal
- 15 custodian;
- 16 (e) The parent has not filed an at-risk youth petition; and
- 17 (f) The child has no suitable place to live other than the home of
- 18 his or her parent.
- 19 (2) The child has been admitted to a crisis residential center and:
- 20 (a) ((Seventy-two hours, including Saturdays, Sundays, and
- 21 holidays,)) Five consecutive days have passed since such placement;
- 22 (b) The staff, after searching with due diligence, have been unable
- 23 to contact the parent of such child; and
- 24 (c) The child has no suitable place to live other than the home of
- 25 his or her parent.
- 26 (3) An agreement between parent and child made pursuant to RCW
- 27 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
- 28 acceptable to parent or child, and:
- 29 (a) The party to whom the arrangement is no longer acceptable has
- 30 so notified the department;

- 1 (b) ((Seventy-two hours, including Saturdays, Sundays, and
- 2 holidays,)) Five consecutive days have passed since such notification;
- 3 (c) No new agreement between parent and child as to where the child
- 4 shall live has been reached;
- 5 (d) No petition requesting approval of an alternative residential
- 6 placement has been filed by either the child or the parent;
- 7 (e) The parent has not filed an at-risk youth petition; and
- 8 (f) The child has no suitable place to live other than the home of
- 9 his or her parent.
- 10 Under the circumstances of subsections (1), (2), or (3) of this
- 11 section, the child shall remain in a licensed child care facility,
- 12 including but not limited to a crisis residential center, or in any
- 13 other suitable residence to be determined by the department until an
- 14 alternative residential placement petition filed by the department on
- 15 behalf of the child is reviewed by the juvenile court and is resolved
- 16 by such court. The department may authorize emergency medical or
- 17 dental care for a child placed under this section. The state, when the
- 18 department files a petition for alternative residential placement under
- 19 this section, shall be represented as provided for in RCW 13.04.093."
- 20 "NEW SECTION. Sec. 206. To the extent possible, the department
- 21 of social and health services shall transfer children who are
- 22 inappropriately housed in crisis residential centers to residential and
- 23 treatment services designed to meet their specific, unique needs by
- 24 June 30, 1993.
- The department shall prepare a budget request for the 1993-95
- 26 biennium that ensures all children inappropriately housed in crisis
- 27 residential centers are transferred to appropriate residential and
- 28 treatment services. The budget request shall be included in the
- 29 governor's proposed expenditure plan for the 1993-95 biennium."

- 1 "NEW SECTION. Sec. 207. A new section is added to chapter 13.32A
- 2 RCW to read as follows:
- 3 The department of social and health services shall not
- 4 administratively split-code staff responsible for family reconciliation
- 5 services between separate and distinct functions, except in remote
- 6 rural offices where to do otherwise proves impractical."
- 7 "NEW SECTION. Sec. 208. A new section is added to chapter 13.32A
- 8 RCW to read as follows:
- 9 All placements into crisis residential centers shall be approved by
- 10 and coordinated through the family reconciliation services supervisor.
- 11 The department of social and health services shall establish uniform
- 12 procedures for the use of crisis residential centers, which shall be
- 13 adhered to by all family reconciliation services supervisors. The
- 14 department shall ensure procedures established under this section will
- 15 facilitate and complement law enforcement officer's existing
- 16 responsibility to pick up and transport children to crisis residential
- 17 centers and other places authorized by law under this chapter."
- 18 "Sec. 209. RCW 74.13.032 and 1979 c 155 s 78 are each amended to
- 19 read as follows:
- 20 (1) The department shall establish, by contracts with private
- 21 vendors, ((not less than eight regional)) crisis residential centers,
- 22 which shall be structured group care facilities licensed under rules
- 23 adopted by the department. Each ((regional)) center shall have ((an
- 24 average of at least four adult staff members and in no event less
- 25 than)) three adult staff members to every ((eight)) nine children. The
- 26 staff shall be trained so that they may effectively counsel juveniles
- 27 admitted to the centers, provide treatment, supervision, and structure

- 1 to the juveniles, and carry out the responsibilities outlined in RCW
- 2 13.32A.090.
- 3 (2) The department shall, in addition to the ((regional))
- 4 facilities established under subsection (1) of this section, establish
- 5 ((not less than thirty)) additional crisis residential centers pursuant
- 6 to contract with licensed ((private group care or)) specialized foster
- 7 home facilities. The staff at the facilities shall be trained so that
- 8 they may effectively counsel juveniles admitted to the centers, provide
- 9 treatment, supervision, and structure to the juveniles, and carry out
- 10 the responsibilities stated in RCW 13.32A.090. The responsibilities
- 11 stated in RCW 13.32A.090 may, in any of the centers, be carried out by
- 12 the department.
- 13 Crisis residential facilities shall be operated as semi-secure
- 14 facilities. A child placed in group care or specialized foster care
- 15 <u>facilities designated as crisis residential centers under this section</u>,
- 16 may be placed in a certified secure detention facility as authorized by
- 17 <u>RCW 74.13.034.</u>"
- 18 "Sec. 210. RCW 74.13.033 and 1979 c 155 s 79 are each amended to
- 19 read as follows:
- 20 (1) If a resident of a center becomes by his or her behavior
- 21 disruptive to the facility's program, such resident may be immediately
- 22 removed to a separate area within the facility and counseled on an
- 23 individual basis until such time as the child regains his or her
- 24 composure. The department may set rules and regulations establishing
- 25 additional procedures for dealing with severely disruptive children on
- 26 the premises, which procedures are consistent with the federal juvenile
- 27 justice and delinquency prevention act of 1974 and regulations and
- 28 clarifying instructions promulgated thereunder. Nothing in this
- 29 section shall prohibit a center from referring any child who, as the

- 1 result of a mental or emotional disorder, or intoxication by alcohol or
- 2 other drugs, is suicidal, seriously assaultive or seriously destructive
- 3 toward others, or otherwise similarly evidences an immediate need for
- 4 emergency medical evaluation and possible care, ((to a community mental
- 5 health center)) for evaluation pursuant to chapter 71.34 RCW
- 6 ((72.23.070)) or to a mental health professional pursuant to chapter
- 7 71.05 RCW whenever such action is deemed appropriate and consistent
- 8 with law.
- 9 (2) When the juvenile resides in this facility, all services deemed
- 10 necessary to the juvenile's reentry to normal family life shall be made
- 11 available to the juvenile as required by chapter 13.32A RCW. In
- 12 providing these services, the facility shall:
- 13 (a) Interview the juvenile as soon as possible;
- 14 (b) Contact the juvenile's parents and arrange for a counseling
- 15 interview with the juvenile and his or her parents as soon as possible;
- 16 (c) Conduct counseling interviews with the juvenile and his or her
- 17 parents, to the end that resolution of the child/parent conflict is
- 18 attained and the child is returned home as soon as possible; and
- 19 (d) Provide additional crisis counseling as needed, to the end that
- 20 placement of the child in the crisis residential center will be
- 21 required for the shortest time possible, but not to exceed ((seventy-
- 22 two hours)) five consecutive days.
- 23 (3) A juvenile taking unauthorized leave from this residence may be
- 24 apprehended and returned to it by law enforcement officers or other
- 25 persons designated as having this authority as provided in RCW
- 26 13.32A.050. If returned to the facility after having taken
- 27 unauthorized leave for a period of more than twenty-four hours a
- 28 juvenile may be supervised by such a facility for a period, pursuant to
- 29 this chapter, which, unless where otherwise provided, may not exceed
- 30 ((seventy-two hours)) five consecutive days on the premises. Costs of

- 1 housing juveniles admitted to crisis residential centers shall be
- 2 assumed by the department for a period not to exceed ((seventy two
- 3 hours)) five consecutive days."
- 4 "Sec. 211. RCW 74.13.034 and 1991 c 364 s 5 are each amended to
- 5 read as follows:
- 6 (1) A child taken into custody and taken to a crisis residential
- 7 center established pursuant to RCW 74.13.032(2) may, if the center is
- 8 unable to provide appropriate treatment, supervision, and structure to
- 9 the child, be taken at department expense to another crisis residential
- 10 center ((or the nearest regional crisis residential center)).
- 11 Placement in both centers shall not exceed ((seventy-two hours)) five
- 12 consecutive days from the point of intake as provided in RCW
- 13 13.32A.130.
- 14 (2) A child taken into custody and taken to a crisis residential
- 15 center established by this chapter may be placed physically by the
- 16 department or the department's designee and, at departmental expense
- 17 and approval, in a secure juvenile detention facility operated by the
- 18 county in which the center is located for a maximum of ((forty-eight))
- 19 twenty-four hours, including Saturdays, Sundays, and holidays, if the
- 20 child has taken unauthorized leave from the center and the person in
- 21 charge of the center determines that the center cannot provide
- 22 supervision and structure adequate to ensure that the child will not
- 23 again take unauthorized leave. Juveniles placed in such a facility
- 24 pursuant to this section may not, to the extent possible, come in
- 25 contact with alleged or convicted juvenile or adult offenders.
- 26 (3) Any child placed in secure detention pursuant to this section
- 27 shall, during the period of confinement, be provided with appropriate
- 28 treatment by the department or the department's designee, which shall
- 29 include the services defined in RCW 74.13.033(2). If the child placed

- 1 in secure detention is not returned home or if an alternative living
- 2 arrangement agreeable to the parent and the child is not made within
- 3 twenty-four hours after the child's admission, the child shall be taken
- 4 at the department's expense to a crisis residential center. Placement
- 5 in the crisis residential center or centers plus placement in juvenile
- 6 detention shall not exceed ((seventy-two hours)) five consecutive days
- 7 from the point of intake as provided in RCW 13.32A.130.
- 8 (4) Juvenile detention facilities used pursuant to this section
- 9 shall first be certified by the department to ensure that juveniles
- 10 placed in the facility pursuant to this section are provided with
- 11 living conditions suitable to the well-being of the child. Where space
- 12 is available, juvenile courts, when certified by the department to do
- 13 so, shall provide secure placement for juveniles pursuant to this
- 14 section, at department expense.
- 15 (5) It is the intent of the legislature that by July 1, 1982,
- 16 crisis residential centers, supplemented by community mental health
- 17 programs and mental health professionals, will be able to respond
- 18 appropriately to children admitted to centers under this chapter and
- 19 will be able to respond to the needs of such children with appropriate
- 20 treatment, supervision, and structure."
- 21 "Sec. 212. RCW 74.13.035 and 1979 c 155 s 81 are each amended to
- 22 read as follows:
- 23 Crisis residential centers shall compile yearly records which shall
- 24 be transmitted to the department and which shall contain information
- 25 regarding population profiles of the children admitted to the centers
- 26 during each past calendar year. Such information shall include but
- 27 shall not be limited to the following:
- 28 (1) The number, age, and sex of children admitted to custody;
- 29 (2) Who brought the children to the center;

- 1 (3) Services provided to children admitted to the center;
- 2 (4) The circumstances which necessitated the children being brought
- 3 to the center;
- 4 (5) The ultimate disposition of cases;
- 5 (6) The number of children admitted to custody who ran away from
- 6 the center and their ultimate disposition, if any;
- 7 (7) Length of stay.
- 8 The department may require the provision of additional information and
- 9 may require each center to provide all such necessary information in a
- 10 uniform manner.
- 11 ((A center may, in addition to being licensed as such, also be
- 12 licensed as a family foster home or group care facility and may house
- on the premises juveniles assigned for foster or group care.))"
- 14 "NEW SECTION. Sec. 213. Sections 204, 205, 209, 211, and 212 of
- 15 this act shall take effect July 1, 1993."

16 "PART III - INVOLUNTARY COMMITMENT AND TREATMENT"

- 17 "Sec. 301. RCW 74.04.055 and 1991 c 126 s 2 are each amended to
- 18 read as follows:
- 19 In furtherance of the policy of this state to cooperate with the
- 20 federal government in the programs included in this title the secretary
- 21 shall issue such rules and regulations as may become necessary to
- 22 entitle this state to participate in federal grants-in-aid, goods,
- 23 commodities and services unless the same be expressly prohibited by
- 24 this title. The secretary shall ensure that the department's services
- 25 and programs are designed and implemented to maximize the allocation of
- 26 <u>federal funds to the state.</u>

- Any section or provision of this title which may be susceptible to 1 2 more than one construction shall be interpreted in favor of the 3 construction most likely to satisfy federal laws entitling this state 4 to receive federal matching or other funds for the various programs of 5 public assistance. If any part of this chapter is found to be in 6 conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of 7 this chapter is hereby inoperative solely to the extent of the conflict 8 9 with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this 10 chapter." 11
- 12 "Sec. 302. RCW 71.34.010 and 1985 c 354 s 1 are each amended to 13 read as follows:
- It is the purpose of this ((legislation)) chapter to ensure that 14 minors in need of mental health care and treatment receive an 15 16 appropriate continuum of culturally relevant care and treatment, ((and to enable treatment decisions to be made in response to clinical needs 17 18 and in accordance with sound professional judgment while also 19 recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless 20 21 hospitalization and deprivations of liberty)) from prevention and early intervention to involuntary treatment. To facilitate the continuum of 22 23 care and treatment to minors in out-of-home placements, all divisions 24 of the department that provide mental health services to minors shall jointly plan and deliver those services. 25
- It is also the purpose of this chapter to protect the rights of
 minors against needless hospitalization and deprivations of liberty and
 to enable treatment decisions to be made in response to clinical needs
 in accordance with sound professional judgment. The mental health care

- 1 and treatment providers shall encourage the use of voluntary services
- 2 and, whenever clinically appropriate, the providers shall offer less
- 3 restrictive alternatives to inpatient treatment. Additionally, all
- 4 mental health care and treatment providers shall ensure that minors'
- 5 parents are given an opportunity to participate in the treatment
- 6 <u>decisions</u> for their children. The mental health care and treatment
- 7 providers shall, to the extent possible, offer services that involve
- 8 minors' parents or family."
- 9 "Sec. 303. RCW 71.34.020 and 1985 c 354 s 2 are each amended to
- 10 read as follows:
- 11 Unless the context clearly requires otherwise, the definitions in
- 12 this section apply throughout this chapter.
- 13 (1) "Child psychiatrist" means a person having a license as a
- 14 physician and surgeon in this state, who has had graduate training in
- 15 child psychiatry in a program approved by the American Medical
- 16 Association or the American Osteopathic Association, and who is board
- 17 eligible or board certified in child psychiatry.
- 18 (2) "Children's mental health specialist" means:
- 19 (a) A mental health professional who has completed a minimum of one
- 20 hundred actual hours, not quarter or semester hours, of specialized
- 21 training devoted to the study of child development and the treatment of
- 22 children; and
- 23 (b) A mental health professional who has the equivalent of one year
- 24 of full-time experience in the treatment of children under the
- 25 supervision of a children's mental health specialist.
- 26 (3) "Commitment" means a determination by a judge or court
- 27 commissioner, made after a commitment hearing, that the minor is in
- 28 need of inpatient diagnosis, evaluation, or treatment or that the minor
- 29 is in need of less restrictive alternative treatment.

- 1 (4) "County-designated mental health professional" means a mental
- 2 health professional designated by one or more counties to perform the
- 3 functions of a county-designated mental health professional described
- 4 in this chapter.
- 5 (5) "Department" means the department of social and health
- 6 services.
- 7 (6) "Evaluation and treatment facility" means a public or private
- 8 facility or unit that is certified by the department to provide
- 9 emergency, inpatient, residential, or outpatient mental health
- 10 evaluation and treatment services for minors. A physically separate
- 11 and separately-operated portion of a state hospital may be designated
- 12 as an evaluation and treatment facility for minors. A facility which
- 13 is part of or operated by the department or federal agency does not
- 14 require certification. No correctional institution or facility,
- 15 juvenile court detention facility, or jail may be an evaluation and
- 16 treatment facility within the meaning of this chapter.
- 17 (7) "Evaluation and treatment program" means the total system of
- 18 services and facilities coordinated and approved by a county or
- 19 combination of counties for the evaluation and treatment of minors
- 20 under this chapter.
- 21 (8) "Gravely disabled minor" means a minor who, as a result of a
- 22 mental disorder, is in danger of serious physical harm resulting from
- 23 a failure to provide for his or her essential human needs of health or
- 24 safety, or manifests severe deterioration in routine functioning
- 25 evidenced by repeated and escalating loss of cognitive or volitional
- 26 control over his or her actions and is not receiving such care as is
- 27 essential for his or her health or safety.
- 28 (9) "Inpatient treatment" means twenty-four-hour-per-day mental
- 29 health care provided within a general hospital, psychiatric hospital,

- 1 or residential treatment facility certified by the department as an 2 evaluation and treatment facility for minors.
- 3 (10) "Less restrictive alternative" or "less restrictive setting"
- 4 means outpatient treatment provided to a minor who is not residing in
- 5 a facility providing inpatient treatment as defined in this chapter.
- 6 (11) "Likelihood of serious harm" means either: (a) A substantial
- 7 risk that physical harm will be inflicted by an individual upon his or
- 8 her own person, as evidenced by threats or attempts to commit suicide
- 9 or inflict physical harm on oneself; (b) a substantial risk that
- 10 physical harm will be inflicted by an individual upon another, as
- 11 evidenced by behavior which has caused such harm or which places
- 12 another person or persons in reasonable fear of sustaining such harm;
- 13 or (c) a substantial risk that physical harm will be inflicted by an
- 14 individual upon the property of others, as evidenced by behavior which
- 15 has caused substantial loss or damage to the property of others. In
- 16 <u>assessing risk of harm, the frame of reference shall include all</u>
- 17 relevant history and shall not be limited to the minor's behavior when
- 18 assessed by a mental health professional.
- 19 (12) "Mental disorder" means any organic, mental, or emotional
- 20 impairment that has substantial adverse effects on an individual's
- 21 cognitive or volitional functions. The presence of alcohol abuse, drug
- 22 abuse, juvenile criminal history, antisocial behavior, or mental
- 23 retardation alone is insufficient to justify a finding of "mental
- 24 disorder" within the meaning of this section. A mental disorder shall
- 25 include any illness, impairment, or disorder identified as such by the
- 26 American psychiatric association by and through its published
- 27 Diagnostic and Statistical Manual as now in existence or hereafter
- 28 <u>revised.</u>
- 29 (13) "Mental health professional" means a psychiatrist,
- 30 psychologist, psychiatric nurse, or social worker, and such other

- 1 mental health professionals as may be defined by rules adopted by the
- 2 secretary under this chapter.
- 3 (14) "Minor" means any person under the age of eighteen years.
- 4 (15) "Outpatient treatment" means any of the nonresidential
- 5 services mandated under chapter 71.24 RCW and provided by licensed
- 6 services providers as identified by RCW 71.24.025(3).
- 7 (16) "Parent" means:
- 8 (a) A biological or adoptive parent who has legal custody of the
- 9 child, including either parent if custody is shared under a joint
- 10 custody agreement; or
- 11 (b) A person or agency judicially appointed as legal guardian or
- 12 custodian of the child.
- 13 (17) "Professional person in charge" means a physician or other
- 14 mental health professional empowered by an evaluation and treatment
- 15 facility with authority to make admission and discharge decisions on
- 16 behalf of that facility.
- 17 (18) "Psychiatric nurse" means a registered nurse who has a
- 18 bachelor's degree from an accredited college or university, and who has
- 19 had, in addition, at least two years' experience in the direct
- 20 treatment of mentally ill or emotionally disturbed persons, such
- 21 experience gained under the supervision of a mental health
- 22 professional. "Psychiatric nurse" shall also mean any other registered
- 23 nurse who has three years of such experience.
- 24 (19) "Psychiatrist" means a person having a license as a physician
- 25 in this state who has completed residency training in psychiatry in a
- 26 program approved by the American Medical Association or the American
- 27 Osteopathic Association, and is board eligible or board certified in
- 28 psychiatry.
- 29 (20) "Psychologist" means a person licensed as a psychologist under
- 30 chapter 18.83 RCW.

- 1 (21) "Responsible other" means the minor, the minor's parent or
- 2 estate, or any other person legally responsible for support of the
- 3 minor.
- 4 (22) "Secretary" means the secretary of the department or
- 5 secretary's designee.
- 6 (23) "Start of initial detention" means the time of arrival of the
- 7 minor at the first evaluation and treatment facility offering inpatient
- 8 treatment if the minor is being involuntarily detained at the time.
- 9 With regard to voluntary patients, "start of initial detention" means
- 10 the time at which the minor gives notice of intent to leave under the
- 11 provisions of this chapter."
- "NEW SECTION. Sec. 304. A new section is added to chapter 71.34
- 13 RCW to read as follows:
- 14 For the purpose of encouraging the expansion of existing evaluation
- 15 and treatment facilities and the creation of new facilities, the
- 16 department shall endeavor to redirect federal Title XIX funds which are
- 17 expended on out-of-state placements to fund placements within the
- 18 state."
- 19 "NEW SECTION. Sec. 305. A new section is added to chapter 71.34
- 20 RCW to read as follows:
- 21 The department shall ensure that the provisions of this chapter are
- 22 applied by the counties in a consistent and uniform manner. The
- 23 department shall also ensure that the county-designated mental health
- 24 professionals are specifically trained in adolescent mental health
- 25 issues, the mental health civil commitment laws, and the criteria for
- 26 civil commitment."

- 1 "NEW SECTION. Sec. 306. A new section is added to chapter 71.34
- 2 RCW to read as follows:
- Whenever a county-designated mental health professional makes a
- 4 determination under RCW 71.34.050 that a minor, thirteen years or
- 5 older, does not meet the criteria for an involuntary detention at an
- 6 evaluation and treatment facility, the county-designated mental health
- 7 professional shall:
- 8 (1) Provide written notice to the minor's parent of the parent's
- 9 right to file petitions and obtain services available under chapter
- 10 13.32A RCW;
- 11 (2) Provide written notice to the minor's parent of the parent's
- 12 right to file a petition, as provided in section 307 of this act, to
- 13 seek a review of the decision not to detain the minor at an evaluation
- 14 and treatment facility;
- 15 (3) Provide a written evaluation to the minor's parent detailing
- 16 the county-designated mental health professional's reasons for not
- 17 detaining the minor at an evaluation and treatment facility. The
- 18 evaluation shall include the specific facts investigated, the
- 19 credibility of the person or persons providing the information, and the
- 20 criteria for an involuntary detention; and
- 21 (4) Refer the minor and the parents to other available services."
- 22 "NEW SECTION. Sec. 307. A new section is added to chapter 71.34
- 23 RCW to read as follows:
- 24 (1) Whenever a county-designated mental health professional makes
- 25 a determination under RCW 71.34.050 that a minor, thirteen years of age
- 26 or older, does not meet the criteria for an involuntary admission at an
- 27 evaluation and treatment facility, the minor's parent may file a
- 28 petition in the superior court seeking a review of the county-

- 1 designated mental health professional's decision not to detain the
- 2 minor.
- 3 (2) The following documents shall be filed with the petition:
- 4 (a) An affidavit of the parent which states the reasons why the
- 5 parent disagrees with the evaluation conducted by the county-designated
- 6 mental health professional and includes the specific facts alleged
- 7 which indicate the need for the minor's detention;
- 8 (b) Any other relevant affidavits signed by persons with knowledge
- 9 of the specific facts alleged that indicate the need for the minor's
- 10 detention at an evaluation and treatment facility; and
- 11 (c) The county-designated mental health professional's written
- 12 evaluation provided under section 306(3) of this act.
- 13 (3) If after reviewing the petition, affidavits, and supporting
- 14 documentation, the court finds that the minor, as a result of a mental
- 15 disorder, presents a likelihood of serious harm or is gravely disabled,
- 16 the court shall issue a warrant for the detention of the minor at an
- 17 evaluation and treatment facility. The warrant shall be served with a
- 18 statement of the minor's rights as delineated in RCW 71.34.050(3),
- 19 which includes the immediate right to an attorney.
- 20 (4) All other provisions contained in this chapter relating to the
- 21 detention, evaluation, and treatment shall apply."
- 22 "NEW SECTION. Sec. 308. A new section is added to chapter 70.96A
- 23 RCW to read as follows:
- 24 The department shall ensure that the provisions of this chapter are
- 25 applied by the counties in a consistent and uniform manner. The
- 26 department shall also ensure that the county-designated chemical
- 27 dependency specialists are specifically trained in adolescent chemical
- 28 dependency issues, the chemical dependency commitment laws, and the
- 29 criteria for commitment."

- 1 "NEW SECTION. Sec. 309. A new section is added to chapter 70.96A
- 2 RCW to read as follows:
- Whenever a county-designated chemical dependency specialist makes
- 4 a determination under RCW 70.96A.140 that a minor does not meet the
- 5 criteria for a commitment to a chemical dependency program, the county-
- 6 designated chemical dependency specialist shall:
- 7 (1) Provide written notice to the minor's parent of the parent's
- 8 right to file petitions and obtain services available under chapter
- 9 13.32A RCW;
- 10 (2) Provide written notice to the minor's parent of the parent's
- 11 right to file a petition, as provided in section 310 of this act, to
- 12 seek a review of the decision not to commit the minor to a chemical
- 13 dependency program;
- 14 (3) Provide a written evaluation to the minor's parent detailing
- 15 the county-designated chemical dependency specialist's reasons for not
- 16 committing the minor in a chemical dependency program. The evaluation
- 17 shall include the specific facts investigated, the credibility of the
- 18 person or persons providing the information, and the criteria for a
- 19 commitment to a chemical dependency treatment program; and
- 20 (4) Refer the minor and the parents to other available services."
- 21 "NEW SECTION. Sec. 310. A new section is added to chapter 70.96A
- 22 RCW to read as follows:
- 23 (1) Whenever a county-designated chemical dependency specialist
- 24 makes a determination under RCW 70.96A.140 that a minor does not meet
- 25 the criteria for a commitment to a chemical dependency treatment
- 26 program, the minor's parent may file a petition in the superior court
- 27 seeking a review of the county-designated chemical dependency
- 28 specialist's decision not to commit the minor.
- 29 (2) The following documents shall be filed with the petition:

- 1 (a) An affidavit of the parent which states the reasons why the
- 2 parent disagrees with the evaluation conducted by the county-designated
- 3 chemical dependency specialist and includes the specific facts alleged
- 4 that indicate the need for the minor's commitment;
- 5 (b) Any other relevant affidavits signed by persons with knowledge
- 6 of the specific facts alleged that indicate the need for the minor's
- 7 commitment in a chemical dependency treatment program; and
- 8 (c) The county-designated chemical dependency specialist's written
- 9 evaluation provided under section 309(3) of this act.
- 10 (3) If after reviewing the petition, affidavits, and supporting
- 11 documentation, the court finds by a preponderance of the evidence that
- 12 the minor meets the criteria for commitment as set forth in RCW
- 13 70.96A.140(1), the court shall fix a date for a hearing as provided in
- 14 RCW 70.96A.140(2). The petition and order for a hearing shall be
- 15 served on the minor and on the county-designated chemical dependency
- 16 specialist who wrote the evaluation that was filed with the court.
- 17 (4) All other provisions contained in this chapter relating to the
- 18 hearing and commitment shall apply."
- 19 "NEW SECTION. Sec. 311. The department of social and health
- 20 services shall conduct a planning study of the children in its care to
- 21 determine the appropriate level of residential and treatment services
- 22 required by these children. The study shall be based on a
- 23 statistically valid sample of all children in the department's care.
- 24 The study shall also estimate the treatment needs of youth who have
- 25 been evaluated for a mental disorder but were not involuntarily
- 26 detained pursuant to chapter 71.34 RCW.
- 27 In conducting the study, the department shall utilize all existing
- 28 studies to the extent possible. The department shall report the
- 29 results of the study to the appropriate standing committees of the

- 1 legislature by September 15, 1992. The department shall use the study
- 2 results for designing future programs, treatment models, and for
- 3 determining the reallocation of funds within the department. The
- 4 department shall submit recommendations to the appropriate standing
- 5 committees of the legislature on the necessary reallocation of funds,
- 6 as indicated by the assessment results, by January 1, 1993."

7 "PART IV - MISCELLANEOUS"

- 8 "Sec. 401. 1991 c 234 s 1 (uncodified) is amended to read as
- 9 follows:
- 10 A juvenile issues task force is created to review the operation of
- 11 the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990
- 12 "at-risk" youth legislation, and to study related issues. The task
- 13 force is charged with issuing a report and making recommendations to
- 14 the legislature by December 15, $((\frac{1991}{1992}))$ 1992.
- 15 The task force shall consist of the following members:
- 16 (1) Three co-chairs, one from the state senate appointed by the
- 17 president of the senate; one from the state house of representatives
- 18 appointed by the speaker of the house of representatives; and one
- 19 appointed by the governor from among the members of the task force
- 20 named in subsection (3) of this section.
- 21 (2) Eight legislators in addition to the two legislative cochairs
- 22 selected under subsection (1) of this section, two each from the
- 23 majority and minority caucuses of the senate and two each from the
- 24 majority and minority caucuses of the house of representatives.
- 25 (3) The governor shall appoint the following members of the task
- 26 force:
- 27 (a) ((Three)) Two superior court judges;
- (b) ((Two)) One prosecuting attorney((s));

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1 (c) ((Two)) One juvenile public defender((s));
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- 2 (d) The secretary of social and health services or the secretary's
- 3 designee;
- 4 (e) ((Two)) One juvenile court administrator((s));
- 5 (f) One police chief or county sheriff;
- 6 (g) ((One child psychologist;
- 7 (h) One child psychiatrist;
- 8 $\frac{(i)}{(i)}$) Two directors of ((a)) youth <u>service</u> organization<u>s</u>;
- 9 $((\frac{j}{j}))$ One person from the Washington council on crime and
- 10 delinquency;
- 11 $((\frac{k}{k}))$ (i) One person from a parents' organization;
- 12 (((1) One person from a crisis residential center;
- 13 (m))) (j) One juvenile court caseworker;
- 14 (((n) One representative of the executive branch;
- 15 (o) One)) (k) Two members of the mental health treatment community;
- 16 ((and
- (p)) (1) One member from the substance abuse treatment community:
- 18 (m) One member from the education system; and
- 19 (n) One member from local government.
- 20 The department of social and health services shall fund the task
- 21 force in an amount sufficient to meet its mission. The task force
- 22 shall be staffed, to the extent possible, by staff available from the
- 23 membership of the task force.
- 24 The governor shall ensure that the racial diversity of the task
- 25 force membership appointed by the governor reflects the racial
- 26 diversity of juveniles served under the Family Reconciliation Act, the
- 27 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.
- 28 The task force shall develop a statutory community-based planning,
- 29 allocation, and service system for children and families, including at-
- 30 risk youth, runaways, and families in conflict, and submit it to the

- 1 appropriate legislative committees no later than December 1, 1992. The
- 2 task force shall: (i) Identify which state agencies, programs, and
- 3 services should be included in the system; (ii) identify the various
- 4 youth populations to be served by the system; and (iii) determine how
- 5 to coordinate this system with existing community-based planning and
- 6 coordination requirements, including, but not limited to, chapter 326,
- 7 Laws of 1991, and chapter 13.06 RCW."
- 8 "Sec. 402. 1991 c 234 s 2 (uncodified) is amended to read as
- 9 follows:
- 10 The department of social and health services, in cooperation with
- 11 the commission on African American affairs, shall contract for an
- 12 independent study of racial disproportionality in the juvenile justice
- 13 system. The study shall identify key decision points in the juvenile
- 14 justice system where race and/or ethnicity-based disproportionality
- 15 exists in the treatment and incarceration of juvenile offenders. The
- 16 study shall identify the causes of disproportionality, and propose new
- 17 policies and procedures to address disproportionality.
- 18 ((The department shall submit the study's preliminary findings and
- 19 recommendations to the juvenile justice task force established under
- 20 section 1 of this act by September 13, 1991.)) The final report shall
- 21 be submitted to the appropriate committees of the legislature by
- 22 December $((\frac{1}{1}, \frac{1991}{1}))$ 15, 1992.
- 23 The juvenile justice task force shall utilize the information on
- 24 disproportionality in developing its report and recommendations to the
- 25 legislature required under section (($\frac{1}{2}$)) $\frac{401}{2}$ of this act. (($\frac{1}{2}$ f by June
- 26 30, 1991, the omnibus operating budget appropriations act for the 1991-
- 27 93 biennium does not provide specific funding for this section,
- 28 referencing this section by bill number and section, this section is
- 29 null and void.))"

- 1 "NEW SECTION. Sec. 403. Part headings as used in this act do not
- 2 constitute any part of the law."
- 3 "NEW SECTION. Sec. 404. If any provision of this act or its
- 4 application to any person or circumstance is held invalid, the
- 5 remainder of the act or the application of the provision to other
- 6 persons or circumstances is not affected."
- 7 "NEW SECTION. Sec. 405. The purpose of this act is solely to
- 8 provide authority for the counties and the department of social and
- 9 health services to provide services within existing funds and current
- 10 programs and facilities unless otherwise specifically funded by June
- 11 30, 1992, by reference to this bill and section number, in the
- 12 supplemental omnibus appropriations act for the 1992. Nothing in this
- 13 act shall be construed to require the addition of new facilities nor
- 14 affect the department of social and health services' nor county
- 15 authority for the uses of existing programs and funding."
- 16 "NEW SECTION. Sec. 406. Sections 103, 105, 107, 111, 118, 305,
- 17 306, 307, 308, 309, and 310 of this act shall take effect July 1, 1993.
- 18 The department of social and health services, the department of
- 19 community development, and the office of the administrator for the
- 20 courts, shall prepare a budget request for the 1993-95 biennium to
- 21 implement sections 103, 105, 107, 111, 118, 305, 306, 307, 308, 309,
- 22 and 310 of this act. The budget request shall be included in the
- 23 governor's expenditure plan for the 1993-95 biennium."
- 24 **SHB 2466** H COMM AMD
- 25 By Committee on Judiciary

On page 1, line 2 of the title, after "force;" strike the remainder 1 2 of the title and insert "amending RCW 13.40.020, 13.40.027, 13.40.0357, 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.100, 13.40.130, 3 4 13.40.150, 13.40.200, 2.56.030, 2.56.030, 9.41.010, 9.41.040, 9.41.280, 13.04.011, 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140, 74.13.032, 5 6 74.13.033, 74.13.034, 74.13.035, 74.04.055, 71.34.010, and 71.34.020; amending 1991 c 234 s 1 (uncodified); amending 1991 c 234 s 2 7 (uncodified); adding new sections to chapter 13.40 RCW; adding a new 8 9 section to chapter 28A.600 RCW; adding a new section to chapter 28A.225 10 RCW; adding new sections to chapter 13.32A RCW; adding new sections to chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; creating 11 new sections; repealing RCW 13.40.010; prescribing penalties; and 12 providing an effective date." 13