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

7 "PART I - JUVENILE JUSTICE"

8 "Sec. 101. RCW 13.40.010 and 1977 ex.s. c 291 s 55 are each  
9 amended to read as follows:

10 (1) This chapter shall be known and cited as the Juvenile Justice  
11 Act of 1977.

12 (2) It is the intent of the legislature that a system capable of  
13 having primary responsibility for, being accountable for, and  
14 responding to the needs of youthful offenders, as defined by this  
15 chapter, be established. It is the further intent of the legislature  
16 that youth, in turn, be held accountable for their offenses and that  
17 both communities and the juvenile courts carry out their functions  
18 consistent with this intent. To effectuate these policies, ~~((it shall  
19 be the purpose))~~ the legislature declares the following to be equally  
20 important purposes of this chapter ~~((to))~~:

21 (a) Protect the citizenry from criminal behavior;

22 (b) Provide for determining whether accused juveniles have  
23 committed offenses as defined by this chapter;

24 (c) Make the juvenile offender accountable for his or her criminal  
25 behavior;

26 (d) Provide for punishment commensurate with the age, crime, and  
27 criminal history of the juvenile offender;

1 (e) Provide due process for juveniles alleged to have committed an  
2 offense;

3 (f) Provide necessary treatment, supervision, and custody for  
4 juvenile offenders;

5 (g) Provide for the handling of juvenile offenders by communities  
6 whenever consistent with public safety;

7 (h) Provide for restitution to victims of crime;

8 (i) Develop effective standards and goals for the operation,  
9 funding, and evaluation of all components of the juvenile justice  
10 system and related services at the state and local levels; and

11 (j) Provide for a clear policy to determine what types of offenders  
12 shall receive punishment, treatment, or both, and to determine the  
13 jurisdictional limitations of the courts, institutions, and community  
14 services."

15 **"Sec. 102.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each  
16 amended to read as follows:

17 For the purposes of this chapter:

18 (1) "Serious offender" means a person fifteen years of age or older  
19 who has committed an offense which if committed by an adult would be:

20 (a) A class A felony, or an attempt to commit a class A felony;

21 (b) Manslaughter in the first degree; or

22 (c) Assault in the second degree, extortion in the first degree,  
23 child molestation in the second degree, kidnapping in the second  
24 degree, robbery in the second degree, residential burglary, or burglary  
25 in the second degree, where such offenses include the infliction of  
26 bodily harm upon another or where during the commission of or immediate  
27 withdrawal from such an offense the perpetrator is armed with a deadly  
28 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 individualized program comprised of one or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (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 ~~((e))~~ (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 outpatient mental health programs, anger management classes, or other  
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;

1       (6) "Monitoring and reporting requirements" means one or more of  
2 the following: Curfews; requirements to remain at home, school, work,  
3 or court-ordered treatment programs during specified hours;  
4 restrictions from leaving or entering specified geographical areas;  
5 requirements to report to the probation officer as directed and to  
6 remain under the probation officer's supervision; and other  
7 conditions((7)) or limitations as the court may require which may not  
8 include confinement;

9       ~~((4))~~ (7) "Confinement" means ((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  
12 facility operated by or pursuant to a contract with any county))  
13 incarceration in a detention facility following: Arrest pending a  
14 detention hearing under RCW 13.40.050; entry of an order of detention  
15 entered pursuant to RCW 13.40.050; commitment to a county detention  
16 facility, the department, or an inpatient drug and alcohol treatment  
17 facility following imposition of option D of RCW 13.40.0357;  
18 modification of a disposition for violation of the disposition; or  
19 modification of parole for violation of parole. The county may operate  
20 or contract with vendors to operate county detention facilities. The  
21 department may operate or contract to operate detention facilities for  
22 juveniles committed to the department. Confinement of less than  
23 thirty-one days imposed as part of a disposition or modification order  
24 may be served consecutively or intermittently, in the discretion of the  
25 court;

26       ~~((5))~~ (8) "Court", when used without further qualification, means  
27 the juvenile court judge(s) or commissioner(s);

28       ~~((6))~~ (9) "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 ~~((7))~~ (10) "Department" means the department of social and health  
10 services;

11 ~~((8))~~ (11) "Detention facility" means a facility for the physical  
12 confinement of a juvenile alleged to have committed an offense or an  
13 adjudicated offender subject to a disposition or modification order.  
14 Detention facilities may be secure, semisecure, or nonsecure, and may  
15 include group homes, foster homes, and home detention with electronic  
16 or staff monitoring. Detention foster homes and group homes may not be  
17 used for placement of juveniles who are ordered into rehabilitation  
18 placements pursuant to a community supervision disposition. "Secure  
19 detention" means lockup or staff-secure facilities. "Nonsecure  
20 detention" means residential placement in the community in a physically  
21 nonrestrictive environment under the supervision of the department of  
22 youth services or department of social and health services. "Home  
23 detention" means placement of the juvenile in the custody of the  
24 juvenile's parent, guardian, or custodian in a physically  
25 nonrestrictive environment under the supervision of the department of  
26 youth services or the department of social and health services with  
27 electronic monitoring or department staff monitoring;

28 (12) "Diversions unit" means any probation counselor who enters into  
29 a diversion agreement with an alleged youthful offender, or any other  
30 person or entity except a law enforcement official or entity, with whom

1 the juvenile court administrator has contracted to arrange and  
2 supervise such agreements pursuant to RCW (~~(13.04.040, as now or~~  
3 ~~hereafter amended,)~~) 13.40.080, or any person or entity specially  
4 funded by the legislature to arrange and supervise diversion agreements  
5 in accordance with the requirements of this chapter;

6 ((~~9~~)) (13) "Institution" means a juvenile facility established  
7 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

8 ((~~10~~)) (14) "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 ((~~11~~)) (15) "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 ((~~12~~)) (16) "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 ((~~13~~)) (17) "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;

22 ((~~14~~)) (18) "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;

26 (b) Two misdemeanors and one gross misdemeanor;

27 (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)~~) (19) "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 (~~(16)~~) (20) "Respondent" means a juvenile who is alleged or  
14 proven to have committed an offense;

15 (~~(17)~~) (21) "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;

25 (~~(18)~~) (22) "Secretary" means the secretary of the department of  
26 social and health services;

27 (~~(19)~~) (23) "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)~~) (24) "Sex offense" means an offense defined as a sex  
2 offense in RCW 9.94A.030;

3       (~~(21)~~) (25) "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       (~~(22)~~) (26) "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       (~~(23)~~) (27) "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. 103.** 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 13.40.010  
17 generally and (ii) specifically review the guidelines relating to the  
18 confinement of minor and first offenders as well as the use of  
19 diversion; (b) solicit the comments and suggestions of the juvenile  
20 justice community concerning disposition standards; and (c) make  
21 recommendations to the legislature regarding revisions or modifications  
22 of the disposition standards in accordance with RCW 13.40.030. The  
23 evaluations shall be submitted to the legislature by December 1, 1992,  
24 and on December 1 of each even-numbered year thereafter.

25       (2) It is the responsibility of the department to: (a) Provide the  
26 commission with available data concerning the implementation of the  
27 disposition standards and related statutes and their effect on the  
28 performance of the department's responsibilities relating to juvenile  
29 offenders; (b) at the request of the commission, provide technical and





1                   **Assault and Other Crimes**

2                   **Involving Physical Harm**

3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	D+	Reckless Endangerment	
8		(9A.36.050)	E
9	C+	Promoting Suicide Attempt	
10		(9A.36.060)	D+
11	D+	Coercion (9A.36.070)	E
12	C+	Custodial Assault (9A.36.100)	D+

13                   **Burglary and Trespass**

14	B+	Burglary 1 (9A.52.020)	C+
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	
17		(9A.52.060)	E
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	D	Vehicle Prowling (9A.52.100)	E

21                   **Drugs**

22	E	Possession/Consumption of Alcohol	
23		(66.44.270)	E
24	C	Illegally Obtaining Legend Drug	
25		(69.41.020)	D
26	C+	Sale, Delivery, Possession of Legend	
27		Drug with Intent to Sell	

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

1		Substances Act - Possession of a	
2		Controlled Substance	
3		(69.50.401(c))	C
4		<b>Firearms and Weapons</b>	
5	<del>((C+</del>	<del>Committing Crime when Armed</del>	
6		<del>(9.41.025)</del>	<del>D+))</del>
7	E	Carrying Loaded Pistol Without	
8		Permit (9.41.050)	E
9	E	Use of Firearms by Minor (<14)	
10		(9.41.240)	E
11	D+	Possession of Dangerous Weapon	
12		(9.41.250)	E
13	D	Intimidating Another Person by use	
14		of Weapon (9.41.270)	E
15		<b>Homicide</b>	
16	A+	Murder 1 (9A.32.030)	A
17	A+	Murder 2 (9A.32.050)	B+
18	B+	Manslaughter 1 (9A.32.060)	C+
19	C+	Manslaughter 2 (9A.32.070)	D+
20	B+	Vehicular Homicide (46.61.520)	C+
21		<b>Kidnapping</b>	
22	A	Kidnap 1 (9A.40.020)	B+
23	B+	Kidnap 2 (9A.40.030)	C+
24	C+	Unlawful Imprisonment	
25		(9A.40.040)	D+
26	<del>((D</del>	<del>Custodial Interference</del>	
27		<del>(9A.40.050)</del>	<del>E))</del>

**Obstructing Governmental Operation**

1			
2	E	Obstructing a Public Servant	
3		(9A.76.020)	E
4	E	Resisting Arrest (9A.76.040)	E
5	B	Introducing Contraband 1	
6		(9A.76.140)	C
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	<del>((E</del>	<del>Criminal Contempt</del>	
16		<del>(9.23.010)</del>	<del>E))</del>

**Public Disturbance**

17			
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

**Sex Crimes**

23			
24	A	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	B	Rape of a Child 2 (9A.44.076)	C+

1	B	Incest 1 (9A.64.020(1))	C
2	C	Incest 2 (9A.64.020(2))	D
3	D+	(( <del>Public Indecency</del> )) <u>Indecent Exposure</u>	
4		(Victim <14) (9A.88.010)	E
5	E	(( <del>Public Indecency</del> )) <u>Indecent Exposure</u>	
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)	C
15		<b>Theft, Robbery, Extortion, and Forgery</b>	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock (9A.56.080)	C
20	C	Forgery (( <del>9A.56.020</del> )) <u>(9A.60.020)</u>	D
21	A	Robbery 1 (9A.56.200)	B+
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	B	Possession of Stolen Property 1	
26		(9A.56.150)	C
27	C	Possession of Stolen Property 2	
28		(9A.56.160)	D
29	D	Possession of Stolen Property 3	

1		(9A.56.170)	E
2	C	Taking Motor Vehicle Without	
3		Owner's Permission (9A.56.070)	D
4		<b>Motor Vehicle Related Crimes</b>	
5	E	Driving Without a License	
6		(46.20.021)	E
7	C	Hit and Run - Injury	
8		(46.52.020(4))	D
9	D	Hit and Run-Attended	
10		(46.52.020(5))	E
11	E	Hit and Run-Unattended	
12		(46.52.010)	E
13	C	Vehicular Assault (46.61.522)	D
14	C	Attempting to Elude Pursuing	
15		Police Vehicle (46.61.024)	D
16	E	Reckless Driving (46.61.500)	E
17	D	Driving While Under the Influence	
18		(46.61.515)	E
19	B+	Negligent Homicide by Motor	
20		Vehicle (46.61.520)	C+
21	D	Vehicle Prowling (9A.52.100)	E
22	C	Taking Motor Vehicle Without	
23		Owner's Permission (9A.56.070)	D
24		<b>Other</b>	
25	B	Bomb Threat (9.61.160)	C
26	C	Escape 1 (9A.76.110)	C
27	C	Escape 2 (9A.76.120)	C

1	D	Escape 3 (9A.76.130)	E
2	C	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	B	Other Offense Equivalent to an	
11		Adult Class B Felony	C
12	C	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 (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:

23 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



1 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	B	.9	.6	.3
18	C+	.6	.3	.2
19	C	.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 A	250	300	350	375	375	375	
15 A-	150	150	150	200	200	200	
16 B+	110	110	120	130	140	150	
17 B	45	45	50	50	57	57	
18 C+	44	44	49	49	55	55	
19 C	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	

1 JUVENILE SENTENCING STANDARDS

2 SCHEDULE D-1

3 This schedule may only be used for minor/first offenders. After the  
4 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. In  
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 MINOR/FIRST OFFENDER

10 OPTION A

11 STANDARD RANGE

12		Community		
13		Supervision	Service	
14	Points	Supervision	Hours	Fine
15	1-9	(( <del>0-3</del> )) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
16	10-19	(( <del>0-3</del> )) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
17	20-29	(( <del>0-3</del> )) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
18	30-39	(( <del>0-3</del> )) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
19	40-49	(( <del>3-6</del> )) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
20	50-59	(( <del>3-6</del> )) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
21	60-69	(( <del>6-9</del> )) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
22	70-79	(( <del>6-9</del> )) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
23	80-89	(( <del>9-12</del> )) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
24	90-109	(( <del>9-12</del> )) <u>0-12</u> months	and/or 56-72	and/or 10-\$100

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OR

**OPTION B**

**STATUTORY OPTION**

- 0-12 Months Community Supervision
- 0-150 Hours Community Service
- 0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

**OPTION C**

**MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a 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 the range.

AND

OPTION D

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

1 court may order the child to be evaluated for a substance abuse problem  
2 to determine whether inpatient or outpatient treatment for substance  
3 abuse is necessary. If the court finds that the child suffers from a  
4 substance abuse problem the court may order the child to participate in  
5 an outpatient treatment program as a condition of community  
6 supervision. If the evaluation recommends that the child be placed in  
7 inpatient treatment for a substance abuse problem, the court may order  
8 inpatient treatment if the commitment criteria are met for involuntary  
9 commitment of minors to inpatient drug and alcohol treatment pursuant  
10 to RCW 70.96A.140. The maximum period of time the court may order the  
11 offender into inpatient treatment is ninety days as a term of the  
12 disposition order for the offense. Payment for placement in inpatient  
13 treatment or participation in outpatient treatment is subject to  
14 available funds.

15 **JUVENILE SENTENCING STANDARDS**

16 **SCHEDULE D-2**

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

20 **MIDDLE OFFENDER**

21 **OPTION A**

22 **STANDARD RANGE**

1	Community				
2	Community	Service	Confinement		
3	Points	Supervision	Hours	Fine	Days Weeks
4	.....				
5	1-9	(( <del>0-3</del> )) <u>0-12</u> months and/or	0-8	and/or 0-\$10	and/or 0
6	10-19	(( <del>0-3</del> )) <u>0-12</u> months and/or	0-8	and/or 0-\$10	and/or 0
7	20-29	(( <del>0-3</del> )) <u>0-12</u> months and/or	0-16	and/or 0-\$10	and/or 0
8	30-39	(( <del>0-3</del> )) <u>0-12</u> months and/or	8-24	and/or 0-\$25	and/or
9					(( <del>2-4</del> )) <u>0-10</u>
10	40-49	(( <del>3-6</del> )) <u>0-12</u> months and/or	16-32	and/or 0-\$25	and/or
11					(( <del>2-4</del> )) <u>0-10</u>
12	50-59	(( <del>3-6</del> )) <u>0-12</u> months and/or	24-40	and/or 0-\$25	and/or
13					(( <del>5-10</del> )) <u>0-10</u>
14	60-69	(( <del>6-9</del> )) <u>0-12</u> months and/or	32-48	and/or 0-\$50	and/or
15					(( <del>5-10</del> )) <u>10-20</u>
16	70-79	(( <del>6-9</del> )) <u>0-12</u> months and/or	40-56	and/or 0-\$50	and/or
17					10-20
18	80-89	(( <del>9-12</del> )) <u>0-12</u> months and/or	48-64	and/or 0-\$100	and/or
19					10-20
20	90-109	(( <del>9-12</del> )) <u>0-12</u> months and/or	56-72	and/or 0-\$100	and/or
21					(( <del>15-30</del> )) <u>20-30</u>
22	110-129				8-12
23	130-149				13-16
24	150-199				21-28
25	200-249				30-40
26	250-299				52-65

1 300-374 80-100  
2 375+ 103-129

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

6 OR

7

8 **OPTION B**

9 **STATUTORY OPTION**

10 0-12 Months Community Supervision

11 0-150 Hours Community Service

12 0-100 Fine

13 The court may impose a determinate disposition of community supervision  
14 and/or up to 30 days confinement; in which case, if confinement has  
15 been imposed, the court shall state either aggravating or mitigating  
16 factors as set forth in RCW 13.40.150, as now or hereafter amended.

17 OR

18

19 **OPTION C**

20 **MANIFEST INJUSTICE**

21 If the court determines that a disposition under A or B would  
22 effectuate a manifest injustice, the court shall sentence the juvenile  
23 to a maximum term and the provisions of RCW (~~13.40.030(5)~~)

1 13.40.030(2), as now or hereafter amended, shall be used to determine  
2 range.

3 **AND**

4 **OPTION D**

5 **SUBSTANCE ABUSE TREATMENT**

6 In addition to any disposition entered under option A, B, or C,  
7 following adjudication for an offense, but prior to disposition, the  
8 court may order the child to be evaluated for a substance abuse problem  
9 to determine whether inpatient or outpatient treatment for substance  
10 abuse is necessary. If the court finds that the child suffers from a  
11 substance abuse problem the court may order the child to participate in  
12 an outpatient treatment program as a condition of community  
13 supervision. If the evaluation recommends that the child be placed in  
14 inpatient treatment for a substance abuse problem, the court may order  
15 inpatient treatment if the commitment criteria are met for involuntary  
16 commitment of minors to inpatient drug and alcohol treatment pursuant  
17 to RCW 70.96A.140. The maximum period of time the court may order the  
18 offender into inpatient treatment is ninety days as a term of the  
19 disposition order for the offense. Payment for placement in inpatient  
20 treatment or participation in outpatient treatment is subject to  
21 available funds.

22 **JUVENILE SENTENCING STANDARDS**

23 **SCHEDULE D-3**

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



1 **SERIOUS OFFENDER**

2 **OPTION A**

3 **STANDARD RANGE**

4	<b>Points</b>	<b>Institution Time</b>
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 **MANIFEST INJUSTICE**

18 A disposition outside the standard range shall be determined and shall  
19 be comprised of confinement or community supervision or a combination  
20 thereof. When a judge finds a manifest injustice and imposes a  
21 sentence of confinement exceeding 30 days, the court shall sentence the  
22 juvenile to a maximum term, and the provisions of RCW ((13.40.030(5)))  
23 13.40.030(2), as now or hereafter amended, shall be used to determine  
24 the range.

1 SCHEDULE E

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 Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a  
15 dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or  
16 any drug offense."

17 **"Sec. 105.** 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.

23 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,  
26 nonsecure, or home detention to implement the goals of this section.  
27 Inability to pay for a less restrictive detention placement shall not  
28 be a basis for denying a respondent a less restrictive placement in the

1 community. The detention and risk assessment standards shall be  
2 developed and implemented no later than December 31, 1992."

3 "Sec. 106. 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 subsection (1)(a) of this section, the clerk of the court shall issue  
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 notice 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 guardian 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;

22 (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) Require that the juvenile return to detention during specified  
27 hours.

28 (7) If the parent, guardian, or custodian of the juvenile in  
29 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. 107. 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 9.94A.440(2) 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 department; or

17 (d) An alleged offender has been referred by a diversion unit for  
18 prosecution or desires prosecution instead of diversion; or

19 ~~((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 notified of the referral and informed how to contact the unit.

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. Such mediation or victim offender  
25 reconciliation programs shall be voluntary for victims."

26 "**Sec. 108.** 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 as possible.

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;

13 (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 hours of  
18 counseling and/or up to ten hours of educational or informational  
19 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 be responsible for providing qualified  
13 interpreters when juveniles need interpreters to effectively  
14 communicate during diversion unit hearings or negotiations.

15 (8) The diversion unit shall be responsible for advising a divertee  
16 of his or her rights as provided in this chapter.

17 ((+8)) (9) The diversion unit may refer a juvenile to treatment  
18 programs or the department's family reconciliation services.

19 (10) The right to counsel shall inure prior to the initial  
20 interview for purposes of advising the juvenile as to whether he or she  
21 desires to participate in the diversion process or to appear in the  
22 juvenile court. The juvenile may be represented by counsel at any  
23 critical stage of the diversion process, including intake interviews  
24 and termination hearings. The juvenile shall be fully advised at the  
25 intake of his or her right to an attorney and of the relevant services  
26 an attorney can provide. For the purpose of this section, intake  
27 interviews mean all interviews regarding the diversion agreement  
28 process.

29 The juvenile shall be advised that a diversion agreement shall  
30 constitute a part of the juvenile's criminal history as defined by RCW

1 13.40.020(6) as now or hereafter amended. A signed acknowledgment of  
2 such advisement shall be obtained from the juvenile, and the document  
3 shall be maintained by the diversionary unit together with the  
4 diversion agreement, and a copy of both documents shall be delivered to  
5 the prosecutor if requested by the prosecutor. The supreme court shall  
6 promulgate rules setting forth the content of such advisement in simple  
7 language.

8 ~~((9))~~ (11) When a juvenile enters into a diversion agreement, the  
9 juvenile court may receive only the following information for  
10 dispositional purposes:

11 (a) The fact that a charge or charges were made;

12 (b) The fact that a diversion agreement was entered into;

13 (c) The juvenile's obligations under such agreement;

14 (d) Whether the alleged offender performed his or her obligations  
15 under such agreement; and

16 (e) The facts of the alleged offense.

17 ~~((10))~~ (12) A diversionary unit may refuse to enter into a  
18 diversion agreement with a juvenile. When a diversionary unit refuses  
19 to enter a diversion agreement with a juvenile, it shall immediately  
20 refer such juvenile to the court for action and shall forward to the  
21 court the criminal complaint and a detailed statement of its reasons  
22 for refusing to enter into a diversion agreement. ~~((The))~~ In the event  
23 of noncompliance with a diversion agreement, the diversionary unit  
24 shall consult with the prosecuting attorney on the appropriate  
25 response. A diversionary unit ~~((shall))~~ may also immediately refer  
26 ~~((the))~~ a case to the prosecuting attorney for action if ~~((such))~~ a  
27 juvenile violates the terms of ~~((the))~~ a diversion agreement.

28 ~~((11))~~ (13) 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

1 juvenile referred to it has no prior criminal history and is alleged to  
2 have committed an illegal act involving no threat of or instance of  
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  
5 person or firm suffering such damage or loss, counsel and release or  
6 release such a juvenile without entering into a diversion agreement(~~(+  
7 PROVIDED, That)~~). A diversion unit's authority to counsel and release  
8 a juvenile under this subsection shall include the authority to refer  
9 the juvenile to local treatment programs or the department's family  
10 reconciliation services. Any juvenile (~~so handled~~) released under  
11 this subsection shall be advised that the act or omission of any act  
12 for which he or she had been referred shall constitute a part of the  
13 juvenile's criminal history as defined by RCW 13.40.020(6) as now or  
14 hereafter amended. A signed acknowledgment of such advisement shall be  
15 obtained from the juvenile, and the document shall be maintained by the  
16 unit, and a copy of the document shall be delivered to the prosecutor  
17 if requested by the prosecutor. The supreme court shall promulgate  
18 rules setting forth the content of such advisement in simple  
19 language(~~(+ PROVIDED FURTHER, That)~~). A juvenile determined to be  
20 eligible by a diversionary unit for (~~such~~) release as provided in  
21 this subsection shall retain the same right to counsel and right to  
22 have his or her case referred to the court for formal action as any  
23 other juvenile referred to the unit.

24 (~~(+12)~~) (14) A diversion unit may supervise the fulfillment of a  
25 diversion agreement entered into before the juvenile's eighteenth  
26 birthday and which includes a period extending beyond the diverttee's  
27 eighteenth birthday.

28 (~~(+13)~~) (15) If a fine required by a diversion agreement cannot  
29 reasonably be paid due to a change of circumstance, the diversion  
30 agreement may be modified at the request of the diverttee 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 ~~((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. 109.** 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,))~~ The clerk of the court shall also  
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 "Sec. 110. RCW 13.40.130 and 1981 c 299 s 10 are each amended to  
17 read as follows:

18 (1) The respondent shall be advised of the allegations in the  
19 information and shall be required to plead guilty or not guilty to the  
20 allegation(s). The state or the respondent may make preliminary  
21 motions up to the time of the plea.

22 (2) If the respondent pleads guilty, the court may proceed with  
23 disposition or may continue the case for a dispositional hearing. If  
24 the respondent denies guilt, an adjudicatory hearing date shall be set.

25 (3) The clerk of the court shall issue a summons directed to the  
26 parents, guardian, or custodian, and such other persons as appears to  
27 the court to be proper or necessary parties to the adjudicatory and  
28 subsequent dispositional hearings, requiring them to appear personally  
29 before the court at the time fixed for the adjudicatory and/or

1 dispositional hearing or hearings. Where the custodian is summoned,  
2 the parent or guardian or both shall also be served with a summons.

3 (4) At the adjudicatory hearing it shall be the burden of the  
4 prosecution to prove the allegations of the information beyond a  
5 reasonable doubt.

6 ((+4)) (5) The court shall record its findings of fact and shall  
7 enter its decision upon the record. Such findings shall set forth the  
8 evidence relied upon by the court in reaching its decision.

9 ((+5)) (6) If the respondent is found not guilty he or she shall  
10 be released from detention.

11 ((+6)) (7) If the respondent is found guilty the court may  
12 immediately proceed to disposition or may continue the case for a  
13 dispositional hearing. Notice of the time and place of the continued  
14 hearing may be given in open court. If notice is not given in open  
15 court to a party, the party shall be notified by mail of the time and  
16 place of the continued hearing.

17 ((+7)) (8) The court following an adjudicatory hearing may request  
18 that a predisposition study be prepared to aid the court in its  
19 evaluation of the matters relevant to disposition of the case.

20 ((+8)) (9) The disposition hearing shall be held within fourteen  
21 days after the adjudicatory hearing or plea of guilty unless good cause  
22 is shown for further delay, or within twenty-one days if the juvenile  
23 is not held in a detention facility, unless good cause is shown for  
24 further delay.

25 ((+9)) (10) In sentencing an offender, the court shall use the  
26 disposition standards in effect on the date of the offense.

27 (11)(a) A parent, guardian, or custodian, if served with a summons  
28 under this section, shall be subject to the jurisdiction of the court.  
29 The court may order the parent, guardian, or custodian to assist the  
30 court in any reasonable manner in providing appropriate education or

1 counseling for the child. The court may, in conjunction with the  
2 disposition hearing, conduct a hearing on whether the parent, guardian,  
3 or custodian has significantly contributed to the circumstances  
4 bringing the child within the jurisdiction of the court.

5 (b) If funds are available for this purpose and for implementing  
6 (d) and (e) of this subsection and if the court, after conducting the  
7 hearing under (a) of this subsection, enters findings of fact that a  
8 deficiency in parenting skills has significantly contributed to the  
9 circumstances bringing the child within the jurisdiction of the court,  
10 the court may order the parent, guardian, or custodian to participate  
11 in educational or counseling programs reasonably calculated to address  
12 the deficiencies of the parent, if it finds such participation would be  
13 consistent with the best interests of the juvenile. The court may  
14 order such participation either with the child or separately.

15 (c) If funds are available for this purpose and for implementing  
16 (d) and (e) of this subsection and if the court, after conducting the  
17 hearing under (a) of this subsection, enters findings of fact that the  
18 parent's, guardian's, or custodian's addiction to or habitual use of  
19 alcohol or controlled substances has significantly contributed to the  
20 circumstances bringing the child within the jurisdiction of the court,  
21 the court may order the parent, guardian, or custodian to participate  
22 in treatment and pay the costs thereof, if the court finds such  
23 participation would be consistent with the best interests of the  
24 juvenile.

25 (d) A dispositional order that requires a parent, guardian, or  
26 custodian to participate in educational, counseling, or treatment  
27 programs as provided in (b) and (c) of this subsection shall be in  
28 writing and shall contain appropriate findings of fact and conclusions  
29 of law. The court shall state with particularity, both orally and in  
30 the written order of the disposition, the precise terms of the



1 disposition. Upon entering an order requiring such participation, the  
2 court shall give the parent, guardian, or custodian notice of the  
3 order. The notice shall inform the recipient of the right to request  
4 a hearing within ten days after entry of the order and the right to  
5 employ an attorney to represent the parent, guardian, or custodian at  
6 the hearing or, if the parent, guardian, or custodian is financially  
7 unable to employ an attorney, the right to request court-appointed  
8 counsel. If the parent, guardian, or custodian does not request a  
9 hearing within ten days after entry of the order, the order shall take  
10 effect at that time. If the parent, guardian, or custodian requests a  
11 hearing, the court shall set the matter for hearing and, if requested,  
12 appoint an attorney as provided by RCW 10.101.020.

13 (e) If the court finds that a parent, guardian, or custodian has  
14 failed to comply with a court order under this section, the court may  
15 exercise its powers of contempt in addition to any other remedy  
16 provided by law to compel obedience of the parent, guardian, or  
17 custodian to the court's order. The court shall notify the parent,  
18 guardian, or custodian of the right to counsel, as set forth in (d) of  
19 this subsection, in any proceeding to compel obedience to the court's  
20 order."

21 **"Sec. 111.** RCW 13.40.150 and 1990 c 3 s 605 are each amended to  
22 read as follows:

23 (1) In disposition hearings all relevant and material evidence,  
24 including oral and written reports, may be received by the court and  
25 may be relied upon to the extent of its probative value, even though  
26 such evidence may not be admissible in a hearing on the information.  
27 The youth or the youth's counsel and the prosecuting attorney shall be  
28 afforded an opportunity to examine and controvert written reports so  
29 received and to cross-examine individuals making reports when such

1 individuals are reasonably available, but sources of confidential  
2 information need not be disclosed. The prosecutor and counsel for the  
3 juvenile may submit recommendations for disposition.

4 (2) For purposes of disposition:

5 (a) Violations which are current offenses count as misdemeanors;

6 (b) Violations may not count as part of the offender's criminal  
7 history;

8 (c) In no event may a disposition for a violation include  
9 confinement.

10 (3) Before entering a dispositional order as to a respondent found  
11 to have committed an offense, the court shall hold a disposition  
12 hearing, at which the court shall:

13 (a) Consider the facts supporting the allegations of criminal  
14 conduct by the respondent;

15 (b) Consider information and arguments offered by parties and their  
16 counsel;

17 (c) Consider any predisposition reports;

18 (d) Consult with the respondent's parent, guardian, or custodian on  
19 the appropriateness of dispositional options under consideration and  
20 afford the respondent and the respondent's parent, guardian, or  
21 custodian an opportunity to speak in the respondent's behalf;

22 (e) Allow the victim or a representative of the victim and an  
23 investigative law enforcement officer to speak;

24 (f) Determine the amount of restitution owing to the victim, if  
25 any;

26 (g) Determine whether the respondent is a serious offender, a  
27 middle offender, or a minor or first offender;

28 (h) Consider whether or not any of the following mitigating factors  
29 exist:

1 (i) The respondent's conduct neither caused nor threatened serious  
2 bodily injury or the respondent did not contemplate that his or her  
3 conduct would cause or threaten serious bodily injury;

4 (ii) The respondent acted under strong and immediate provocation;

5 (iii) The respondent was suffering from a mental or physical  
6 condition that significantly reduced his or her culpability for the  
7 offense though failing to establish a defense;

8 (iv) Prior to his or her detection, the respondent compensated or  
9 made a good faith attempt to compensate the victim for the injury or  
10 loss sustained; and

11 (v) There has been at least one year between the respondent's  
12 current offense and any prior criminal offense;

13 (i) Consider whether or not any of the following aggravating  
14 factors exist:

15 (i) In the commission of the offense, or in flight therefrom, the  
16 respondent inflicted or attempted to inflict serious bodily injury to  
17 another;

18 (ii) The offense was committed in an especially heinous, cruel, or  
19 depraved manner;

20 (iii) The victim or victims were particularly vulnerable;

21 (iv) The respondent has a recent criminal history or has failed to  
22 comply with conditions of a recent dispositional order or diversion  
23 agreement;

24 (v) The current offense included a finding of sexual motivation  
25 pursuant to RCW 9.94A.127;

26 (vi) The respondent was the leader of a criminal enterprise  
27 involving several persons; and

28 (vii) There are other complaints which have resulted in diversion  
29 or a finding or plea of guilty but which are not included as criminal  
30 history.

1 (4) The following factors may not be considered in determining the  
2 punishment to be imposed:

3 (a) The sex of the respondent;

4 (b) The race or color of the respondent or the respondent's family;

5 (c) The creed or religion of the respondent or the respondent's  
6 family;

7 (d) The economic or social class of the respondent or the  
8 respondent's family; and

9 (e) Factors indicating that the respondent may be or is a dependent  
10 child within the meaning of this chapter.

11 (5) A court may not commit a juvenile to a state institution solely  
12 because of the lack of facilities, including treatment facilities,  
13 existing in the community."

14 "Sec. 112. RCW 13.40.200 and 1986 c 288 s 5 are each amended to  
15 read as follows:

16 (1) When a respondent fails to comply with an order of restitution,  
17 community supervision, penalty assessments, or confinement of less than  
18 thirty days, the court upon motion of the prosecutor or its own motion,  
19 may modify the order after a hearing on the violation.

20 (2) The hearing shall afford the respondent the same due process of  
21 law as would be afforded an adult probationer. The court may issue a  
22 summons or a warrant to compel the respondent's appearance. The state  
23 shall have the burden of proving by a preponderance of the evidence the  
24 fact of the violation. The respondent shall have the burden of showing  
25 that the violation was not a wilful refusal to comply with the terms of  
26 the order. If a respondent has failed to pay a fine, penalty  
27 assessments, or restitution or to perform community service hours, as  
28 required by the court, it shall be the respondent's burden to show that  
29 he or she did not have the means and could not reasonably have acquired

1 the means to pay the fine, penalty assessments, or restitution or  
2 perform community service.

3 (3) (a) If the court finds that a respondent has wilfully violated  
4 the terms of an order pursuant to subsections (1) and (2) of this  
5 section, it may impose a penalty of up to thirty days' confinement.  
6 Penalties for multiple violations occurring prior to the hearing shall  
7 not be aggregated to exceed thirty days' confinement. Regardless of  
8 the number of times a respondent is brought to court for violations of  
9 the terms of a single disposition order, the combined total number of  
10 days spent by the respondent in detention shall never exceed the  
11 maximum term to which an adult could be sentenced for the underlying  
12 offense.

13 (b) If the violation of the terms of the order under (a) of this  
14 subsection is failure to pay fines, penalty assessments, complete  
15 community service, or make restitution, the term of confinement imposed  
16 under (a) of this subsection shall be assessed at a rate of one day of  
17 confinement for each twenty-five dollars or eight hours owed.

18 (4) If a respondent has been ordered to pay a fine or monetary  
19 penalty and due to a change of circumstance cannot reasonably comply  
20 with the order, the court, upon motion of the respondent, may order  
21 that the unpaid fine or monetary penalty be converted to community  
22 service. The number of hours of community service in lieu of a  
23 monetary penalty or fine shall be converted at the rate of the  
24 prevailing state minimum wage per hour. The monetary penalties or  
25 fines collected shall be deposited in the county general fund. A  
26 failure to comply with an order under this subsection shall be deemed  
27 a failure to comply with an order of community supervision and may be  
28 proceeded against as provided in this section.

29 (5) Nothing in this section prohibits filing of escape charges if  
30 the juvenile escapes from confinement except that no escape charges may

1 be filed if the juvenile leaves an inpatient treatment facility without  
2 permission in violation of a court order pursuant to option D of RCW  
3 13.40.0357. Failure to comply with an order pursuant to option D of  
4 RCW 13.40.0357 shall be a basis for modification under this section."

5 "NEW SECTION. Sec. 113. A new section is added to chapter 13.40  
6 RCW to read as follows:

7 The legislature finds that the purposes of this chapter are best  
8 implemented by locally sited community-based facilities.

9 Consistent with this finding, the department shall develop a plan  
10 to reduce its reliance on large institutional facilities for juvenile  
11 offenders committed to the department. The department's plan shall  
12 include the following:

13 (1) Provision of sufficient beds to house all committed offenders  
14 at security levels commensurate with the offender's risk to public  
15 safety;

16 (2) A reduction in the number of beds in its five existing  
17 institutions for juvenile offenders to no more than five hundred  
18 thirty-five by June 30, 1993, no more than four hundred twenty-seven by  
19 June 30, 1995, and no more than two hundred ninety-five by June 30,  
20 1997;

21 (3) A specific risk assessment tool for determining which offenders  
22 may be placed in various security levels, to ensure that offenders  
23 posing the greatest risk are held in more secure settings than  
24 offenders posing lesser risk;

25 (4) A siting plan and schedule for the timely siting and  
26 development of smaller secure and semisecure facilities located in  
27 areas of the state close to the home communities of the juveniles  
28 committed to the department to ensure the most effective rehabilitation  
29 efforts;

1 (5) A specific plan that ensures offenders will be housed in  
2 facilities in their home communities unless such placement is contrary  
3 to the best interests of the offender, their family, or public safety;

4 (6) A determination whether the facilities should be state-run  
5 facilities or run pursuant to contract with the counties or private  
6 vendors; and

7 (7) A cost analysis of the construction and renovation, if any, and  
8 operation of the facilities.

9 The department shall submit the plan no later than September 1,  
10 1992, to the house of representatives judiciary committee, the senate  
11 law and justice committee, and the fiscal committees of the house of  
12 representatives and the senate. The department shall also incorporate  
13 the plan into the department's budget proposal for the 1993-95  
14 biennium."

15 "NEW SECTION. Sec. 114. (1) The counties are expressly  
16 authorized to implement and operate a youthful offender discipline  
17 program to provide an intensive educational and physical training and  
18 rehabilitative program for appropriate children.

19 (2) A child may be placed in a youth offender discipline program if  
20 he is at least fourteen years of age but less than eighteen years of  
21 age at the time of adjudication and has been committed to the  
22 department as:

23 (a) A serious offender, as defined in RCW 13.40.020(1); or

24 (b) A minor or first offender, as defined in RCW 13.40.020(14)."

25 "NEW SECTION. Sec. 115. (1) Each county establishing a youth  
26 offender discipline program shall screen children sent to the program,  
27 so that only those children who have medical and psychological profiles  
28 conducive to successfully completing an intensive work, educational,

1 and disciplinary program may be admitted to the program. A  
2 participating county shall adopt rules for screening such admissions.

3 (2) The program shall include educational assignments, work  
4 assignments, and physical training exercises. Children shall be  
5 required to participate in educational, vocational, and substance abuse  
6 programs and to receive additional training in techniques of  
7 appropriate decision making, as well as in life skills and job skills."

8 "NEW SECTION. Sec. 116. Each county establishing a youth  
9 offender discipline program shall:

10 (1) Provide an aftercare component for monitoring and assisting the  
11 release of program participants into the community;

12 (2) Adopt rules for the program and aftercare which provide for at  
13 least six months of participation in the program and aftercare for  
14 successful completion and which also provide disciplinary sanctions and  
15 restrictions on the privileges of the general population of children in  
16 the program; and

17 (3) Keep records and monitor criminal activity, educational  
18 progress, and employment placement of program participants after their  
19 release from the program. An outcome evaluation study shall be  
20 published no later eighteen months after the program becomes  
21 operational, which includes a comparison of criminal activity,  
22 educational progress, and employment placements of children completing  
23 the program with the criminal activity, educational progress, and  
24 employment records of children completing other types of programs."

25 "NEW SECTION. Sec. 117. A participating county may also contract  
26 with private organizations for the operation of the youth offender  
27 discipline program and aftercare."



1        "NEW SECTION. Sec. 118.     (1) If a child in the youth offender  
2 discipline program becomes unmanageable or medically or psychologically  
3 ineligible, the participating county shall remove the child from the  
4 program.

5        (2) A participating county shall either establish criteria for  
6 training contract staff or provide a special training program for  
7 county personnel selected for the youth offender discipline program,  
8 which shall include appropriate methods of dealing with children who  
9 have been placed in such a stringent program."

10        **"Sec. 119.** RCW 2.56.030 and 1989 c 95 s 2 are each amended to read  
11 as follows:

12        The administrator for the courts shall, under the supervision and  
13 direction of the chief justice:

14        (1) Examine the administrative methods and systems employed in the  
15 offices of the judges, clerks, stenographers, and employees of the  
16 courts and make recommendations, through the chief justice, for the  
17 improvement of the same;

18        (2) Examine the state of the dockets of the courts and determine  
19 the need for assistance by any court;

20        (3) Make recommendations to the chief justice relating to the  
21 assignment of judges where courts are in need of assistance and carry  
22 out the direction of the chief justice as to the assignments of judges  
23 to counties and districts where the courts are in need of assistance;

24        (4) Collect and compile statistical and other data and make reports  
25 of the business transacted by the courts and transmit the same to the  
26 chief justice to the end that proper action may be taken in respect  
27 thereto;

1 (5) Prepare and submit budget estimates of state appropriations  
2 necessary for the maintenance and operation of the judicial system and  
3 make recommendations in respect thereto;

4 (6) Collect statistical and other data and make reports relating to  
5 the expenditure of public moneys, state and local, for the maintenance  
6 and operation of the judicial system and the offices connected  
7 therewith;

8 (7) Obtain reports from clerks of courts in accordance with law or  
9 rules adopted by the supreme court of this state on cases and other  
10 judicial business in which action has been delayed beyond periods of  
11 time specified by law or rules of court and make report thereof to  
12 supreme court of this state;

13 (8) Act as secretary of the judicial conference referred to in RCW  
14 2.56.060;

15 (9) Formulate and submit to the judicial council of this state  
16 recommendations of policies for the improvement of the judicial system;

17 (10) Submit annually, as of February 1st, to the chief justice and  
18 the judicial council, a report of the activities of the administrator's  
19 office for the preceding calendar year;

20 (11) Administer programs and standards for the training and  
21 education of judicial personnel;

22 (12) Examine the need for new superior court and district judge  
23 positions under a weighted caseload analysis that takes into account  
24 the time required to hear all the cases in a particular court and the  
25 amount of time existing judges have available to hear cases in that  
26 court. The results of the weighted caseload analysis shall be reviewed  
27 by the board for judicial administration and the judicial council, both  
28 of which shall make recommendations to the legislature by January 1,  
29 1989. It is the intent of the legislature that weighted caseload

1 analysis become the basis for creating additional district court  
2 positions, and recommendations should address that objective;

3 (13) Provide staff to the judicial retirement account plan under  
4 chapter 2.14 RCW;

5 (14) Attend to such other matters as may be assigned by the supreme  
6 court of this state;

7 (15) Develop a curriculum for a general understanding of child  
8 development, placement, and treatment resources, as well as specific  
9 legal skills and knowledge of relevant statutes including chapters  
10 13.32A (~~and~~), 13.34, and 13.40 RCW, cases, court rules, interviewing  
11 skills, and special needs of the abused or neglected child. This  
12 curriculum shall be completed and made available to all juvenile court  
13 judges, court personnel, and service providers by July 1, 1988. The  
14 curriculum shall be updated yearly to reflect changes in statutes,  
15 court rules, or case law;

16 (16) Develop a curriculum for a general understanding of (~~hate or~~  
17 ~~bias~~) crimes of malicious harassment, as well as specific legal skills  
18 and knowledge of RCW 9A.36.080, relevant cases, court rules, and the  
19 special needs of malicious harassment victims. This curriculum shall  
20 be completed and made available to all superior court and court of  
21 appeals judges and to all justices of the supreme court by July 1,  
22 1989."

23 "Sec. 120. RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended  
24 to read as follows:

25 The parent or parents of any minor child under the age of eighteen  
26 years who is living with the parent or parents and who shall willfully  
27 or maliciously destroy property, real or personal or mixed, or who  
28 shall willfully and maliciously inflict personal injury on another  
29 person, shall be liable to the owner of such property or to the person

1 injured in a civil action at law for damages in an amount not to exceed  
2 ((three)) five thousand dollars. This section shall in no way limit  
3 the amount of recovery against the parent or parents for their own  
4 common law negligence."

5 "Sec. 121. RCW 9.41.010 and 1983 c 232 s 1 are each amended to  
6 read as follows:

7 (1) "Short firearm" or "pistol" as used in this chapter means any  
8 firearm with a barrel less than twelve inches in length.

9 (2) "Crime of violence" as used in this chapter means:

10 (a) Any of the following felonies, as now existing or hereafter  
11 amended: Any felony defined under any law as a class A felony or an  
12 attempt to commit a class A felony, criminal solicitation of or  
13 criminal conspiracy to commit a class A felony, manslaughter in the  
14 first degree, manslaughter in the second degree, indecent liberties if  
15 committed by forcible compulsion, rape in the second degree, kidnapping  
16 in the second degree, arson in the second degree, assault in the second  
17 degree, extortion in the first degree, burglary in the second degree,  
18 and robbery in the second degree;

19 (b) Any conviction or adjudication for a felony offense in effect  
20 at any time prior to July 1, 1976, which is comparable to a felony  
21 classified as a crime of violence in subsection (2)(a) of this section;  
22 and

23 (c) Any federal or out-of-state conviction or adjudication for an  
24 offense comparable to a felony classified as a crime of violence under  
25 subsection (2) (a) or (b) of this section.

26 (3) "Firearm" as used in this chapter means a weapon or device from  
27 which a projectile may be fired by an explosive such as gunpowder.

28 (4) "Commercial seller" as used in this chapter means a person who  
29 has a federal firearms license."

1       **"Sec. 122.** RCW 9.41.040 and 1983 c 232 s 2 are each amended to  
2 read as follows:

3       (1) A person is guilty of the crime of unlawful possession of a  
4 short firearm or pistol, if, having previously been convicted or, as a  
5 juvenile, adjudicated in this state or elsewhere of a crime of violence  
6 or of a felony in which a firearm was used or displayed, the person  
7 owns or has in his possession any short firearm or pistol.

8       (2) Unlawful possession of a short firearm or pistol shall be  
9 punished as a class C felony under chapter 9A.20 RCW.

10       (3) As used in this section, a person has been "convicted or  
11 adjudicated" at such time as a plea of guilty has been accepted or a  
12 verdict of guilty has been filed, notwithstanding the pendency of any  
13 future proceedings including but not limited to sentencing or  
14 disposition, post-trial or post-factfinding motions, and appeals. A  
15 person shall not be precluded from possession if the conviction or  
16 adjudication has been the subject of a pardon, annulment, certificate  
17 of rehabilitation, or other equivalent procedure based on a finding of  
18 the rehabilitation of the person convicted or adjudicated or the  
19 conviction or disposition has been the subject of a pardon, annulment,  
20 or other equivalent procedure based on a finding of innocence.

21       (4) Except as provided in subsection (5) of this section, a person  
22 is guilty of the crime of unlawful possession of a short firearm or  
23 pistol if, after having been convicted or adjudicated of any felony  
24 violation of the uniform controlled substances act, chapter 69.50 RCW,  
25 or equivalent statutes of another jurisdiction, or after any period of  
26 confinement under RCW 71.05.320 or an equivalent statute of another  
27 jurisdiction, or following a record of commitment pursuant to chapter  
28 10.77 RCW or equivalent statutes of another jurisdiction, he owns or  
29 has in his possession or under his control any short firearm or pistol.

1 (5) Notwithstanding subsection (1) of this section, a person  
2 convicted of an offense other than murder, manslaughter, robbery, rape,  
3 indecent liberties, arson, assault, kidnapping, extortion, burglary, or  
4 violations with respect to controlled substances under RCW 69.50.401(a)  
5 and 69.50.410, who received a probationary sentence under RCW 9.95.200,  
6 and who received a dismissal of the charge under RCW 9.95.240, shall  
7 not be precluded from ownership, possession, or control of a firearm as  
8 a result of the conviction."

9 "Sec. 123. RCW 9.41.280 and 1989 c 219 s 1 are each amended to  
10 read as follows:

11 (1) It is unlawful for an elementary or secondary school student  
12 under the age of twenty-one knowingly to carry onto public or private  
13 elementary or secondary school premises:

14 (a) Any firearm; or

15 (b) Any dangerous weapon as defined in RCW 9.41.250; or

16 (c) Any device commonly known as "nun-chu-ka sticks", consisting of  
17 two or more lengths of wood, metal, plastic, or similar substance  
18 connected with wire, rope, or other means; or

19 (d) Any device, commonly known as "throwing stars", which are  
20 multi-pointed, metal objects designed to embed upon impact from any  
21 aspect; or

22 (e) Any air gun, including any air pistol or air rifle, designed to  
23 propel a BB, pellet, or other projectile by the discharge of compressed  
24 air, carbon dioxide, or other gas.

25 (2) Any such student violating subsection (1) (b) through (e) of  
26 this section is guilty of a gross misdemeanor. Any student violating  
27 subsection (1)(a) of this section is guilty of a class C felony.

28 Any violation of subsection (1) of this section constitutes grounds  
29 for expulsion.

1 (3) Subsection (1) of this section does not apply to:

2 (a) Any student of a private military academy; or

3 (b) Any student engaged in military activities, sponsored by the  
4 federal or state governments while engaged in official duties; or

5 (c) Any student who is attending a convention or firearms safety  
6 course authorized by school authorities in which the firearms of  
7 collectors or instructors are handled or displayed; or

8 (d) Any student who possesses nun-chu-ka sticks, throwing stars, or  
9 other dangerous weapons to be used in martial arts classes conducted on  
10 the school premises; or

11 (e) Any student while the student is participating in a firearms or  
12 air gun competition approved by the school or school district."

13 **"Sec. 124.** RCW 13.04.011 and 1979 c 155 s 1 are each amended to  
14 read as follows:

15 For purposes of this title:

16 (1) Except as specifically provided in RCW 13.40.020 and chapter  
17 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and  
18 "child" mean any individual who is under the chronological age of  
19 eighteen years;

20 (2) "Juvenile offender" and "juvenile offense" have the meaning  
21 ascribed in RCW ((~~13.40.010 through 13.40.240~~) 13.40.020);

22 (3) "Court" when used without further qualification means the  
23 juvenile court judge(s) or commissioner(s);

24 (4) "Parent" or "parents," except as used in chapter 13.34 RCW, as  
25 now or hereafter amended, means that parent or parents who have the  
26 right of legal custody of the child. "Parent" or "parents" as used in  
27 chapter 13.34 RCW, means the biological or adoptive parents of a child  
28 unless the legal rights of that person have been terminated by judicial  
29 proceedings;

1 (5) "Custodian" means that person who has the legal right to  
2 custody of the child."

3 "NEW SECTION. Sec. 125. A new section is added to chapter 28A.600  
4 RCW to read as follows:

5 School districts may participate in the exchange of information  
6 with law enforcement and juvenile court officials to the extent  
7 permitted by the family educational and privacy rights act of 1974, 20  
8 U.S.C. Sec. 1232g. When directed by court order or pursuant to any  
9 lawfully issued subpoena, a school district shall make student records  
10 and information available to law enforcement officials, probation  
11 officers, court personnel, and others legally entitled to the  
12 information. Parents and students shall be notified by the school  
13 district of all such orders or subpoenas in advance of compliance with  
14 them."

15 **"PART II - FAMILIES AT RISK"**

16 "NEW SECTION. Sec. 201. A new section is added to chapter 28A.225  
17 RCW to read as follows:

18 Each school within a school district shall inform the students and  
19 the parents of the students enrolled in the school about the compulsory  
20 education requirements under this chapter. The school shall distribute  
21 the information at least annually."

22 "**Sec. 202.** RCW 28A.225.020 and 1986 c 132 s 2 are each amended to  
23 read as follows:

24 If a juvenile required to attend school under the laws of the state  
25 of Washington fails to attend school without valid justification



1 (~~recurrently or for an extended period of time~~), the juvenile's  
2 school(~~, where appropriate,~~) shall:

3 (1) Inform the juvenile's custodial parent, parents or guardian by  
4 a notice in writing in English and, if different, in the primary  
5 language of the custodial parent, parents or guardian and by other  
6 means reasonably necessary to achieve notice of the fact that the  
7 juvenile has failed to attend school without valid justification  
8 (~~recurrently or for an extended period of time~~) after one unexcused  
9 absence during the current school year;

10 (2) Schedule a conference or conferences with the custodial parent,  
11 parents or guardian and juvenile at a time and place reasonably  
12 convenient for all persons included for the purpose of analyzing the  
13 causes of the juvenile's absences after two unexcused absences during  
14 the current school year; and

15 (3) Take steps to eliminate or reduce the juvenile's absences.  
16 These steps shall include, where appropriate, adjusting the juvenile's  
17 school program or school or course assignment, providing more  
18 individualized or remedial instruction, preparing the juvenile for  
19 employment with specific vocational courses or work experience, or  
20 both, and assisting the parent or student to obtain supplementary  
21 services that might eliminate or ameliorate the cause or causes for the  
22 absence from school."

23 "Sec. 203. RCW 28A.225.030 and 1990 c 33 s 220 are each amended to  
24 read as follows:

25 If action taken by a school pursuant to RCW 28A.225.020 is not  
26 successful in substantially reducing a student's absences from school,  
27 any of the following actions may be taken after five or more unexcused  
28 absences during the current school year: (1) The attendance officer of  
29 the school district through its attorney may petition the juvenile

1 court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and  
2 28A.225.010 through 28A.225.150 for the purpose of alleging a violation  
3 of RCW 28A.225.010 by the parent; or (2) a petition alleging a  
4 violation of RCW 28A.225.010 by a child may be filed with the juvenile  
5 court by the parent of such child or by the attendance officer of the  
6 school district through its attorney at the request of the parent. If  
7 the court assumes jurisdiction in such an instance, the provisions of  
8 RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150,  
9 except where otherwise stated, shall apply."

10       **"Sec. 204.** RCW 28A.225.090 and 1990 c 33 s 226 are each amended to  
11 read as follows:

12       Any person violating any of the provisions of either RCW  
13 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five  
14 dollars for each day of unexcused absence from school. However, a  
15 child found to be in violation of RCW 28A.225.010 shall be required to  
16 attend school and shall not be fined. If the child fails to comply  
17 with the court order to attend school, the court may order the child be  
18 punished by detention or may impose alternatives to detention such as  
19 community service hours or participation in dropout prevention  
20 programs. Failure by a child to comply with an order issued under this  
21 section shall not be punishable by detention for a period greater than  
22 that permitted pursuant to a contempt proceeding against a child under  
23 chapter 13.32A RCW. It shall be a defense for a parent charged with  
24 violating RCW 28A.225.010 to show that he or she exercised reasonable  
25 diligence in attempting to cause a child in his or her custody to  
26 attend school or that the juvenile's school did not perform its duties  
27 as required in RCW 28A.225.020. Any fine imposed pursuant to this  
28 section may be suspended upon the condition that a parent charged with  
29 violating RCW 28A.225.010 shall participate with the school and the

1 juvenile in a supervised plan for the juvenile's attendance at school  
2 or upon condition that the parent attend a conference or conferences  
3 scheduled by a school for the purpose of analyzing the causes of a  
4 child's absence.

5 Attendance officers shall make complaint for violation of the  
6 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the  
7 superior or district court."

8 "**Sec. 205.** RCW 28A.225.150 and 1990 c 33 s 232 are each amended to  
9 read as follows:

10 The school district attendance officer shall report biannually to  
11 the educational service district superintendent, in the instance of  
12 petitions filed alleging a violation by a child under RCW 28A.225.030:

13 (1) The number of petitions filed by a school district or by a  
14 parent;

15 (2) The frequency of each action taken under RCW 28A.225.020 prior  
16 to the filing of such petition;

17 (3) When deemed appropriate under RCW 28A.225.020, the frequency of  
18 delivery of supplemental services; and

19 (4) Disposition of cases filed with the juvenile court, including  
20 the frequency of contempt orders issued to enforce a court's order  
21 under RCW 28A.225.090.

22 The educational service district superintendent shall compile such  
23 information and report annually to the superintendent of public  
24 instruction. The superintendent of public instruction shall compile  
25 such information and report to the committees of the house of  
26 representatives and the senate by (~~January 1, 1988~~) September 1 of  
27 each year."

1       **"Sec. 206.** RCW 13.32A.130 and 1990 c 276 s 8 are each amended to  
2 read as follows:

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

1 addition, the administrator of the facility or his or her designee  
2 shall provide every resident and parent with a copy of such statement."

3 "Sec. 207. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to  
4 read as follows:

5 The department shall file a petition to approve an alternative  
6 residential placement on behalf of a child under any of the following  
7 sets of circumstances:

8 (1) The child has been admitted to a crisis residential center or  
9 has been placed with a responsible person other than his or her parent,  
10 and:

11 (a) The parent has been notified that the child was so admitted or  
12 placed;

13 (b) (~~Seventy two hours, including Saturdays, Sundays, and~~  
14 ~~holidays,~~) Five consecutive days have passed since such notification;

15 (c) No agreement between the parent and the child as to where the  
16 child shall live has been reached;

17 (d) No petition requesting approval of an alternative residential  
18 placement has been filed by either the child or parent or legal  
19 custodian;

20 (e) The parent has not filed an at-risk youth petition; and

21 (f) The child has no suitable place to live other than the home of  
22 his or her parent.

23 (2) The child has been admitted to a crisis residential center and:

24 (a) (~~Seventy two hours, including Saturdays, Sundays, and~~  
25 ~~holidays,~~) Five consecutive days have passed since such placement;

26 (b) The staff, after searching with due diligence, have been unable  
27 to contact the parent of such child; and

28 (c) The child has no suitable place to live other than the home of  
29 his or her parent.

1 (3) An agreement between parent and child made pursuant to RCW  
2 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
3 acceptable to parent or child, and:

4 (a) The party to whom the arrangement is no longer acceptable has  
5 so notified the department;

6 (b) (~~Seventy two hours, including Saturdays, Sundays, and~~  
7 ~~holidays,~~) Five consecutive days have passed since such notification;

8 (c) No new agreement between parent and child as to where the child  
9 shall live has been reached;

10 (d) No petition requesting approval of an alternative residential  
11 placement has been filed by either the child or the parent;

12 (e) The parent has not filed an at-risk youth petition; and

13 (f) The child has no suitable place to live other than the home of  
14 his or her parent.

15 Under the circumstances of subsections (1), (2), or (3) of this  
16 section, the child shall remain in a licensed child care facility,  
17 including but not limited to a crisis residential center, or in any  
18 other suitable residence to be determined by the department until an  
19 alternative residential placement petition filed by the department on  
20 behalf of the child is reviewed by the juvenile court and is resolved  
21 by such court. The department may authorize emergency medical or  
22 dental care for a child placed under this section. The state, when the  
23 department files a petition for alternative residential placement under  
24 this section, shall be represented as provided for in RCW 13.04.093."

25 "NEW SECTION. Sec. 208. To the extent possible, the department  
26 of social and health services shall transfer children who are  
27 inappropriately housed in crisis residential centers to residential and  
28 treatment services designed to meet their specific, unique needs by  
29 June 30, 1993.

1       The department shall prepare a budget request for the 1993-95  
2 biennium that ensures all children inappropriately housed in crisis  
3 residential centers are transferred to appropriate residential and  
4 treatment services. The budget request shall be included in the  
5 governor's proposed expenditure plan for the 1993-95 biennium."

6       "NEW SECTION. Sec. 209. A new section is added to chapter 13.32A  
7 RCW to read as follows:

8       All placements into crisis residential centers shall be approved by  
9 and coordinated through the family reconciliation services supervisor.  
10 The department of social and health services shall establish uniform  
11 procedures for the use of crisis residential centers, which shall be  
12 adhered to by all family reconciliation services supervisors."

13       "**Sec. 210.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to  
14 read as follows:

15       (1) The department shall establish, by contracts with private  
16 vendors, not less than eight regional crisis residential centers, which  
17 shall be structured group care facilities licensed under rules adopted  
18 by the department. Each regional center shall have (~~(an average of at~~  
19 ~~least four adult staff members and in no event less than~~) three adult  
20 staff members to every (~~(eight))~~ nine children. The staff shall be  
21 trained so that they may effectively counsel juveniles admitted to the  
22 centers, provide treatment, supervision, and structure to the  
23 juveniles, and carry out the responsibilities outlined in RCW  
24 13.32A.090.

25       (2) The department shall, in addition to the regional facilities  
26 established under subsection (1) of this section, establish not less  
27 than thirty additional crisis residential centers pursuant to contract  
28 with licensed private group care or specialized foster home facilities.

1 The staff at the facilities shall be trained so that they may  
2 effectively counsel juveniles admitted to the centers, provide  
3 treatment, supervision, and structure to the juveniles, and carry out  
4 the responsibilities stated in RCW 13.32A.090. The responsibilities  
5 stated in RCW 13.32A.090 may, in any of the centers, be carried out by  
6 the department.

7 Crisis residential facilities shall be operated as semi-secure  
8 facilities."

9 "Sec. 211. RCW 74.13.033 and 1979 c 155 s 79 are each amended to  
10 read as follows:

11 (1) If a resident of a center becomes by his or her behavior  
12 disruptive to the facility's program, such resident may be immediately  
13 removed to a separate area within the facility and counseled on an  
14 individual basis until such time as the child regains his or her  
15 composure. The department may set rules and regulations establishing  
16 additional procedures for dealing with severely disruptive children on  
17 the premises, which procedures are consistent with the federal juvenile  
18 justice and delinquency prevention act of 1974 and regulations and  
19 clarifying instructions promulgated thereunder. Nothing in this  
20 section shall prohibit a center from referring any child who, as the  
21 result of a mental or emotional disorder, or intoxication by alcohol or  
22 other drugs, is suicidal, seriously assaultive or seriously destructive  
23 toward others, or otherwise similarly evidences an immediate need for  
24 emergency medical evaluation and possible care, (~~to a community mental~~  
25 ~~health center~~) for evaluation pursuant to chapter 71.34 RCW  
26 (~~(72.23.070)~~) or to a mental health professional pursuant to chapter  
27 71.05 RCW whenever such action is deemed appropriate and consistent  
28 with law.



1 (2) When the juvenile resides in this facility, all services deemed  
2 necessary to the juvenile's reentry to normal family life shall be made  
3 available to the juvenile as required by chapter 13.32A RCW. In  
4 providing these services, the facility shall:

5 (a) Interview the juvenile as soon as possible;

6 (b) Contact the juvenile's parents and arrange for a counseling  
7 interview with the juvenile and his or her parents as soon as possible;

8 (c) Conduct counseling interviews with the juvenile and his or her  
9 parents, to the end that resolution of the child/parent conflict is  
10 attained and the child is returned home as soon as possible; and

11 (d) Provide additional crisis counseling as needed, to the end that  
12 placement of the child in the crisis residential center will be  
13 required for the shortest time possible, but not to exceed (~~seventy-~~  
14 ~~two hours~~) five consecutive days.

15 (3) A juvenile taking unauthorized leave from this residence may be  
16 apprehended and returned to it by law enforcement officers or other  
17 persons designated as having this authority as provided in RCW  
18 13.32A.050. If returned to the facility after having taken  
19 unauthorized leave for a period of more than twenty-four hours a  
20 juvenile may be supervised by such a facility for a period, pursuant to  
21 this chapter, which, unless where otherwise provided, may not exceed  
22 (~~seventy-two hours~~) five consecutive days on the premises. Costs of  
23 housing juveniles admitted to crisis residential centers shall be  
24 assumed by the department for a period not to exceed (~~seventy-two~~  
25 ~~hours~~) five consecutive days."

26 "Sec. 212. RCW 74.13.034 and 1991 c 364 s 5 are each amended to  
27 read as follows:

28 (1) (~~A child taken into custody and taken to a crisis residential~~  
29 ~~center established pursuant to RCW 74.13.032(2) may, if the center is~~

1 unable to provide appropriate treatment, supervision, and structure to  
2 the child, be taken at department expense to another crisis residential  
3 center or the nearest regional crisis residential center. Placement in  
4 both centers shall not exceed seventy two hours from the point of  
5 intake as provided in RCW 13.32A.130.

6       (2)) A child taken into custody and taken to a crisis residential  
7 center established by this chapter may be placed physically by the  
8 department or the department's designee and, at departmental expense  
9 and approval, in a secure juvenile detention facility operated by the  
10 county in which the center is located for a maximum of forty-eight  
11 hours, including Saturdays, Sundays, and holidays, if the child has  
12 taken unauthorized leave from the center and the person in charge of  
13 the center determines that the center cannot provide supervision and  
14 structure adequate to ensure that the child will not again take  
15 unauthorized leave. Juveniles placed in such a facility pursuant to  
16 this section may not, to the extent possible, come in contact with  
17 alleged or convicted juvenile or adult offenders.

18       ((3)) (2) Any child placed in secure detention pursuant to this  
19 section shall, during the period of confinement, be provided with  
20 appropriate treatment by the department or the department's designee,  
21 which shall include the services defined in RCW 74.13.033(2). If the  
22 child placed in secure detention is not returned home or if an  
23 alternative living arrangement agreeable to the parent and the child is  
24 not made within twenty-four hours after the child's admission, the  
25 child shall be taken at the department's expense to a crisis  
26 residential center. Placement in the crisis residential center or  
27 centers plus placement in juvenile detention shall not exceed  
28 ((seventy two hours)) five consecutive days from the point of intake as  
29 provided in RCW 13.32A.130.

1       (~~(4)~~) (3) Juvenile detention facilities used pursuant to this  
2 section shall first be certified by the department to ensure that  
3 juveniles placed in the facility pursuant to this section are provided  
4 with living conditions suitable to the well-being of the child. Where  
5 space is available, juvenile courts, when certified by the department  
6 to do so, shall provide secure placement for juveniles pursuant to this  
7 section, at department expense.

8       (~~(5)~~) (4) It is the intent of the legislature that by July 1,  
9 1982, crisis residential centers, supplemented by community mental  
10 health programs and mental health professionals, will be able to  
11 respond appropriately to children admitted to centers under this  
12 chapter and will be able to respond to the needs of such children with  
13 appropriate treatment, supervision, and structure."

14       **"Sec. 213.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to  
15 read as follows:

16       As used in this title, the following terms have the meanings  
17 indicated unless the context clearly requires otherwise.

18       (1) "Department" means the department of social and health  
19 services.

20       (2) "Developmental disability" means a disability attributable to  
21 mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol  
22 syndrome, or another neurological or other condition of an individual  
23 found by the secretary to be closely related to mental retardation or  
24 to require treatment similar to that required for individuals with  
25 mental retardation, which disability originates before the individual  
26 attains age eighteen, which has continued or can be expected to  
27 continue indefinitely, and which constitutes a substantial handicap to  
28 the individual. By January 1, 1989, the department shall promulgate  
29 rules which define neurological or other conditions in a way that is

1 not limited to intelligence quotient scores as the sole ((determinate  
2 {determinant})) determinant of these conditions, and notify the  
3 legislature of this action.

4 (3) "Eligible person" means a person who has been found by the  
5 secretary under RCW 71A.16.040 to be eligible for services.

6 (4) "Habilitative services" means those services provided by  
7 program personnel to assist persons in acquiring and maintaining life  
8 skills and to raise their levels of physical, mental, social, and  
9 vocational functioning. Habilitative services include education,  
10 training for employment, and therapy.

11 (5) "Legal representative" means a parent of a person who is under  
12 eighteen years of age, a person's legal guardian, a person's limited  
13 guardian when the subject matter is within the scope of the limited  
14 guardianship, a person's attorney at law, a person's attorney in fact,  
15 or any other person who is authorized by law to act for another person.

16 (6) "Notice" or "notification" of an action of the secretary means  
17 notice in compliance with RCW 71A.10.060.

18 (7) "Residential habilitation center" means a state-operated  
19 facility for persons with developmental disabilities governed by  
20 chapter 71A.20 RCW.

21 (8) "Secretary" means the secretary of social and health services  
22 or the secretary's designee.

23 (9) "Service" or "services" means services provided by state or  
24 local government to carry out this title."

25 "NEW SECTION. Sec. 214. Sections 206, 207, 210, and 212 of this  
26 act shall take effect July 1, 1993."

1                   **"PART III - INVOLUNTARY COMMITMENT AND TREATMENT"**

2           **"Sec. 301.** RCW 74.04.055 and 1991 c 126 s 2 are each amended to  
3 read as follows:

4           In furtherance of the policy of this state to cooperate with the  
5 federal government in the programs included in this title the secretary  
6 shall issue such rules and regulations as may become necessary to  
7 entitle this state to participate in federal grants-in-aid, goods,  
8 commodities and services unless the same be expressly prohibited by  
9 this title. The secretary shall ensure that the department's services  
10 and programs are designed and implemented to maximize the allocation of  
11 federal funds to the state.

12           Any section or provision of this title which may be susceptible to  
13 more than one construction shall be interpreted in favor of the  
14 construction most likely to satisfy federal laws entitling this state  
15 to receive federal matching or other funds for the various programs of  
16 public assistance. If any part of this chapter is found to be in  
17 conflict with federal requirements which are a prescribed condition to  
18 the receipts of federal funds to the state, the conflicting part of  
19 this chapter is hereby inoperative solely to the extent of the conflict  
20 with respect to the agencies directly affected, and such finding or  
21 determination shall not affect the operation of the remainder of this  
22 chapter."

23           **"Sec. 302.** RCW 71.34.010 and 1985 c 354 s 1 are each amended to  
24 read as follows:

25           It is the purpose of this ((legislation)) chapter to ensure that  
26 minors in need of mental health care and treatment receive an  
27 appropriate continuum of culturally relevant care and treatment, ((and  
28 ~~to enable treatment decisions to be made in response to clinical needs~~

1 and in accordance with sound professional judgment while also  
2 recognizing parents' rights to participate in treatment decisions for  
3 their minor children, and to protect minors against needless  
4 hospitalization and deprivations of liberty)) from prevention and early  
5 intervention to involuntary treatment. To facilitate the continuum of  
6 care and treatment to minors in out-of-home placements, all divisions  
7 of the department that provide mental health services to minors shall  
8 jointly plan and deliver those services.

9 It is also the purpose of this chapter to protect the rights of  
10 minors against needless hospitalization and deprivations of liberty and  
11 to enable treatment decisions to be made in response to clinical needs  
12 in accordance with sound professional judgment. The mental health care  
13 and treatment providers shall encourage the use of voluntary services  
14 and, whenever clinically appropriate, the providers shall offer less  
15 restrictive alternatives to inpatient treatment. Additionally, all  
16 mental health care and treatment providers shall ensure that minors'  
17 parents are given an opportunity to participate in the treatment  
18 decisions for their minor children. The mental health care and  
19 treatment providers shall, to the extent possible, offer services that  
20 involve minors' parents or family."

21 "NEW SECTION. Sec. 303. A new section is added to chapter 71.34  
22 RCW to read as follows:

23 For the purpose of encouraging the expansion of existing evaluation  
24 and treatment facilities and the creation of new facilities, the  
25 department shall endeavor to redirect federal Title XIX funds which are  
26 expended on out-of-state placements to fund placements within the  
27 state."

1        "NEW SECTION.   **Sec. 304.**  A new section is added to chapter 71.34  
2  RCW to read as follows:

3        The department shall ensure that the provisions of this chapter are  
4  applied by the counties in a consistent and uniform manner.  The  
5  department shall also ensure that the county-designated mental health  
6  professionals are specifically trained in adolescent mental health  
7  issues, the mental health civil commitment laws, and the criteria for  
8  civil commitment."

9        "NEW SECTION.   **Sec. 305.**  A new section is added to chapter 71.34  
10  RCW to read as follows:

11        Whenever a county-designated mental health professional makes a  
12  determination under RCW 71.34.050 that a minor, thirteen years or  
13  older, does not meet the criteria for an involuntary detention at an  
14  evaluation and treatment facility, the county-designated mental health  
15  professional shall:

16        (1) Provide written notice to the minor's parent of the parent's  
17  right to file petitions and obtain services available under chapter  
18  13.32A RCW;

19        (2) Provide written notice to the minor's parent of the parent's  
20  right to file a petition, as provided in section 306 of this act, to  
21  seek a review of the decision not to detain the minor at an evaluation  
22  and treatment facility;

23        (3) Provide a written evaluation to the minor's parent detailing  
24  the county-designated mental health professional's reasons for not  
25  detaining the minor at an evaluation and treatment facility.  The  
26  evaluation shall include the specific facts investigated, the  
27  credibility of the person or persons providing the information, and the  
28  criteria for an involuntary detention; and

29        (4) Refer the minor and the parents to other available services."

1        "NEW SECTION.   **Sec. 306.**   A new section is added to chapter 71.34  
2   RCW to read as follows:

3        (1) Whenever a county-designated mental health professional makes  
4   a determination under RCW 71.34.050 that a minor, thirteen years of age  
5   or older, does not meet the criteria for an involuntary admission at an  
6   evaluation and treatment facility, the minor's parent may file a  
7   petition in the superior court seeking a review of the county-  
8   designated mental health professional's decision not to detain the  
9   minor.

10       (2) The following documents shall be filed with the petition:

11       (a) An affidavit of the parent which states the reasons why the  
12   parent disagrees with the evaluation conducted by the county-designated  
13   mental health professional and includes the specific facts alleged  
14   which indicate the need for the minor's detention;

15       (b) Any other relevant affidavits signed by persons with knowledge  
16   of the specific facts alleged that indicate the need for the minor's  
17   detention at an evaluation and treatment facility; and

18       (c) The county-designated mental health professional's written  
19   evaluation provided under section 305(3) of this act.

20       (3) The court shall review the petition, affidavits, and supporting  
21   documentation and render a decision within three judicial days after  
22   the petition is filed. If the court finds that the minor, as a result  
23   of a mental disorder, presents a likelihood of serious harm or is  
24   gravely disabled, the court shall issue a warrant for the detention of  
25   the minor at an evaluation and treatment facility. The warrant shall  
26   be served with a statement of the minor's rights as delineated in RCW  
27   71.34.050(3), which includes the immediate right to an attorney.

28       (4) All other provisions contained in this chapter relating to the  
29   detention, evaluation, and treatment shall apply."



1       "NEW SECTION.   **Sec. 307.**  A new section is added to chapter 70.96A  
2  RCW to read as follows:

3       The department shall ensure that the provisions of this chapter are  
4  applied by the counties in a consistent and uniform manner.  The  
5  department shall also ensure that the county-designated chemical  
6  dependency specialists are specifically trained in adolescent chemical  
7  dependency issues, the chemical dependency commitment laws, and the  
8  criteria for commitment."

9       "NEW SECTION.   **Sec. 308.**  A new section is added to chapter 70.96A  
10  RCW to read as follows:

11       Whenever a county-designated chemical dependency specialist makes  
12  a determination under RCW 70.96A.140 that a minor does not meet the  
13  criteria for a commitment to a chemical dependency program, the county-  
14  designated chemical dependency specialist shall:

15       (1) Provide written notice to the minor's parent of the parent's  
16  right to file petitions and obtain services available under chapter  
17  13.32A RCW;

18       (2) Provide written notice to the minor's parent of the parent's  
19  right to file a petition, as provided in section 309 of this act, to  
20  seek a review of the decision not to commit the minor to a chemical  
21  dependency program;

22       (3) Provide a written evaluation to the minor's parent detailing  
23  the county-designated chemical dependency specialist's reasons for not  
24  committing the minor in a chemical dependency program.  The evaluation  
25  shall include the specific facts investigated, the credibility of the  
26  person or persons providing the information, and the criteria for a  
27  commitment to a chemical dependency treatment program; and

28       (4) Refer the minor and the parents to other available services."

1       "NEW SECTION.   **Sec. 309.**  A new section is added to chapter 70.96A  
2  RCW to read as follows:

3       (1)  Whenever a county-designated chemical dependency specialist  
4  makes a determination under RCW 70.96A.140 that a minor does not meet  
5  the criteria for a commitment to a chemical dependency treatment  
6  program, the minor's parent may file a petition in the superior court  
7  seeking a review of the county-designated chemical dependency  
8  specialist's decision not to commit the minor.

9       (2)  The following documents shall be filed with the petition:

10       (a)  An affidavit of the parent which states the reasons why the  
11  parent disagrees with the evaluation conducted by the county-designated  
12  chemical dependency specialist and includes the specific facts alleged  
13  that indicate the need for the minor's commitment;

14       (b)  Any other relevant affidavits signed by persons with knowledge  
15  of the specific facts alleged that indicate the need for the minor's  
16  commitment in a chemical dependency treatment program; and

17       (c)  The county-designated chemical dependency specialist's written  
18  evaluation provided under section 308(3) of this act.

19       (3)  The court shall review the petition, affidavits, and supporting  
20  documentation and render a decision within three judicial days after  
21  the petition is filed.  If the court finds by a preponderance of the  
22  evidence that the minor meets the criteria for commitment as set forth  
23  in RCW 70.96A.140(1), the court shall fix a date for a hearing as  
24  provided in RCW 70.96A.140(2).  The petition and order for a hearing  
25  shall be served on the minor and on the county-designated chemical  
26  dependency specialist who wrote the evaluation that was filed with the  
27  court.

28       (4)  All other provisions contained in this chapter relating to the  
29  hearing and commitment shall apply."



1 legislature a funding mechanism to implement the appropriate  
2 recommendations of the task force and to implement any other  
3 recommendations the select committee chooses to make. The committee  
4 may hold such hearings as it deems necessary.

5 The committee shall be staffed by the legislature and shall seek  
6 the widest possible public input during its work."

7 "Sec. 402. 1991 c 234 s 2 (uncodified) is amended to read as  
8 follows:

9 The department of social and health services, in cooperation with  
10 the commission on African American affairs, shall contract for an  
11 independent study of racial disproportionality in the juvenile justice  
12 system. The study shall identify key decision points in the juvenile  
13 justice system where race and/or ethnicity-based disproportionality  
14 exists in the treatment and incarceration of juvenile offenders. The  
15 study shall identify the causes of disproportionality, and propose new  
16 policies and procedures to address disproportionality.

17 ~~((The department shall submit the study's preliminary findings and~~  
18 ~~recommendations to the juvenile justice task force established under~~  
19 ~~section 1 of this act by September 13, 1991.))~~ The final report shall  
20 be submitted to the appropriate committees of the legislature by  
21 December ~~((1, 1991))~~ 15, 1992.

22 The juvenile justice task force shall utilize the information on  
23 disproportionality in developing its report and recommendations to the  
24 legislature required under section 1 ~~((of this act. If by June 30,~~  
25 ~~1991, the omnibus operating budget appropriations act for the 1991-93~~  
26 ~~biennium does not provide specific funding for this section,~~  
27 ~~referencing this section by bill number and section, this section is~~  
28 ~~null and void)), chapter 234, Laws of 1991."~~

1        "NEW SECTION.   **Sec. 403.**  A new section is added to chapter 13.40  
2  RCW to read as follows:

3        The department shall collect such data as may be necessary to  
4  monitor any disparity in processing or disposing of cases involving  
5  juvenile offenders due to economic, gender, geographic, or racial  
6  factors that may result from implementation of chapter ..., Laws of  
7  1992 (this act).  Beginning December 1, 1993, the department shall  
8  report annually to the legislature on economic, gender, geographic, or  
9  racial disproportionality in the rates of arrest, detention, trial,  
10  treatment, and disposition in the state's juvenile justice system.  The  
11  report shall cover the preceding calendar year.  The annual report  
12  shall identify the causes of such disproportionality and shall  
13  specifically point out any economic, gender, geographic, or racial  
14  disproportionality resulting from implementation of chapter ..., Laws  
15  of 1992 (this act)."

16        "NEW SECTION.   **Sec. 404.**  Sections 114 through 118 of this act are  
17  each added to chapter 13.16 RCW."

18        "NEW SECTION.   **Sec. 405.**  Part headings as used in this act do not  
19  constitute any part of the law."

20        "NEW SECTION.   **Sec. 406.**  If any provision of this act or its  
21  application to any person or circumstance is held invalid, the  
22  remainder of the act or the application of the provision to other  
23  persons or circumstances is not affected."

24        "NEW SECTION.   **Sec. 407.**  If specific funding for the purposes of  
25  sections 102, 104, 108, 110, 114 through 118, 122, 123, 202, 205  
26  through 208, 213, 304, 306, 307, 310, and 403 of this act, referencing

1 this act by bill and section number, is not provided by June 30, 1992,  
2 in the supplemental omnibus appropriations act, the sections for which  
3 funding is not so provided are null and void."

4 **SB 6041** - S COMM AMD  
5 By Committee on Law & Justice

6

7 On page 1, line 2 of the title, after "force;" strike the remainder  
8 of the title and insert "amending RCW 13.40.010, 13.40.020, 13.40.027,  
9 13.40.0357, 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.100,  
10 13.40.130, 13.40.150, 13.40.200, 2.56.030, 4.24.190, 9.41.010,  
11 9.41.040, 9.41.280, 13.04.011, 28A.225.020, 28A.225.030, 28A.225.090,  
12 28A.225.150, 13.32A.130, 13.32A.140, 74.13.032, 74.13.033, 74.13.034,  
13 71A.10.020, 74.04.055, and 71.34.010; amending 1991 c 234 s 2  
14 (uncodified); adding new sections to chapter 13.40 RCW; adding new  
15 sections to chapter 13.16 RCW; adding a new section to chapter 28A.600  
16 RCW; adding a new section to chapter 28A.225 RCW; adding a new section  
17 to chapter 13.32A RCW; adding new sections to chapter 71.34 RCW; adding  
18 new sections to chapter 70.96A RCW; creating new sections; prescribing  
19 penalties; and providing an effective date."