
SECOND SUBSTITUTE SENATE BILL 6041

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Nelson, A. Smith, Thorsness, Rasmussen, Anderson, Johnson, Madsen, Owen, Jesernig, Talmadge and Newhouse)

Read first time 02/16/92.

1 AN ACT Relating to recommendations of the juvenile issues task
2 force; amending RCW 13.40.010, 13.40.020, 13.40.027, 13.40.0357,
3 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.150, 13.40.200,
4 2.56.030, 4.24.190, 9.41.010, 9.41.040, 13.04.011, 10.31.100,
5 28A.225.020, 28A.225.030, 28A.225.090, 28A.225.150, 13.32A.130,
6 74.13.032, 74.13.033, 74.13.034, 71A.10.020, 74.04.055, and 71.34.010;
7 amending 1991 c 234 s 2 (uncodified); adding new sections to chapter
8 13.40 RCW; adding new sections to chapter 13.16 RCW; adding a new
9 section to chapter 28A.600 RCW; adding a new section to chapter 28A.225
10 RCW; adding a new section to chapter 13.32A RCW; adding new sections to
11 chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; creating
12 new sections; prescribing penalties; and providing an effective date.

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

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

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

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

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;

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

4 (j) Provide for a clear policy to determine what types of offenders
5 shall receive punishment, treatment, or both, and to determine the
6 jurisdictional limitations of the courts, institutions, and community
7 services.

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

10 For the purposes of this chapter:

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

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

14 (b) Manslaughter in the first degree; or

15 (c) Assault in the second degree, extortion in the first degree,
16 child molestation in the second degree, kidnapping in the second
17 degree, robbery in the second degree, residential burglary, or burglary
18 in the second degree, where such offenses include the infliction of
19 bodily harm upon another or where during the commission of or immediate
20 withdrawal from such an offense the perpetrator is armed with a deadly
21 weapon or firearm as defined in RCW 9A.04.110;

22 (2) "Community service" means compulsory service, without
23 compensation, performed for the benefit of the community by the
24 offender as punishment for committing an offense. Community service
25 may be performed through public or private organizations or through
26 work crews;

27 (3) "Community supervision" means an order of disposition by the
28 court of an adjudicated youth not committed to the department. A
29 community supervision order for a single offense may be for a period of

1 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
2 one year for other offenses ~~((and))~~. Community supervision is an
3 individualized program comprised of one or more of the following:

4 (a) Community-based sanctions;

5 (b) Community-based rehabilitation;

6 (c) Monitoring and reporting requirements;

7 (4) Community-based sanctions may include one or more of the
8 following:

9 (a) A fine, not to exceed one hundred dollars;

10 (b) Community service not to exceed one hundred fifty hours of
11 service;

12 ~~((e))~~ (5) "Community-based rehabilitation" means one or more of
13 the following: Attendance of information classes;

14 ~~((d) Counseling; or~~

15 ~~(e) Such other services to the extent funds are available for such~~
16 ~~services,))~~ counseling, substance abuse treatment programs, outpatient
17 mental health programs, anger management classes, or other services; or
18 attendance at school or other educational programs appropriate for the
19 juvenile as determined by the school district. Placement in community-
20 based rehabilitation programs is subject to available funds;

21 (6) "Monitoring and reporting requirements" means one or more of
22 the following: Curfews; requirements to remain at home, school, work,
23 or court-ordered treatment programs during specified hours;
24 restrictions from leaving or entering specified geographical areas;
25 requirements to report to the probation officer as directed and to
26 remain under the probation officer's supervision; and other
27 conditions~~((7))~~ or limitations as the court may require which may not
28 include confinement;

29 ~~((4))~~ (7) "Confinement" means ~~((physical custody by the~~
30 ~~department of social and health services in a facility operated by or~~

1 ~~pursuant to a contract with the state, or physical custody in a~~
2 ~~facility operated by or pursuant to a contract with any county))~~
3 incarceration in a detention facility following: Arrest pending a
4 detention hearing under RCW 13.40.050; entry of an order of detention
5 entered pursuant to RCW 13.40.050; commitment to a county detention
6 facility, the department, or an inpatient drug and alcohol treatment
7 facility following imposition of option D of RCW 13.40.0357;
8 modification of a disposition for violation of the disposition; or
9 modification of parole for violation of parole. The county may operate
10 or contract with vendors to operate county detention facilities. The
11 department may operate or contract to operate detention facilities for
12 juveniles committed to the department. Confinement of less than
13 thirty-one days imposed as part of a disposition or modification order
14 may be served consecutively or intermittently, in the discretion of the
15 court;

16 ~~((+5))~~ (8) "Court", when used without further qualification, means
17 the juvenile court judge(s) or commissioner(s);

18 ~~((+6))~~ (9) "Criminal history" includes all criminal complaints
19 against the respondent for which, prior to the commission of a current
20 offense:

21 (a) The allegations were found correct by a court. If a respondent
22 is convicted of two or more charges arising out of the same course of
23 conduct, only the highest charge from among these shall count as an
24 offense for the purposes of this chapter; or

25 (b) The criminal complaint was diverted by a prosecutor pursuant to
26 the provisions of this chapter on agreement of the respondent and after
27 an advisement to the respondent that the criminal complaint would be
28 considered as part of the respondent's criminal history;

29 ~~((+7))~~ (10) "Department" means the department of social and health
30 services;

1 ~~((8))~~ (11) "Detention facility" means a facility for the physical
2 confinement of a juvenile alleged to have committed an offense or an
3 adjudicated offender subject to a disposition or modification order.
4 Detention facilities may be secure, semisecure, or nonsecure, and may
5 include group homes, foster homes, and home detention with electronic
6 or staff monitoring. Detention foster homes and group homes may not be
7 used for placement of juveniles who are ordered into rehabilitation
8 placements pursuant to a community supervision disposition. "Secure
9 detention" means lockup or staff-secure facilities. "Nonsecure
10 detention" means residential placement in the community in a physically
11 nonrestrictive environment under the supervision of the local
12 government department of youth services or equivalent department.
13 "Home detention" means placement of the juvenile in the custody of the
14 juvenile's parent, guardian, or custodian in a physically
15 nonrestrictive environment under the supervision of the department of
16 youth services with electronic monitoring or department staff
17 monitoring;

18 (12) "Diversion unit" means any probation counselor who enters into
19 a diversion agreement with an alleged youthful offender, or any other
20 person or entity except a law enforcement official or entity, with whom
21 the juvenile court administrator has contracted to arrange and
22 supervise such agreements pursuant to RCW ~~((13.04.040, as now or~~
23 ~~hereafter amended,))~~ 13.40.080, or any person or entity specially
24 funded by the legislature to arrange and supervise diversion agreements
25 in accordance with the requirements of this chapter;

26 ~~((9))~~ (13) "Institution" means a juvenile facility established
27 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

28 ~~((10))~~ (14) "Juvenile," "youth," and "child" mean any individual
29 who is under the chronological age of eighteen years and who has not
30 been previously transferred to adult court;

1 (~~(11)~~) (15) "Juvenile offender" means any juvenile who has been
2 found by the juvenile court to have committed an offense, including a
3 person eighteen years of age or older over whom jurisdiction has been
4 extended under RCW 13.40.300;

5 (~~(12)~~) (16) "Manifest injustice" means a disposition that would
6 either impose an excessive penalty on the juvenile or would impose a
7 serious, and clear danger to society in light of the purposes of this
8 chapter;

9 (~~(13)~~) (17) "Middle offender" means a person who has committed an
10 offense and who is neither a minor or first offender nor a serious
11 offender;

12 (~~(14)~~) (18) "Minor or first offender" means a person sixteen
13 years of age or younger whose current offense(s) and criminal history
14 fall entirely within one of the following categories:

15 (a) Four misdemeanors;

16 (b) Two misdemeanors and one gross misdemeanor;

17 (c) One misdemeanor and two gross misdemeanors;

18 (d) Three gross misdemeanors;

19 (e) One class C felony except manslaughter in the second degree and
20 one misdemeanor or gross misdemeanor;

21 (f) One class B felony except: Any felony which constitutes an
22 attempt to commit a class A felony; manslaughter in the first degree;
23 assault in the second degree; extortion in the first degree; indecent
24 liberties; kidnapping in the second degree; robbery in the second
25 degree; burglary in the second degree; residential burglary; vehicular
26 homicide; or arson in the second degree.

27 For purposes of this definition, current violations shall be
28 counted as misdemeanors;

29 (~~(15)~~) (19) "Offense" means an act designated a violation or a
30 crime if committed by an adult under the law of this state, under any

1 ordinance of any city or county of this state, under any federal law,
2 or under the law of another state if the act occurred in that state;

3 ~~((16))~~ (20) "Respondent" means a juvenile who is alleged or
4 proven to have committed an offense;

5 ~~((17))~~ (21) "Restitution" means financial reimbursement by the
6 offender to the victim, and shall be limited to easily ascertainable
7 damages for injury to or loss of property, actual expenses incurred for
8 medical treatment for physical injury to persons, lost wages resulting
9 from physical injury, and costs of the victim's counseling reasonably
10 related to the offense if the offense is a sex offense. Restitution
11 shall not include reimbursement for damages for mental anguish, pain
12 and suffering, or other intangible losses. Nothing in this chapter
13 shall limit or replace civil remedies or defenses available to the
14 victim or offender;

15 ~~((18))~~ (22) "Secretary" means the secretary of the department of
16 social and health services;

17 ~~((19))~~ (23) "Services" mean services which provide alternatives
18 to incarceration for those juveniles who have pleaded or been
19 adjudicated guilty of an offense or have signed a diversion agreement
20 pursuant to this chapter;

21 ~~((20))~~ (24) "Sex offense" means an offense defined as a sex
22 offense in RCW 9.94A.030;

23 ~~((21))~~ (25) "Sexual motivation" means that one of the purposes
24 for which the respondent committed the offense was for the purpose of
25 his or her sexual gratification;

26 ~~((22))~~ (26) "Foster care" means temporary physical care in a
27 foster family home or group care facility as defined in RCW 74.15.020
28 and licensed by the department, or other legally authorized care;

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DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE
DISPOSITION
OFFENSE
CATEGORY

DISPOSITION

CATEGORY FOR ATTEMPT,
BAILJUMP, CONSPIRACY,
OR SOLICITATION

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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is	
	E class) (9A.48.090)	E
E	Tampering with Fire Alarm	
	Apparatus (9.40.100)	E
A	Possession of Incendiary Device	
	(9.40.120)	B+

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**Assault and Other Crimes
Involving Physical Harm**

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A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E

1	D+	Reckless Endangerment	
2		(9A.36.050)	E
3	C+	Promoting Suicide Attempt	
4		(9A.36.060)	D+
5	D+	Coercion (9A.36.070)	E
6	C+	Custodial Assault (9A.36.100)	D+
7		Burglary and Trespass	
8	B+	Burglary 1 (9A.52.020)	C+
9	B	Burglary 2 (9A.52.030)	C
10	D	Burglary Tools (Possession of)	
11		(9A.52.060)	E
12	D	Criminal Trespass 1 (9A.52.070)	E
13	E	Criminal Trespass 2 (9A.52.080)	E
14	D	Vehicle Prowling (9A.52.100)	E
15		Drugs	
16	E	Possession/Consumption of Alcohol	
17		(66.44.270)	E
18	C	Illegally Obtaining Legend Drug	
19		(69.41.020)	D
20	C+	Sale, Delivery, Possession of Legend	
21		Drug with Intent to Sell	
22		(69.41.030)	D+
23	E	Possession of Legend Drug	
24		(69.41.030)	E
25	B+	Violation of Uniform Controlled	
26		Substances Act - Narcotic Sale	
27		(69.50.401(a)(1)(i))	B+
28	C	Violation of Uniform Controlled	

1		Substances Act - Nonnarcotic Sale	
2		(69.50.401(a)(1)(ii))	C
3	E	Possession of Marihuana <40 grams	
4		(69.50.401(e))	E
5	C	Fraudulently Obtaining Controlled	
6		Substance (69.50.403)	C
7	C+	Sale of Controlled Substance	
8		for Profit (69.50.410)	C+
9	E	((Glue Sniffing (9.47A.050))	E
10		<u>Unlawful Inhalation (9.47A.020)</u>	
11	B	Violation of Uniform Controlled	
12		Substances Act - Narcotic	
13		Counterfeit Substances	
14		(69.50.401(b)(1)(i))	B
15	C	Violation of Uniform Controlled	
16		Substances Act - Nonnarcotic	
17		Counterfeit Substances	
18		(69.50.401(b)(1) (ii), (iii), (iv))	C
19	C	Violation of Uniform Controlled	
20		Substances Act - Possession of a	
21		Controlled Substance	
22		(69.50.401(d))	C
23	C	Violation of Uniform Controlled	
24		Substances Act - Possession of a	
25		Controlled Substance	
26		(69.50.401(c))	C
27		Firearms and Weapons	
28		((C+ Committing Crime when Armed	
29		(9.41.025) D+))	

1	E	Carrying Loaded Pistol Without	
2		Permit (9.41.050)	E
3	E	Use of Firearms by Minor (<14)	
4		(9.41.240)	E
5	D+	Possession of Dangerous Weapon	
6		(9.41.250)	E
7	D	Intimidating Another Person by use	
8		of Weapon (9.41.270)	E
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment	
19		(9A.40.040)	D+
20	((D	Custodial Interference	
21		(9A.40.050)	E))
22		Obstructing Governmental Operation	
23	E	Obstructing a Public Servant	
24		(9A.76.020)	E
25	E	Resisting Arrest (9A.76.040)	E
26	B	Introducing Contraband 1	
27		(9A.76.140)	C

1	C	Introducing Contraband 2	
2		(9A.76.150)	D
3	E	Introducing Contraband 3	
4		(9A.76.160)	E
5	B+	Intimidating a Public Servant	
6		(9A.76.180)	C+
7	B+	Intimidating a Witness	
8		(9A.72.110)	C+
9	((E	Criminal Contempt	
10		(9.23.010)	E))
11		Public Disturbance	
12	C+	Riot with Weapon (9A.84.010)	D+
13	D+	Riot Without Weapon	
14		(9A.84.010)	E
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		Sex Crimes	
18	A	Rape 1 (9A.44.040)	B+
19	A-	Rape 2 (9A.44.050)	B+
20	C+	Rape 3 (9A.44.060)	D+
21	A-	Rape of a Child 1 (9A.44.073)	B+
22	B	Rape of a Child 2 (9A.44.076)	C+
23	B	Incest 1 (9A.64.020(1))	C
24	C	Incest 2 (9A.64.020(2))	D
25	D+	((Public Indecency)) <u>Indecent Exposure</u>	
26		(Victim <14) (9A.88.010)	E
27	E	((Public Indecency)) <u>Indecent Exposure</u>	
28		(Victim 14 or over) (9A.88.010)	E

1	B+	Promoting Prostitution 1	
2		(9A.88.070)	C+
3	C+	Promoting Prostitution 2	
4		(9A.88.080)	D+
5	E	O & A (Prostitution) (9A.88.030)	E
6	B+	Indecent Liberties (9A.44.100)	C+
7	B+	Child Molestation 1 (9A.44.083)	C+
8	C+	Child Molestation 2 (9A.44.086)	C
9		Theft, Robbery, Extortion, and Forgery	
10	B	Theft 1 (9A.56.030)	C
11	C	Theft 2 (9A.56.040)	D
12	D	Theft 3 (9A.56.050)	E
13	B	Theft of Livestock (9A.56.080)	C
14	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
15	A	Robbery 1 (9A.56.200)	B+
16	B+	Robbery 2 (9A.56.210)	C+
17	B+	Extortion 1 (9A.56.120)	C+
18	C+	Extortion 2 (9A.56.130)	D+
19	B	Possession of Stolen Property 1	
20		(9A.56.150)	C
21	C	Possession of Stolen Property 2	
22		(9A.56.160)	D
23	D	Possession of Stolen Property 3	
24		(9A.56.170)	E
25	C	Taking Motor Vehicle Without	
26		Owner's Permission (9A.56.070)	D
27		Motor Vehicle Related Crimes	
28	E	Driving Without a License	

1		(46.20.021)	E
2	C	Hit and Run - Injury	
3		(46.52.020(4))	D
4	D	Hit and Run-Attended	
5		(46.52.020(5))	E
6	E	Hit and Run-Unattended	
7		(46.52.010)	E
8	C	Vehicular Assault (46.61.522)	D
9	C	Attempting to Elude Pursuing	
10		Police Vehicle (46.61.024)	D
11	E	Reckless Driving (46.61.500)	E
12	D	Driving While Under the Influence	
13		(46.61.515)	E
14	B+	Negligent Homicide by Motor	
15		Vehicle (46.61.520)	C+
16	D	Vehicle Prowling (9A.52.100)	E
17	C	Taking Motor Vehicle Without	
18		Owner's Permission (9A.56.070)	D
19		Other	
20	B	Bomb Threat (9.61.160)	C
21	C	Escape 1 (9A.76.110)	C
22	C	Escape 2 (9A.76.120)	C
23	D	Escape 3 (9A.76.130)	E
24	C	Failure to Appear in Court	
25		(10.19.130)	D
26	E	Tampering with Fire Alarm	
27		Apparatus (9.40.100)	E
28	E	Obscene, Harassing, Etc.,	

1		Phone Calls (9.61.230)	E
2	A	Other Offense Equivalent to an	
3		Adult Class A Felony	B+
4	B	Other Offense Equivalent to an	
5		Adult Class B Felony	C
6	C	Other Offense Equivalent to an	
7		Adult Class C Felony	D
8	D	Other Offense Equivalent to an	
9		Adult Gross Misdemeanor	E
10	E	Other Offense Equivalent to an	
11		Adult Misdemeanor	E
12	V	Violation of Order of Restitution,	
13		Community Supervision, or	
14		Confinement (13.40.200)	V

15 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
16 and the standard range is established as follows:

17 1st escape or attempted escape during 12-month period - 4 weeks
18 confinement

19 2nd escape or attempted escape during 12-month period - 8 weeks
20 confinement

21 3rd and subsequent escape or attempted escape during 12-month
22 period - 12 weeks confinement

23 If the court finds that a respondent has violated terms of an order,
24 it may impose a penalty of up to 30 days of confinement.

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SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR

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

TIME SPAN

OFFENSE	0-12	13-24	25 Months
CATEGORY	Months	Months	or More
.....			
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

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

1 **SCHEDULE C**

2 **CURRENT OFFENSE POINTS**

3 For use with all CURRENT OFFENSES occurring on or after July 1,
4 1989.

5 **AGE**

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

19 **JUVENILE SENTENCING STANDARDS**

20 **SCHEDULE D-1**

21 This schedule may only be used for minor/first offenders. After the
22 determination is made that a youth is a minor/first offender, the court
23 has the discretion to select sentencing option A, B, or C. In
24 addition, the court may select option D. A disposition order for a

1 minor/first offender may not include an order of confinement except
2 pursuant to option D.

3 **MINOR/FIRST OFFENDER**

4 **OPTION A**

5 **STANDARD RANGE**

6			Community	
7		Community	Service	
8	Points	Supervision	Hours	Fine
9	1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
10	10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
11	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
12	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
13	40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
14	50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
15	60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
16	70-79	((6-9)) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
17	80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
18	90-109	((9-12)) <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	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
6	10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
7	20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	and/or 0
8	30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	and/or
9					((2-4)) <u>0-10</u>
10	<u>40-49</u>	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25	and/or
11					((2-4)) <u>0-10</u>
12	<u>50-59</u>	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25	and/or
13					((5-10)) <u>0-10</u>
14	<u>60-69</u>	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50	and/or
15					((5-10)) <u>10-20</u>
16	<u>70-79</u>	((6-9)) <u>0-12</u> months	and/or 40-56	and/or 0-\$50	and/or
17					10-20
18	80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or
19					10-20
20	90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 0-\$100	and/or
21					((15-30)) <u>20-30</u>
22	<u>110-129</u>			<u>8-12</u>	
23	<u>130-149</u>			<u>13-16</u>	
24	<u>150-199</u>			<u>21-28</u>	
25	<u>200-249</u>			<u>30-40</u>	
26	<u>250-299</u>			<u>52-65</u>	

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 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) Notice of the ~~((detention))~~ hearing, stating the time, place,
17 and purpose of the hearing, and stating the right to counsel, shall be
18 given to the parent, guardian, or custodian if such person can be found
19 and shall also be given to the juvenile ~~((if over twelve years of age))~~
20 held in detention.

21 (3) At the commencement of the detention hearing, the court shall
22 advise the parties of their rights under this chapter and shall appoint
23 counsel as specified in this chapter.

24 (4) The court shall, based upon the allegations in the information,
25 determine whether the case is properly before it or whether the case
26 should be treated as a diversion case under RCW 13.40.080. If the case
27 is not properly before the court the juvenile shall be ordered
28 released.

1 (5) Notwithstanding a determination that the case is properly
2 before the court and that probable cause exists, a juvenile shall at
3 the detention hearing be ordered released on the juvenile's personal
4 recognizance pending further hearing unless the court finds detention
5 is necessary under RCW 13.40.040 as now or hereafter amended.

6 (6) If detention is not necessary under RCW 13.40.040, as now or
7 hereafter amended, the court shall impose the most appropriate of the
8 following conditions or, if necessary, any combination of the following
9 conditions:

10 (a) Place the juvenile in the custody of a designated person
11 agreeing to supervise such juvenile;

12 (b) Place restrictions on the travel of the juvenile during the
13 period of release;

14 (c) Require the juvenile to report regularly to and remain under
15 the supervision of the juvenile court;

16 (d) Impose any condition other than detention deemed reasonably
17 necessary to assure appearance as required; or

18 (e) Require that the juvenile return to detention during specified
19 hours.

20 (7) If the parent, guardian, or custodian of the juvenile in
21 detention is available, the court shall consult with them prior to a
22 determination to further detain or release the juvenile or treat the
23 case as a diversion case under RCW 13.40.080.

24 **Sec. 107.** RCW 13.40.070 and 1989 c 407 s 9 are each amended to
25 read as follows:

26 (1) Complaints referred to the juvenile court alleging the
27 commission of an offense shall be referred directly to the prosecutor.
28 The prosecutor, upon receipt of a complaint, shall screen the complaint
29 to determine whether:

1 (a) The alleged facts bring the case within the jurisdiction of the
2 court; and

3 (b) On a basis of available evidence there is probable cause to
4 believe that the juvenile did commit the offense.

5 (2) If the identical alleged acts constitute an offense under both
6 the law of this state and an ordinance of any city or county of this
7 state, state law shall govern the prosecutor's screening and charging
8 decision for both filed and diverted cases.

9 (3) If the requirements of subsections (1) (a) and (b) of this
10 section are met, the prosecutor shall either file an information in
11 juvenile court or divert the case, as set forth in subsections (5),
12 (6), and (7) of this section. If the prosecutor finds that the
13 requirements of subsection (1) (a) and (b) of this section are not met,
14 the prosecutor shall maintain a record, for one year, of such decision
15 and the reasons therefor. In lieu of filing an information or
16 diverting an offense a prosecutor may file a motion to modify community
17 supervision where such offense constitutes a violation of community
18 supervision.

19 (4) An information shall be a plain, concise, and definite written
20 statement of the essential facts constituting the offense charged. It
21 shall be signed by the prosecuting attorney and conform to chapter
22 10.37 RCW.

23 (5) Where a case is legally sufficient, the prosecutor shall file
24 an information with the juvenile court if:

25 (a) An alleged offender is accused of a class A felony, a class B
26 felony, an attempt to commit a class B felony, (~~assault in the third
27 degree, rape in the third degree~~) a class C felony listed in RCW
28 9.94A.440(2) as a crime against persons, or any other offense listed in
29 RCW 13.40.020(1) (b) or (c); or

1 (b) An alleged offender is accused of a felony and has a criminal
2 history of at least one class A or class B felony, or two class C
3 felonies, or at least two gross misdemeanors, or at least two
4 misdemeanors and one additional misdemeanor or gross misdemeanor, or at
5 least one class C felony and one misdemeanor or gross misdemeanor; or

6 (c) An alleged offender has previously been committed to the
7 department; or

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

10 ~~((d))~~ (e) An alleged offender has three or more diversions on the
11 alleged offender's criminal history ~~((within eighteen months of the~~
12 ~~current alleged offense))~~.

13 (6) Where a case is legally sufficient the prosecutor shall divert
14 the case if the alleged offense is a misdemeanor or gross misdemeanor
15 or violation and the alleged offense(s) in combination with the alleged
16 offender's criminal history do not exceed two offenses or violations
17 and do not include any felonies: PROVIDED, That if the alleged
18 offender is charged with a related offense that must or may be filed
19 under subsections (5) and (7) of this section, a case under this
20 subsection may also be filed.

21 (7) Where a case is legally sufficient and falls into neither
22 subsection (5) nor (6) of this section, it may be filed or diverted.
23 In deciding whether to file or divert an offense under this section the
24 prosecutor shall be guided only by the length, seriousness, and recency
25 of the alleged offender's criminal history and the circumstances
26 surrounding the commission of the alleged offense.

27 (8) Whenever a juvenile is placed in custody or, where not placed
28 in custody, referred to a diversionary interview, the parent or legal
29 guardian of the juvenile shall be notified as soon as possible
30 concerning the allegation made against the juvenile and the current

1 status of the juvenile. Where a case involves victims of crimes
2 against persons or victims whose property has not been recovered at the
3 time a juvenile is referred to a diversionary unit, the victim shall be
4 notified of the referral and informed how to contact the unit.

5 (9) The responsibilities of the prosecutor under subsections (1)
6 through (8) of this section may be performed by a juvenile court
7 probation counselor for any complaint referred to the court alleging
8 the commission of an offense which would not be a felony if committed
9 by an adult, if the prosecutor has given sufficient written notice to
10 the juvenile court that the prosecutor will not review such complaints.

11 (10) The prosecutor, juvenile court probation counselor, or
12 diversion unit may, in exercising their authority under this section or
13 RCW 13.40.080, refer juveniles to mediation or victim offender
14 reconciliation programs. Such mediation or victim offender
15 reconciliation programs shall be voluntary for victims.

16 **Sec. 108.** RCW 13.40.080 and 1985 c 73 s 2 are each amended to read
17 as follows:

18 (1) A diversion agreement shall be a contract between a juvenile
19 accused of an offense and a diversionary unit whereby the juvenile
20 agrees to fulfill certain conditions in lieu of prosecution. Such
21 agreements may be entered into only after the prosecutor, or probation
22 counselor pursuant to this chapter, has determined that probable cause
23 exists to believe that a crime has been committed and that the juvenile
24 committed it. Such agreements shall be entered into as expeditiously
25 as possible.

26 (2) A diversion agreement shall be limited to:

27 (a) Community service not to exceed one hundred fifty hours, not to
28 be performed during school hours if the juvenile is attending school;

1 (b) Restitution limited to the amount of actual loss incurred by
2 the victim, and to an amount the juvenile has the means or potential
3 means to pay;

4 (c) Attendance at up to ~~((two))~~ ten hours of counseling and/or up
5 to ~~((ten))~~ twenty hours of educational or informational sessions at a
6 community agency: PROVIDED, That the state shall not be liable for
7 costs resulting from the diversionary unit exercising the option to
8 permit diversion agreements to mandate attendance at up to ~~((two))~~ ten
9 hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or
10 informational sessions; and

11 (d) A fine, not to exceed one hundred dollars. In determining the
12 amount of the fine, the diversion unit shall consider only the
13 juvenile's financial resources and whether the juvenile has the means
14 to pay the fine. The diversion unit shall not consider the financial
15 resources of the juvenile's parents, guardian, or custodian in
16 determining the fine to be imposed.

17 (3) In assessing periods of community service to be performed and
18 restitution to be paid by a juvenile who has entered into a diversion
19 agreement, the court officer to whom this task is assigned shall
20 consult with victims who have contacted the diversionary unit and, to
21 the extent possible, involve members of the community. Such members of
22 the community shall meet with the juvenile and advise the court officer
23 as to the terms of the diversion agreement and shall supervise the
24 juvenile in carrying out its terms.

25 (4) A diversion agreement may not exceed a period of six months
26 ~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~ and
27 may include a period extending beyond the eighteenth birthday of the
28 divertee. Any restitution assessed during its term may not exceed an
29 amount which the juvenile could be reasonably expected to pay during
30 this period. If additional time is necessary for the juvenile to

1 complete restitution to the victim, the time period limitations of this
2 subsection may be extended by an additional six months.

3 (5) The juvenile shall retain the right to be referred to the court
4 at any time prior to the signing of the diversion agreement.

5 (6) Divertees and potential divertees shall be afforded due process
6 in all contacts with a diversionary unit regardless of whether the
7 juveniles are accepted for diversion or whether the diversion program
8 is successfully completed. Such due process shall include, but not be
9 limited to, the following:

10 (a) A written diversion agreement shall be executed stating all
11 conditions in clearly understandable language;

12 (b) Violation of the terms of the agreement shall be the only
13 grounds for termination;

14 (c) No diverttee may be terminated from a diversion program without
15 being given a court hearing, which hearing shall be preceded by:

16 (i) Written notice of alleged violations of the conditions of the
17 diversion program; and

18 (ii) Disclosure of all evidence to be offered against the diverttee;

19 (d) The hearing shall be conducted by the juvenile court and shall
20 include:

21 (i) Opportunity to be heard in person and to present evidence;

22 (ii) The right to confront and cross-examine all adverse witnesses;

23 (iii) A written statement by the court as to the evidence relied on
24 and the reasons for termination, should that be the decision; and

25 (iv) Demonstration by evidence that the diverttee has substantially
26 violated the terms of his or her diversion agreement.

27 (e) The prosecutor may file an information on the offense for which
28 the diverttee was diverted:

29 (i) In juvenile court if the diverttee is under eighteen years of
30 age; or

1 (ii) In superior court or the appropriate court of limited
2 jurisdiction if the divertee is eighteen years of age or older.

3 (7) The diversion unit shall be responsible for providing qualified
4 interpreters when juveniles need interpreters to effectively
5 communicate during diversion unit hearings or negotiations.

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

8 ((+8)) (9) The diversion unit may refer a juvenile to community-
9 based counseling or treatment programs.

10 (10) The right to counsel shall inure prior to the initial
11 interview for purposes of advising the juvenile as to whether he or she
12 desires to participate in the diversion process or to appear in the
13 juvenile court. The juvenile may be represented by counsel at any
14 critical stage of the diversion process, including intake interviews
15 and termination hearings. The juvenile shall be fully advised at the
16 intake of his or her right to an attorney and of the relevant services
17 an attorney can provide. For the purpose of this section, intake
18 interviews mean all interviews regarding the diversion agreement
19 process.

20 The juvenile shall be advised that a diversion agreement shall
21 constitute a part of the juvenile's criminal history as defined by RCW
22 13.40.020(6) as now or hereafter amended. A signed acknowledgment of
23 such advisement shall be obtained from the juvenile, and the document
24 shall be maintained by the diversionary unit together with the
25 diversion agreement, and a copy of both documents shall be delivered to
26 the prosecutor if requested by the prosecutor. The supreme court shall
27 promulgate rules setting forth the content of such advisement in simple
28 language.

1 (~~(9)~~) (11) When a juvenile enters into a diversion agreement, the
2 juvenile court may receive only the following information for
3 dispositional purposes:

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

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

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

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

9 (e) The facts of the alleged offense.

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

21 (~~(11)~~) (13) A diversionary unit may, in instances where it
22 determines that the act or omission of an act for which a juvenile has
23 been referred to it involved no victim, or where it determines that the
24 juvenile referred to it has no prior criminal history and is alleged to
25 have committed an illegal act involving no threat of or instance of
26 actual physical harm and involving not more than fifty dollars in
27 property loss or damage and that there is no loss outstanding to the
28 person or firm suffering such damage or loss, counsel and release or
29 release such a juvenile without entering into a diversion agreement(~~(÷~~
30 PROVIDED, That)). A diversion unit's authority to counsel and release

1 a juvenile under this subsection shall include the authority to refer
2 the juvenile to community-based counseling or treatment programs. Any
3 juvenile ((so handled)) released under this subsection shall be advised
4 that the act or omission of any act for which he or she had been
5 referred shall constitute a part of the juvenile's criminal history as
6 defined by RCW 13.40.020(6) as now or hereafter amended. A signed
7 acknowledgment of such advisement shall be obtained from the juvenile,
8 and the document shall be maintained by the unit, and a copy of the
9 document shall be delivered to the prosecutor if requested by the
10 prosecutor. The supreme court shall promulgate rules setting forth the
11 content of such advisement in simple language((:—PROVIDED FURTHER,
12 That)). A juvenile determined to be eligible by a diversionary unit
13 for ((such)) release as provided in this subsection shall retain the
14 same right to counsel and right to have his or her case referred to the
15 court for formal action as any other juvenile referred to the unit.

16 ((+12+)) (14) A diversion unit may supervise the fulfillment of a
17 diversion agreement entered into before the juvenile's eighteenth
18 birthday and which includes a period extending beyond the divertee's
19 eighteenth birthday.

20 ((+13+)) (15) If a fine required by a diversion agreement cannot
21 reasonably be paid due to a change of circumstance, the diversion
22 agreement may be modified at the request of the divertee and with the
23 concurrence of the diversion unit to convert an unpaid fine into
24 community service. The modification of the diversion agreement shall
25 be in writing and signed by the divertee and the diversion unit. The
26 number of hours of community service in lieu of a monetary penalty
27 shall be converted at the rate of the prevailing state minimum wage per
28 hour.

29 ((+14+)) (16) Fines imposed under this section shall be collected
30 and paid into the county general fund in accordance with procedures

1 established by the juvenile court administrator under RCW 13.04.040 and
2 may be used only for juvenile services. In the expenditure of funds
3 for juvenile services, there shall be a maintenance of effort whereby
4 counties exhaust existing resources before using amounts collected
5 under this section.

6 **Sec. 109.** RCW 13.40.150 and 1990 c 3 s 605 are each amended to
7 read as follows:

8 (1) In disposition hearings all relevant and material evidence,
9 including oral and written reports, may be received by the court and
10 may be relied upon to the extent of its probative value, even though
11 such evidence may not be admissible in a hearing on the information.
12 The youth or the youth's counsel and the prosecuting attorney shall be
13 afforded an opportunity to examine and controvert written reports so
14 received and to cross-examine individuals making reports when such
15 individuals are reasonably available, but sources of confidential
16 information need not be disclosed. The prosecutor and counsel for the
17 juvenile may submit recommendations for disposition.

18 (2) For purposes of disposition:

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

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

22 (c) In no event may a disposition for a violation include
23 confinement.

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

27 (a) Consider the facts supporting the allegations of criminal
28 conduct by the respondent;

1 (b) Consider information and arguments offered by parties and their
2 counsel;

3 (c) Consider any predisposition reports;

4 (d) Consult with the respondent's parent, guardian, or custodian on
5 the appropriateness of dispositional options under consideration and
6 afford the respondent and the respondent's parent, guardian, or
7 custodian an opportunity to speak in the respondent's behalf;

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

10 (f) Determine the amount of restitution owing to the victim, if
11 any;

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

14 (h) Consider whether or not any of the following mitigating factors
15 exist:

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

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

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

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

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

28 (i) Consider whether or not any of the following aggravating
29 factors exist:

1 (i) In the commission of the offense, or in flight therefrom, the
2 respondent inflicted or attempted to inflict serious bodily injury to
3 another;

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

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

7 (iv) The respondent has a recent criminal history or has failed to
8 comply with conditions of a recent dispositional order or diversion
9 agreement;

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

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

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

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

19 (a) The sex of the respondent;

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

21 (c) The creed or religion of the respondent or the respondent's
22 family;

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

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

27 (5) A court may not commit a juvenile to a state institution solely
28 because of the lack of facilities, including treatment facilities,
29 existing in the community.

1 Sec. 110. RCW 13.40.200 and 1986 c 288 s 5 are each amended to
2 read as follows:

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

7 (2) The hearing shall afford the respondent the same due process of
8 law as would be afforded an adult probationer. The court may issue a
9 summons or a warrant to compel the respondent's appearance. The state
10 shall have the burden of proving by a preponderance of the evidence the
11 fact of the violation. The respondent shall have the burden of showing
12 that the violation was not a wilful refusal to comply with the terms of
13 the order. If a respondent has failed to pay a fine, penalty
14 assessments, or restitution or to perform community service hours, as
15 required by the court, it shall be the respondent's burden to show that
16 he or she did not have the means and could not reasonably have acquired
17 the means to pay the fine, penalty assessments, or restitution or
18 perform community service.

19 (3) (a) If the court finds that a respondent has wilfully violated
20 the terms of an order pursuant to subsections (1) and (2) of this
21 section, it may impose a penalty of up to thirty days' confinement.
22 Penalties for multiple violations occurring prior to the hearing shall
23 not be aggregated to exceed thirty days' confinement. Regardless of
24 the number of times a respondent is brought to court for violations of
25 the terms of a single disposition order, the combined total number of
26 days spent by the respondent in detention shall never exceed the
27 maximum term to which an adult could be sentenced for the underlying
28 offense.

29 (b) If the violation of the terms of the order under (a) of this
30 subsection is failure to pay fines, penalty assessments, complete

1 community service, or make restitution, the term of confinement imposed
2 under (a) of this subsection shall be assessed at a rate of one day of
3 confinement for each twenty-five dollars or eight hours owed.

4 (4) If a respondent has been ordered to pay a fine or monetary
5 penalty and due to a change of circumstance cannot reasonably comply
6 with the order, the court, upon motion of the respondent, may order
7 that the unpaid fine or monetary penalty be converted to community
8 service. The number of hours of community service in lieu of a
9 monetary penalty or fine shall be converted at the rate of the
10 prevailing state minimum wage per hour. The monetary penalties or
11 finances collected shall be deposited in the county general fund. A
12 failure to comply with an order under this subsection shall be deemed
13 a failure to comply with an order of community supervision and may be
14 proceeded against as provided in this section.

15 (5) Nothing in this section prohibits filing of escape charges if
16 the juvenile escapes from confinement except that no escape charges may
17 be filed if the juvenile leaves an inpatient treatment facility without
18 permission in violation of a court order pursuant to option D of RCW
19 13.40.0357. Failure to comply with an order pursuant to option D of
20 RCW 13.40.0357 shall be a basis for modification under this section.

21 NEW SECTION. Sec. 111. A new section is added to chapter 13.40
22 RCW to read as follows:

23 The legislature finds that the purposes of this chapter are best
24 implemented by regionally based facilities.

25 Consistent with this finding, the department, in cooperation and
26 consultation with local communities and affected agencies, shall
27 develop a plan to reduce its reliance on large institutional facilities
28 for juvenile offenders committed to the department by redistributing a
29 portion of its institutional beds to secure and semisecure regionally

1 based facilities. The department's plan shall: (1) Provide sufficient
2 beds to house all committed offenders at security levels commensurate
3 with the offender's risk to public safety; (2) redistribute to secure
4 and semisecure regional facilities up to two hundred forty beds from
5 the five existing institutions for juvenile offenders between July 1,
6 1993, and June 30, 1997; (3) include a specific risk assessment tool
7 for determining which offenders may be placed in various security
8 levels which will ensure offenders posing the greatest risk are held in
9 more secure settings than offenders posing lesser risk; (4) include a
10 siting plan and schedule for the timely siting and development of
11 smaller secure and semisecure regional facilities to ensure the most
12 effective rehabilitation efforts; (5) include a specific plan ensuring
13 offenders will be housed in regional facilities close to their home
14 communities unless such placement is contrary to the best interests of
15 the offender, their family, or public safety; and (6) include a cost
16 analysis of the construction and renovation, if any, and operation of
17 the facilities.

18 The department shall submit the plan no later than September 1,
19 1992, to the house of representatives judiciary committee, the senate
20 law and justice committee, and the fiscal committees of the house of
21 representatives and the senate. The department shall also incorporate
22 the plan into the department's budget proposal for the 1993-95
23 biennium.

24 NEW SECTION. **Sec. 112.** (1) The counties are expressly
25 authorized to implement and operate a youthful offender discipline
26 program to provide an intensive educational and physical training and
27 rehabilitative program for appropriate children.

28 (2) A child may be placed in a youth offender discipline program if
29 he is at least fourteen years of age but less than eighteen years of

1 age at the time of adjudication and has been committed to the
2 department as:

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

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

5 NEW SECTION. **Sec. 113.** (1) Each county establishing a youth
6 offender discipline program shall screen children sent to the program,
7 so that only those children who have medical and psychological profiles
8 conducive to successfully completing an intensive work, educational,
9 and disciplinary program may be admitted to the program. A
10 participating county shall adopt rules for screening such admissions.

11 (2) The program shall include educational assignments, work
12 assignments, and physical training exercises. Children shall be
13 required to participate in educational, vocational, and substance abuse
14 programs.

15 NEW SECTION. **Sec. 114.** Each county establishing a youth
16 offender discipline program shall:

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

19 (2) Adopt rules for the program and aftercare which provide for at
20 least six months of participation in the program and aftercare for
21 successful completion and which also provide disciplinary sanctions and
22 restrictions on the privileges of the general population of children in
23 the program; and

24 (3) Keep records and monitor criminal activity, educational
25 progress, and employment placement of program participants after their
26 release from the program. An outcome evaluation study shall be
27 published no later than eighteen months after the program becomes
28 operational, which includes a comparison of criminal activity,

1 educational progress, and employment placements of children completing
2 the program with the criminal activity, educational progress, and
3 employment records of children completing other types of programs.

4 NEW SECTION. **Sec. 115.** A participating county may also contract
5 with private organizations for the operation of the youth offender
6 discipline program and aftercare.

7 NEW SECTION. **Sec. 116.** (1) If a child in the youth offender
8 discipline program becomes unmanageable or medically or psychologically
9 ineligible, the participating county shall remove the child from the
10 program.

11 (2) A participating county shall either establish criteria for
12 training contract staff or provide a special training program for
13 county personnel selected for the youth offender discipline program,
14 which shall include appropriate methods of dealing with children who
15 have been placed in such a stringent program.

16 **Sec. 117.** RCW 2.56.030 and 1989 c 95 s 2 are each amended to read
17 as follows:

18 The administrator for the courts shall, under the supervision and
19 direction of the chief justice:

20 (1) Examine the administrative methods and systems employed in the
21 offices of the judges, clerks, stenographers, and employees of the
22 courts and make recommendations, through the chief justice, for the
23 improvement of the same;

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

26 (3) Make recommendations to the chief justice relating to the
27 assignment of judges where courts are in need of assistance and carry

1 out the direction of the chief justice as to the assignments of judges
2 to counties and districts where the courts are in need of assistance;

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

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

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

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

19 (8) Act as secretary of the judicial conference referred to in RCW
20 2.56.060;

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

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

26 (11) Administer programs and standards for the training and
27 education of judicial personnel;

28 (12) Examine the need for new superior court and district judge
29 positions under a weighted caseload analysis that takes into account
30 the time required to hear all the cases in a particular court and the

1 amount of time existing judges have available to hear cases in that
2 court. The results of the weighted caseload analysis shall be reviewed
3 by the board for judicial administration and the judicial council, both
4 of which shall make recommendations to the legislature by January 1,
5 1989. It is the intent of the legislature that weighted caseload
6 analysis become the basis for creating additional district court
7 positions, and recommendations should address that objective;

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

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

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

21 (16) Develop a curriculum for a general understanding of (~~hate or~~
22 ~~bias~~) crimes of malicious harassment, as well as specific legal skills
23 and knowledge of RCW 9A.36.080, relevant cases, court rules, and the
24 special needs of malicious harassment victims. This curriculum shall
25 be completed and made available to all superior court and court of
26 appeals judges and to all justices of the supreme court by July 1,
27 1989.

28 **Sec. 118.** RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended
29 to read as follows:

1 The parent or parents of any minor child under the age of eighteen
2 years who is living with the parent or parents and who shall willfully
3 or maliciously destroy property, real or personal or mixed, or who
4 shall willfully and maliciously inflict personal injury on another
5 person, shall be liable to the owner of such property or to the person
6 injured in a civil action at law for damages in an amount not to exceed
7 ((three)) five thousand dollars. This section shall in no way limit
8 the amount of recovery against the parent or parents for their own
9 common law negligence.

10 **Sec. 119.** RCW 9.41.010 and 1983 c 232 s 1 are each amended to read
11 as follows:

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

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

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

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

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

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

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

8 **Sec. 120.** RCW 9.41.040 and 1983 c 232 s 2 are each amended to read
9 as follows:

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

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

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

28 (4) Except as provided in subsection (5) of this section, a person
29 is guilty of the crime of unlawful possession of a short firearm or

1 pistol if, after having been convicted or adjudicated of any felony
2 violation of the uniform controlled substances act, chapter 69.50 RCW,
3 or equivalent statutes of another jurisdiction, or after any period of
4 confinement under RCW 71.05.320 or an equivalent statute of another
5 jurisdiction, or following a record of commitment pursuant to chapter
6 10.77 RCW or equivalent statutes of another jurisdiction, he owns or
7 has in his possession or under his control any short firearm or pistol.

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

16 **Sec. 121.** RCW 13.04.011 and 1979 c 155 s 1 are each amended to
17 read as follows:

18 For purposes of this title:

19 (1) Except as specifically provided in RCW 13.40.020 and chapter
20 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and
21 "child" mean any individual who is under the chronological age of
22 eighteen years;

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

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

27 (4) "Parent" or "parents," except as used in chapter 13.34 RCW, as
28 now or hereafter amended, means that parent or parents who have the
29 right of legal custody of the child. "Parent" or "parents" as used in

1 chapter 13.34 RCW, means the biological or adoptive parents of a child
2 unless the legal rights of that person have been terminated by judicial
3 proceedings;

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

6 NEW SECTION. **Sec. 122.** A new section is added to chapter 28A.600
7 RCW to read as follows:

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

18 **Sec. 123.** RCW 10.31.100 and 1988 c 190 s 1 are each amended to
19 read as follows:

20 A police officer having probable cause to believe that a person has
21 committed or is committing a felony shall have the authority to arrest
22 the person without a warrant. A police officer may arrest a person
23 without a warrant for committing a misdemeanor or gross misdemeanor
24 only when the offense is committed in the presence of the officer,
25 except as provided in subsections (1) through ~~((+8))~~ (9) of this
26 section.

27 (1) Any police officer having probable cause to believe that a
28 person has committed or is committing a misdemeanor or gross

1 misdemeanor, involving physical harm or threats of harm to any person
2 or property or the unlawful taking of property or involving the use or
3 possession of cannabis, or involving the acquisition, possession, or
4 consumption of alcohol by a person under the age of twenty-one years
5 under RCW 66.44.270 shall have the authority to arrest the person.

6 (2) A police officer shall arrest and take into custody, pending
7 release on bail, personal recognizance, or court order, a person
8 without a warrant when the officer has probable cause to believe that:

9 (a) An order has been issued of which the person has knowledge
10 under RCW 10.99.040(2), 10.99.050, 26.09.060, 26.44.063, chapter 26.26
11 RCW, or chapter 26.50 RCW restraining the person and the person has
12 violated the terms of the order restraining the person from acts or
13 threats of violence or excluding the person from a residence or, in the
14 case of an order issued under RCW 26.44.063, imposing any other
15 restrictions or conditions upon the person; or

16 (b) The person is eighteen years or older and within the preceding
17 four hours has assaulted that person's spouse, former spouse, or a
18 person eighteen years or older with whom the person resides or has
19 formerly resided and the officer believes: (i) A felonious assault has
20 occurred; (ii) an assault has occurred which has resulted in bodily
21 injury to the victim, whether the injury is observable by the
22 responding officer or not; or (iii) that any physical action has
23 occurred which was intended to cause another person reasonably to fear
24 imminent serious bodily injury or death. Bodily injury means physical
25 pain, illness, or an impairment of physical condition. When the
26 officer has probable cause to believe that spouses, former spouses, or
27 other persons who reside together or formerly resided together have
28 assaulted each other, the officer is not required to arrest both
29 persons. The officer shall arrest the person whom the officer believes
30 to be the primary physical aggressor. In making this determination,

1 the officer shall make every reasonable effort to consider: (i) The
2 intent to protect victims of domestic violence under RCW 10.99.010;
3 (ii) the comparative extent of injuries inflicted or serious threats
4 creating fear of physical injury; and (iii) the history of domestic
5 violence between the persons involved.

6 (3) Any police officer having probable cause to believe that a
7 person has committed or is committing a violation of any of the
8 following traffic laws shall have the authority to arrest the person:

9 (a) RCW 46.52.010, relating to duty on striking an unattended car
10 or other property;

11 (b) RCW 46.52.020, relating to duty in case of injury to or death
12 of a person or damage to an attended vehicle;

13 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
14 racing of vehicles;

15 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
16 influence of intoxicating liquor or drugs;

17 (e) RCW 46.20.342, relating to driving a motor vehicle while
18 operator's license is suspended or revoked;

19 (f) RCW 46.61.525, relating to operating a motor vehicle in a
20 negligent manner.

21 (4) A law enforcement officer investigating at the scene of a motor
22 vehicle accident may arrest the driver of a motor vehicle involved in
23 the accident if the officer has probable cause to believe that the
24 driver has committed in connection with the accident a violation of any
25 traffic law or regulation.

26 (5) Any police officer having probable cause to believe that a
27 person has committed or is committing a violation of RCW 88.02.095
28 shall have the authority to arrest the person.

29 (6) An officer may act upon the request of a law enforcement
30 officer in whose presence a traffic infraction was committed, to stop,

1 detain, arrest, or issue a notice of traffic infraction to the driver
2 who is believed to have committed the infraction. The request by the
3 witnessing officer shall give an officer the authority to take
4 appropriate action under the laws of the state of Washington.

5 (7) Any police officer having probable cause to believe that a
6 person has committed or is committing any act of indecent exposure, as
7 defined in RCW 9A.88.010, may arrest the person.

8 (8) A police officer may arrest and take into custody, pending
9 release on bail, personal recognizance, or court order, a person
10 without a warrant when the officer has probable cause to believe that
11 an order has been issued of which the person has knowledge under
12 chapter 10.14 RCW and the person has violated the terms of that order.

13 (9) A police officer having probable cause to believe that a person
14 has committed or is committing a violation of RCW 9.41.280 shall have
15 the authority to arrest the person.

16 (10) Except as specifically provided in subsections (2), (3), (4),
17 and (6) of this section, nothing in this section extends or otherwise
18 affects the powers of arrest prescribed in Title 46 RCW.

19 ((+10+)) (11) No police officer may be held criminally or civilly
20 liable for making an arrest pursuant to RCW 10.31.100(2) or (8) if the
21 police officer acts in good faith and without malice.

22 PART II - FAMILIES AT RISK

23 NEW SECTION. Sec. 201. A new section is added to chapter 28A.225
24 RCW to read as follows:

25 Each school district shall inform the students and the parents of
26 the students enrolled in the school district about the compulsory
27 education requirements under this chapter. The school district shall
28 distribute the information at least annually.

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

3 If a juvenile required to attend school under the laws of the state
4 of Washington fails to attend school without valid justification
5 (~~recurrently or for an extended period of time~~), the juvenile's
6 school(~~(, where appropriate,)~~) shall:

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

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

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

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

1 If action taken by a school pursuant to RCW 28A.225.020 is not
2 successful in substantially reducing a student's absences from school,
3 any of the following actions may be taken after five or more unexcused
4 absences during the current school year: (1) The attendance officer of
5 the school district through its attorney may petition the juvenile
6 court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and
7 28A.225.010 through 28A.225.150 for the purpose of alleging a violation
8 of RCW 28A.225.010 by the parent; or (2) a petition alleging a
9 violation of RCW 28A.225.010 by a child may be filed with the juvenile
10 court by the parent of such child or by the attendance officer of the
11 school district through its attorney at the request of the parent. If
12 the court assumes jurisdiction in such an instance, the provisions of
13 RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150,
14 except where otherwise stated, shall apply.

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

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

1 that the juvenile's school did not perform its duties as required in
2 RCW 28A.225.020. Any fine imposed pursuant to this section may be
3 suspended upon the condition that a parent charged with violating RCW
4 28A.225.010 shall participate with the school and the juvenile in a
5 supervised plan for the juvenile's attendance at school or upon
6 condition that the parent attend a conference or conferences scheduled
7 by a school for the purpose of analyzing the causes of a child's
8 absence.

9 Attendance officers shall make complaint for violation of the
10 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
11 superior or district court.

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

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

17 (1) The number of petitions filed by a school district or by a
18 parent;

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

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

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

26 The educational service district superintendent shall compile such
27 information and report annually to the superintendent of public
28 instruction. The superintendent of public instruction shall compile
29 such information and report to the committees of the house of

1 representatives and the senate by (~~January 1, 1988~~) September 1 of
2 each year.

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

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

1 such services and rights. Every officer taking a child into custody
2 shall provide the child and his or her parent(s) or responsible adult
3 with whom the child is placed with a copy of such statement. In
4 addition, the administrator of the facility or his or her designee
5 shall provide every resident and parent with a copy of such statement.

6 NEW SECTION. **Sec. 207.** To the extent possible, the department
7 of social and health services shall transfer children who are
8 inappropriately housed in crisis residential centers to residential and
9 treatment services or other appropriate placements designed to meet
10 their specific, unique needs by June 30, 1993.

11 The department shall prepare fiscal recommendations for the 1993-95
12 biennium indicating the funds required to assure that all children
13 inappropriately housed in crisis residential centers are transferred to
14 appropriate residential and treatment services.

15 NEW SECTION. **Sec. 208.** A new section is added to chapter 13.32A
16 RCW to read as follows:

17 All placements into crisis residential centers shall be approved by
18 and coordinated through the family reconciliation services supervisor.
19 The department of social and health services shall establish uniform
20 procedures for the use of crisis residential centers, which shall be
21 adhered to by all family reconciliation services supervisors.

22 **Sec. 209.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
23 read as follows:

24 (1) The department shall establish, by private or public contracts
25 (~~((with private vendors))~~), not less than (~~((eight regional))~~) thirty-eight
26 crisis residential centers, which shall be structured group care
27 facilities licensed under rules adopted by the department. Each

1 ((~~regional~~)) center shall have ((~~an average of at least four adult~~
2 ~~staff members and in no event less than~~)) a minimum of three adult
3 staff members to every ((~~eight~~)) nine children. The staff shall be
4 trained so that they may effectively counsel juveniles admitted to the
5 centers, provide treatment, supervision, and structure to the
6 juveniles, and carry out the responsibilities outlined in RCW
7 13.32A.090.

8 (2) ((~~The department shall, in addition to the regional facilities~~
9 ~~established under subsection (1) of this section, establish not less~~
10 ~~than thirty additional crisis residential centers pursuant to contract~~
11 ~~with licensed private group care or specialized foster home facilities.~~
12 ~~The staff at the facilities shall be trained so that they may~~
13 ~~effectively counsel juveniles admitted to the centers, provide~~
14 ~~treatment, supervision, and structure to the juveniles, and carry out~~
15 ~~the responsibilities stated in RCW 13.32A.090.~~)) The responsibilities
16 stated in RCW 13.32A.090 may, in any of the centers, be carried out by
17 the department.

18 Crisis residential facilities shall be operated as semi-secure
19 facilities.

20 **Sec. 210.** RCW 74.13.033 and 1979 c 155 s 79 are each amended to
21 read as follows:

22 (1) If a resident of a center becomes by his or her behavior
23 disruptive to the facility's program, such resident may be immediately
24 removed to a separate area within the facility and counseled on an
25 individual basis until such time as the child regains his or her
26 composure. The department may set rules and regulations establishing
27 additional procedures for dealing with severely disruptive children on
28 the premises, which procedures are consistent with the federal juvenile
29 justice and delinquency prevention act of 1974 and regulations and

1 clarifying instructions promulgated thereunder. Nothing in this
2 section shall prohibit a center from referring any child who, as the
3 result of a mental or emotional disorder, or intoxication by alcohol or
4 other drugs, is suicidal, seriously assaultive or seriously destructive
5 toward others, or otherwise similarly evidences an immediate need for
6 emergency medical evaluation and possible care, (~~to a community mental~~
7 ~~health center~~) for evaluation pursuant to chapter 71.34 RCW
8 (~~72.23.070~~) or to a mental health professional pursuant to chapter
9 71.05 RCW whenever such action is deemed appropriate and consistent
10 with law.

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

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

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

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

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

25 (3) A juvenile taking unauthorized leave from this residence may be
26 apprehended and returned to it by law enforcement officers or other
27 persons designated as having this authority as provided in RCW
28 13.32A.050. If returned to the facility after having taken
29 unauthorized leave for a period of more than twenty-four hours a
30 juvenile may be supervised by such a facility for a period, pursuant to

1 this chapter, which, unless where otherwise provided, may not exceed
2 ~~((seventy-two hours))~~ five consecutive days on the premises. Costs of
3 housing juveniles admitted to crisis residential centers shall be
4 assumed by the department for a period not to exceed ~~((seventy-two
5 hours))~~ five consecutive days.

6 **Sec. 211.** RCW 74.13.034 and 1991 c 364 s 5 are each amended to
7 read as follows:

8 (1) A child taken into custody and taken to a crisis residential
9 center established pursuant to RCW 74.13.032(2) may, if the center is
10 unable to provide appropriate treatment, supervision, and structure to
11 the child, be taken at department expense to another crisis residential
12 center or the nearest regional crisis residential center. Placement in
13 both centers shall not exceed ~~((seventy-two hours))~~ five consecutive
14 days from the point of intake as provided in RCW 13.32A.130.

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

27 ~~(3) Any child placed in secure detention pursuant to this section~~
28 ~~shall, during the period of confinement, be provided with appropriate~~
29 ~~treatment by the department or the department's designee, which shall~~

1 ~~include the services defined in RCW 74.13.033(2). If the child placed~~
2 ~~in secure detention is not returned home or if an alternative living~~
3 ~~arrangement agreeable to the parent and the child is not made within~~
4 ~~twenty-four hours after the child's admission, the child shall be taken~~
5 ~~at the department's expense to a crisis residential center. Placement~~
6 ~~in the crisis residential center or centers plus placement in juvenile~~
7 ~~detention shall not exceed ((seventy-two hours)) five consecutive days~~
8 from the point of intake as provided in RCW 13.32A.130.

9 (4) Juvenile detention facilities used pursuant to this section
10 shall first be certified by the department to ensure that juveniles
11 placed in the facility pursuant to this section are provided with
12 living conditions suitable to the well-being of the child. Where space
13 is available, juvenile courts, when certified by the department to do
14 so, shall provide secure placement for juveniles pursuant to this
15 section, at department expense.

16 (5) It is the intent of the legislature that by July 1, 1982,
17 crisis residential centers, supplemented by community mental health
18 programs and mental health professionals, will be able to respond
19 appropriately to children admitted to centers under this chapter and
20 will be able to respond to the needs of such children with appropriate
21 treatment, supervision, and structure.

22 **Sec. 212.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
23 read as follows:

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

26 (1) "Department" means the department of social and health
27 services.

28 (2) "Developmental disability" means a disability attributable to
29 mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol

1 syndrome, or another neurological or other condition of an individual
2 found by the secretary to be closely related to mental retardation or
3 to require treatment similar to that required for individuals with
4 mental retardation, which disability originates before the individual
5 attains age eighteen, which has continued or can be expected to
6 continue indefinitely, and which constitutes a substantial handicap to
7 the individual. By January 1, 1989, the department shall promulgate
8 rules which define neurological or other conditions in a way that is
9 not limited to intelligence quotient scores as the sole ((~~determinate~~
10 {~~determinant~~)) determinant of these conditions, and notify the
11 legislature of this action.

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

14 (4) "Habilitative services" means those services provided by
15 program personnel to assist persons in acquiring and maintaining life
16 skills and to raise their levels of physical, mental, social, and
17 vocational functioning. Habilitative services include education,
18 training for employment, and therapy.

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

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

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

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

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

3 NEW SECTION. **Sec. 213.** Sections 206, 209, and 211 of this act
4 shall take effect July 1, 1993.

5 PART III - INVOLUNTARY COMMITMENT AND TREATMENT

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

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

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

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

3 It is the purpose of this (~~legislation~~) chapter to ensure that
4 minors in need of mental health care and treatment receive an
5 appropriate continuum of culturally relevant care and treatment, ((and
6 to enable treatment decisions to be made in response to clinical needs
7 and in accordance with sound professional judgment while also
8 recognizing parents' rights to participate in treatment decisions for
9 their minor children, and to protect minors against needless
10 hospitalization and deprivations of liberty)) from prevention and early

11 intervention to involuntary treatment. To facilitate the continuum of
12 care and treatment to minors in out-of-home placements, all divisions
13 of the department that provide mental health services to minors shall
14 jointly plan and deliver those services.

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

27 NEW SECTION. **Sec. 303.** A new section is added to chapter 71.34
28 RCW to read as follows:

1 For the purpose of encouraging the expansion of existing evaluation
2 and treatment facilities and the creation of new facilities, the
3 department shall endeavor to redirect federal Title XIX funds which are
4 expended on out-of-state placements to fund placements within the
5 state.

6 NEW SECTION. **Sec. 304.** A new section is added to chapter 71.34
7 RCW to read as follows:

8 The department shall ensure that the provisions of this chapter are
9 applied by the counties in a consistent and uniform manner. The
10 department shall also ensure that the county-designated mental health
11 professionals are specifically trained in adolescent mental health
12 issues, the mental health civil commitment laws, and the criteria for
13 civil commitment.

14 NEW SECTION. **Sec. 305.** A new section is added to chapter 71.34
15 RCW to read as follows:

16 Whenever a county-designated mental health professional makes a
17 determination under RCW 71.34.050 that a minor, thirteen years or
18 older, does not meet the criteria for an involuntary detention at an
19 evaluation and treatment facility, the county-designated mental health
20 professional shall:

21 (1) Provide written notice to the minor's parent of the parent's
22 right to file petitions and obtain services available under chapter
23 13.32A RCW;

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

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

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

8 NEW SECTION. **Sec. 306.** A new section is added to chapter 71.34
9 RCW to read as follows:

10 (1) Whenever a county-designated mental health professional makes
11 a determination under RCW 71.34.050 that a minor, thirteen years of age
12 or older, does not meet the criteria for an involuntary admission at an
13 evaluation and treatment facility, the minor's parent may file a
14 petition in the superior court seeking a review of the county-
15 designated mental health professional's decision not to detain the
16 minor.

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

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

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

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

27 (3) The court shall review the petition, affidavits, and supporting
28 documentation and render a decision within three judicial days after
29 the petition is filed. If the court finds that the minor, as a result

1 of a mental disorder, presents a likelihood of serious harm or is
2 gravely disabled, the court shall issue a warrant for the detention of
3 the minor at an evaluation and treatment facility. The warrant shall
4 be served with a statement of the minor's rights as delineated in RCW
5 71.34.050(3), which includes the immediate right to an attorney.

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

8 NEW SECTION. **Sec. 307.** A new section is added to chapter 70.96A
9 RCW to read as follows:

10 The department shall ensure that the provisions of this chapter are
11 applied by the counties in a consistent and uniform manner. The
12 department shall also ensure that the county-designated chemical
13 dependency specialists are specifically trained in adolescent chemical
14 dependency issues, the chemical dependency commitment laws, and the
15 criteria for commitment.

16 NEW SECTION. **Sec. 308.** A new section is added to chapter 70.96A
17 RCW to read as follows:

18 Whenever a county-designated chemical dependency specialist makes
19 a determination under RCW 70.96A.140 that a minor does not meet the
20 criteria for a commitment to a chemical dependency program, the county-
21 designated chemical dependency specialist shall:

22 (1) Provide written notice to the minor's parent of the parent's
23 right to file petitions and obtain services available under chapter
24 13.32A RCW;

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

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

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

8 NEW SECTION. **Sec. 309.** A new section is added to chapter 70.96A
9 RCW to read as follows:

10 (1) Whenever a county-designated chemical dependency specialist
11 makes a determination under RCW 70.96A.140 that a minor does not meet
12 the criteria for a commitment to a chemical dependency treatment
13 program, the minor's parent may file a petition in the superior court
14 seeking a review of the county-designated chemical dependency
15 specialist's decision not to commit the minor.

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

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

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

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

26 (3) The court shall review the petition, affidavits, and supporting
27 documentation and render a decision within three judicial days after
28 the petition is filed. If the court finds by a preponderance of the
29 evidence that the minor meets the criteria for commitment as set forth

1 in RCW 70.96A.140(1), the court shall fix a date for a hearing as
2 provided in RCW 70.96A.140(2). The petition and order for a hearing
3 shall be served on the minor and on the county-designated chemical
4 dependency specialist who wrote the evaluation that was filed with the
5 court.

6 (4) All other provisions contained in this chapter relating to the
7 hearing and commitment shall apply.

8 NEW SECTION. **Sec. 310.** The department of social and health
9 services shall conduct a planning study of the children in its care to
10 determine the appropriate level of residential and treatment services
11 required by these children. The study shall be based on a
12 statistically valid sample of all children in the department's care.
13 The study shall also estimate the treatment needs of youth who have
14 been evaluated for a mental disorder but were not involuntarily
15 detained pursuant to chapter 71.34 RCW.

16 In conducting the study, the department shall utilize all existing
17 studies to the extent possible. The department shall report the
18 results of the study to the appropriate standing committees of the
19 legislature by September 15, 1992. The department shall use the study
20 results for designing future programs, treatment models, and for
21 determining the reallocation of funds within the department. The
22 department shall submit recommendations to the appropriate standing
23 committees of the legislature on the necessary reallocation of funds,
24 as indicated by the assessment results, by January 1, 1993.

1

2 NEW SECTION. **Sec. 401.** A joint select committee consisting of
3 twelve members, three each from the majority and minority caucuses of
4 the senate and three each from the majority and minority caucuses of
5 the house of representatives, is hereby created for the purposes of (1)
6 reviewing and evaluating the work of the juvenile justice act task
7 force created in chapter 234, Laws of 1991; (2) making recommendations
8 about any further possible changes to the laws on juvenile justice,
9 families at risk, involuntary treatment, and any other relevant matter
10 in the area of legislation relating to juveniles and the institutions
11 affecting them; and (3) identifying and recommending to the 1993
12 legislature a funding mechanism to implement the appropriate
13 recommendations of the task force and to implement any other
14 recommendations the select committee chooses to make. The committee
15 may hold such hearings as it deems necessary.

16 The committee shall be staffed by the legislature and shall seek
17 the widest possible public input during its work.

18 **Sec. 402.** 1991 c 234 s 2 (uncodified) is amended to read as
19 follows:

20 The department of social and health services, in cooperation with
21 the commission on African American affairs, shall contract for an
22 independent study of racial disproportionality in the juvenile justice
23 system. The study shall identify key decision points in the juvenile
24 justice system where race and/or ethnicity-based disproportionality
25 exists in the treatment and incarceration of juvenile offenders. The
26 study shall identify the causes of disproportionality, and propose new
27 policies and procedures to address disproportionality.

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

6 The juvenile justice task force shall utilize the information on
7 disproportionality in developing its report and recommendations to the
8 legislature required under section 1 (~~(of this act. If by June 30,~~
9 ~~1991, the omnibus operating budget appropriations act for the 1991-93~~
10 ~~biennium does not provide specific funding for this section,~~
11 ~~referencing this section by bill number and section, this section is~~
12 ~~null and void)~~), chapter 234, Laws of 1991.

13 NEW SECTION. Sec. 403. A new section is added to chapter 13.40
14 RCW to read as follows:

15 The department shall collect such data as may be necessary to
16 monitor any disparity in processing or disposing of cases involving
17 juvenile offenders due to economic, gender, geographic, or racial
18 factors that may result from implementation of chapter ..., Laws of
19 1992 (this act). Beginning December 1, 1993, the department shall
20 report annually to the legislature on economic, gender, geographic, or
21 racial disproportionality in the rates of arrest, detention, trial,
22 treatment, and disposition in the state's juvenile justice system. The
23 report shall cover the preceding calendar year. The annual report
24 shall identify the causes of such disproportionality and shall
25 specifically point out any economic, gender, geographic, or racial
26 disproportionality resulting from implementation of chapter ..., Laws
27 of 1992 (this act).

1 NEW SECTION. **Sec. 404.** Sections 112 through 116 of this act are
2 each added to chapter 13.16 RCW.

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

5 NEW SECTION. **Sec. 406.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 407.** If specific funding for the purposes of
10 sections 102, 104, 111, 112 through 117, 120, 202, 205 through 207,
11 209, 212, 304, 306, 307, 310, and 403 of this act, referencing this act
12 by bill and section number, is not provided by June 30, 1992, in the
13 supplemental omnibus appropriations act, the sections for which funding
14 is not so provided are null and void.