
SENATE BILL 6041

State of Washington

52nd Legislature

1992 Regular Session

By Senators Nelson, A. Smith, Thorsness, Rasmussen, Anderson, Johnson, Madsen, Owen, Jesernig, Talmadge and Newhouse

Read first time 01/13/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to recommendations of the juvenile issues task
2 force; amending RCW 13.40.020, 13.40.027, 13.40.0357, 13.40.038,
3 13.40.050, 13.40.070, 13.40.080, 13.40.100, 13.40.130, 13.40.150,
4 13.40.200, 9.41.010, 9.41.040, 9.41.280, 13.04.011, 28A.225.020,
5 28A.225.030, 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140,
6 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.04.055, and 71.34.010;
7 amending 1991 c 234 s 1 (uncodified); amending 1991 c 234 s 2
8 (uncodified); adding new sections to chapter 13.40 RCW; adding a new
9 section to chapter 28A.225 RCW; adding new sections to chapter 13.32A
10 RCW; adding new sections to chapter 71.34 RCW; adding new sections to
11 chapter 70.96A RCW; creating new sections; repealing RCW 13.40.010;
12 prescribing penalties; making appropriations; and providing an
13 effective date.

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

PART I - JUVENILE JUSTICE

1

2 NEW SECTION. **Sec. 101.** The legislature reaffirms the dual
3 policies of the juvenile justice act of 1977 of punishment and
4 rehabilitation. However, the legislature finds that confusion exists
5 about the relative priority of the purposes enumerated in section 55,
6 chapter 291, Laws of 1977 ex. sess. and that simplification and
7 clarification is necessary to reduce that confusion. The legislature
8 finds that the policies of rehabilitation; accountability; and
9 flexibility in service delivery, sanctions, and placement options are
10 equally important in ensuring public safety. The purpose of section
11 102 of this act is to clarify that these goals are equally important.

12 NEW SECTION. **Sec. 102.** A new section is added to chapter 13.40
13 RCW to read as follows:

14 The purpose of this chapter is to establish a juvenile justice
15 system that both punishes and rehabilitates juvenile offenders. The
16 legislature intends that juvenile offenders be held accountable for
17 their offenses, are justly punished, but are provided necessary
18 treatment, rehabilitation, and supervision. Active parental and
19 community involvement is vital to ensure swift response to youthful
20 offenders' needs. Flexibility in disposition, sanctions, placement,
21 and treatment alternatives within a structured discretionary framework
22 will enhance the system's ability to respond to individual offender's
23 needs while ensuring proportionality and fairness. Community safety
24 will be achieved by implementing the following equally important
25 purposes:

- 26 (1) Accountability and just punishment proportional to the offense,
27 juvenile's age, and offense history;

1 (2) Treatment, rehabilitation, and supervision through flexibility
2 in options for disposition, treatment, custody, programming, and active
3 parental and community involvement;

4 (3) Victim restitution; and

5 (4) Due process protection for juvenile offenders with a clear
6 policy to determine which types of offenders shall receive punishment,
7 treatment, or both, and to determine the jurisdictional limitations of
8 the court, institutions, and community services.

9 **Sec. 103.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each
10 amended to read as follows:

11 For the purposes of this chapter:

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

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

15 (b) Manslaughter in the first degree; or

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

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

28 (3) "Community supervision" means an order of disposition by the
29 court of an adjudicated youth not committed to the department. A

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

5 (a) Community-based sanctions;

6 (b) Community-based rehabilitation;

7 (c) Monitoring and reporting requirements;

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

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

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

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

15 ~~((d) Counseling; or~~

16 ~~(e) Such other services to the extent funds are available for such~~
17 services,)) counseling, outpatient substance abuse treatment programs,
18 outpatient mental health programs, anger management classes, or other
19 services; attendance at school or other educational programs
20 appropriate for the juvenile as determined by the school district; or
21 placement in foster care or another residential home that is not used
22 as a pretrial, postadjudication, or postdisposition detention facility.
23 Placement in community-based rehabilitation programs is subject to
24 available funds;

25 (6) "Monitoring and reporting requirements" means one or more of
26 the following: Curfews; requirements to remain at home, school, work,
27 or court-ordered treatment programs during specified hours;
28 restrictions from leaving or entering specified geographical areas;
29 requirements to report to the probation officer as directed and to
30 remain under the probation officer's supervision; and other

1 conditions((7)) or limitations as the court may require which may not
2 include confinement;

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

20 ((5)) (8) "Court", when used without further qualification, means
21 the juvenile court judge(s) or commissioner(s);

22 ((6)) (9) "Criminal history" includes all criminal complaints
23 against the respondent for which, prior to the commission of a current
24 offense:

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

29 (b) The criminal complaint was diverted by a prosecutor pursuant to
30 the provisions of this chapter on agreement of the respondent and after

1 an advisement to the respondent that the criminal complaint would be
2 considered as part of the respondent's criminal history;

3 ~~((7))~~ (10) "Department" means the department of social and health
4 services;

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

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

1 (~~(9)~~) (13) "Institution" means a juvenile facility established
2 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

3 (~~(10)~~) (14) "Juvenile," "youth," and "child" mean any individual
4 who is under the chronological age of eighteen years and who has not
5 been previously transferred to adult court;

6 (~~(11)~~) (15) "Juvenile offender" means any juvenile who has been
7 found by the juvenile court to have committed an offense, including a
8 person eighteen years of age or older over whom jurisdiction has been
9 extended under RCW 13.40.300;

10 (~~(12)~~) (16) "Manifest injustice" means a disposition that would
11 either impose an excessive penalty on the juvenile or would impose a
12 serious, and clear danger to society in light of the purposes of this
13 chapter;

14 (~~(13)~~) (17) "Middle offender" means a person who has committed an
15 offense and who is neither a minor or first offender nor a serious
16 offender;

17 (~~(14)~~) (18) "Minor or first offender" means a person sixteen
18 years of age or younger whose current offense(s) and criminal history
19 fall entirely within one of the following categories:

20 (a) Four misdemeanors;

21 (b) Two misdemeanors and one gross misdemeanor;

22 (c) One misdemeanor and two gross misdemeanors;

23 (d) Three gross misdemeanors;

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

26 (f) One class B felony except: Any felony which constitutes an
27 attempt to commit a class A felony; manslaughter in the first degree;
28 assault in the second degree; extortion in the first degree; indecent
29 liberties; kidnapping in the second degree; robbery in the second

1 degree; burglary in the second degree; residential burglary; vehicular
2 homicide; or arson in the second degree.

3 For purposes of this definition, current violations shall be
4 counted as misdemeanors;

5 ~~((15))~~ (19) "Offense" means an act designated a violation or a
6 crime if committed by an adult under the law of this state, under any
7 ordinance of any city or county of this state, under any federal law,
8 or under the law of another state if the act occurred in that state;

9 ~~((16))~~ (20) "Respondent" means a juvenile who is alleged or
10 proven to have committed an offense;

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

21 ~~((18))~~ (22) "Secretary" means the secretary of the department of
22 social and health services;

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

27 ~~((20))~~ (24) "Sex offense" means an offense defined as a sex
28 offense in RCW 9.94A.030;

1 ~~((21))~~ (25) "Sexual motivation" means that one of the purposes
2 for which the respondent committed the offense was for the purpose of
3 his or her sexual gratification;

4 ~~((22))~~ (26) "Foster care" means temporary physical care in a
5 foster family home or group care facility as defined in RCW 74.15.020
6 and licensed by the department, or other legally authorized care;

7 ~~((23))~~ (27) "Violation" means an act or omission, which if
8 committed by an adult, must be proven beyond a reasonable doubt, and is
9 punishable by sanctions which do not include incarceration.

10 **Sec. 104.** RCW 13.40.027 and 1989 c 407 s 2 are each amended to
11 read as follows:

12 (1) It is the responsibility of the commission to: (a) (i)
13 Evaluate the effectiveness of existing disposition standards and
14 related statutes in implementing policies set forth in ~~((RCW~~
15 ~~13.40.010)) section 102 of this act generally and (ii) specifically
16 review the guidelines relating to the confinement of minor and first
17 offenders as well as the use of diversion; (b) solicit the comments and
18 suggestions of the juvenile justice community concerning disposition
19 standards; and (c) make recommendations to the legislature regarding
20 revisions or modifications of the disposition standards in accordance
21 with RCW 13.40.030.~~

22 ~~(2) It is the responsibility of the department to: (a) Provide the~~
23 ~~commission with available data concerning the implementation of the~~
24 ~~disposition standards and related statutes and their effect on the~~
25 ~~performance of the department's responsibilities relating to juvenile~~
26 ~~offenders; (b) at the request of the commission, provide technical and~~
27 ~~administrative assistance to the commission in the performance of its~~
28 ~~responsibilities; and (c) provide the commission and legislature with~~
29 ~~recommendations for modification of the disposition standards.~~

1 B+ Assault 2 (9A.36.021) C+

2 C+ Assault 3 (9A.36.031) D+

3 D+ Assault 4 (9A.36.041) E

4 D+ Reckless Endangerment

5 (9A.36.050) E

6 C+ Promoting Suicide Attempt

7 (9A.36.060) D+

8 D+ Coercion (9A.36.070) E

9 C+ Custodial Assault (9A.36.100) D+

10 **Burglary and Trespass**

11 B+ Burglary 1 (9A.52.020) C+

12 B Burglary 2 (9A.52.030) C

13 D Burglary Tools (Possession of)

14 (9A.52.060) E

15 D Criminal Trespass 1 (9A.52.070) E

16 E Criminal Trespass 2 (9A.52.080) E

17 D Vehicle Prowling (9A.52.100) E

18 **Drugs**

19 E Possession/Consumption of Alcohol

20 (66.44.270) E

21 C Illegally Obtaining Legend Drug

22 (69.41.020) D

23 C+ Sale, Delivery, Possession of Legend

24 Drug with Intent to Sell

25 (69.41.030) D+

26 E Possession of Legend Drug

27 (69.41.030) E

28 B+ Violation of Uniform Controlled

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

1		Firearms and Weapons	
2	((C+	Committing Crime when Armed	
3		(9.41.025)	D+))
4	E	Carrying Loaded Pistol Without	
5		Permit (9.41.050)	E
6	E	Use of Firearms by Minor (<14)	
7		(9.41.240)	E
8	D+	Possession of Dangerous Weapon	
9		(9.41.250)	E
10	D	Intimidating Another Person by use	
11		of Weapon (9.41.270)	E
12		Homicide	
13	A+	Murder 1 (9A.32.030)	A
14	A+	Murder 2 (9A.32.050)	B+
15	B+	Manslaughter 1 (9A.32.060)	C+
16	C+	Manslaughter 2 (9A.32.070)	D+
17	B+	Vehicular Homicide (46.61.520)	C+
18		Kidnapping	
19	A	Kidnap 1 (9A.40.020)	B+
20	B+	Kidnap 2 (9A.40.030)	C+
21	C+	Unlawful Imprisonment	
22		(9A.40.040)	D+
23	((D	Custodial Interference	
24		(9A.40.050)	E))
25		Obstructing Governmental Operation	
26	E	Obstructing a Public Servant	
27		(9A.76.020)	E

1	E	Resisting Arrest (9A.76.040)	E
2	B	Introducing Contraband 1	
3		(9A.76.140)	C
4	C	Introducing Contraband 2	
5		(9A.76.150)	D
6	E	Introducing Contraband 3	
7		(9A.76.160)	E
8	B+	Intimidating a Public Servant	
9		(9A.76.180)	C+
10	B+	Intimidating a Witness	
11		(9A.72.110)	C+
12	(E)	Criminal Contempt	
13		(9.23.010)	E)
14		Public Disturbance	
15	C+	Riot with Weapon (9A.84.010)	D+
16	D+	Riot Without Weapon	
17		(9A.84.010)	E
18	E	Failure to Disperse (9A.84.020)	E
19	E	Disorderly Conduct (9A.84.030)	E
20		Sex Crimes	
21	A	Rape 1 (9A.44.040)	B+
22	A-	Rape 2 (9A.44.050)	B+
23	C+	Rape 3 (9A.44.060)	D+
24	A-	Rape of a Child 1 (9A.44.073)	B+
25	B	Rape of a Child 2 (9A.44.076)	C+
26	B	Incest 1 (9A.64.020(1))	C
27	C	Incest 2 (9A.64.020(2))	D
28	D+	((Public Indecency)) <u>Indecent Exposure</u>	

1		(Victim <14) (9A.88.010)	E
2	E	((Public Indecency)) <u>Indecent Exposure</u>	
3		(Victim 14 or over) (9A.88.010)	E
4	B+	Promoting Prostitution 1	
5		(9A.88.070)	C+
6	C+	Promoting Prostitution 2	
7		(9A.88.080)	D+
8	E	O & A (Prostitution) (9A.88.030)	E
9	B+	Indecent Liberties (9A.44.100)	C+
10	B+	Child Molestation 1 (9A.44.083)	C+
11	C+	Child Molestation 2 (9A.44.086)	C
12		Theft, Robbery, Extortion, and Forgery	
13	B	Theft 1 (9A.56.030)	C
14	C	Theft 2 (9A.56.040)	D
15	D	Theft 3 (9A.56.050)	E
16	B	Theft of Livestock (9A.56.080)	C
17	C	Forgery ((9A.56.020)) <u>(9A.60.020)</u>	D
18	A	Robbery 1 (9A.56.200)	B+
19	B+	Robbery 2 (9A.56.210)	C+
20	B+	Extortion 1 (9A.56.120)	C+
21	C+	Extortion 2 (9A.56.130)	D+
22	B	Possession of Stolen Property 1	
23		(9A.56.150)	C
24	C	Possession of Stolen Property 2	
25		(9A.56.160)	D
26	D	Possession of Stolen Property 3	
27		(9A.56.170)	E
28	C	Taking Motor Vehicle Without	
29		Owner's Permission (9A.56.070)	D

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

1		Apparatus (9.40.100)	E
2	E	Obscene, Harassing, Etc.,	
3		Phone Calls (9.61.230)	E
4	A	Other Offense Equivalent to an	
5		Adult Class A Felony	B+
6	B	Other Offense Equivalent to an	
7		Adult Class B Felony	C
8	C	Other Offense Equivalent to an	
9		Adult Class C Felony	D
10	D	Other Offense Equivalent to an	
11		Adult Gross Misdemeanor	E
12	E	Other Offense Equivalent to an	
13		Adult Misdemeanor	E
14	V	Violation of Order of Restitution,	
15		Community Supervision, or	
16		Confinement (13.40.200)	V

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

19 1st escape or attempted escape during 12-month period - 4 weeks
20 confinement

21 2nd escape or attempted escape during 12-month period - 8 weeks
22 confinement

23 3rd and subsequent escape or attempted escape during 12-month
24 period - 12 weeks confinement

25 If the court finds that a respondent has violated terms of an order,
26 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.

5

TIME SPAN

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

19 Prior history - Any offense in which a diversion agreement or counsel
20 and release form was signed, or any offense which has been adjudicated
21 by court to be correct prior to the commission of the current
22 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 and D. A

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

3 **MINOR/FIRST OFFENDER**

4 **OPTION A**

5 **STANDARD RANGE**

6		Community		
7		Supervision	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

INPATIENT SUBSTANCE ABUSE TREATMENT

In addition to any disposition entered under option A, B, or C, following adjudication for an offense, put 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. Placement in inpatient treatment is
13 subject to available funds.

14 **JUVENILE SENTENCING STANDARDS**

15 **SCHEDULE D-2**

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

19 **MIDDLE OFFENDER**

20 **OPTION A**

21 **STANDARD RANGE**

Community

Points	Community Supervision	Service Hours	Fine	Confinement Days	Confinement Weeks
1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0	
10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0	
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	and/or 0	
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	and/or	((2-4)) <u>0-10</u>
40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25	and/or	((2-4)) <u>0-10</u>
50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25	and/or	((5-10)) <u>0-10</u>
60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50	and/or	((5-10)) <u>10-20</u>
70-79	((6-9)) <u>0-12</u> months	and/or 40-56	and/or 0-\$50	and/or	((5-10)) <u>10-20</u>
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or	((9-12)) <u>10-20</u>
90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 0-\$100	and/or	((15-30)) <u>20-30</u>
110-129					<u>8-12</u>
130-149					<u>13-16</u>
150-199					<u>21-28</u>
200-249					<u>30-40</u>
250-299					<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 **INPATIENT 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. Placement in inpatient treatment is
20 subject to available funds.

21 **JUVENILE SENTENCING STANDARDS**

22 **SCHEDULE D-3**

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

1 **SERIOUS OFFENDER**

2 **OPTION A**

3 **STANDARD RANGE**

4	Points	Institution Time
5	0-129	8-12 weeks
6	130-149	13-16 weeks
7	150-199	21-28 weeks
8	200-249	30-40 weeks
9	250-299	52-65 weeks
10	300-374	80-100 weeks
11	375+	103-129 weeks
12	All A+	
13	Offenses	180-224 weeks

14 OR

15 **OPTION B**

16 **MANIFEST INJUSTICE**

17

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

1 SCHEDULE E

2 DEADLY WEAPON DISPOSITION ENHANCEMENT

3 The following additional times shall be added to the determinate
4 disposition under schedule D for middle and serious offenders if the
5 offender or an accomplice was armed with a deadly weapon as defined in
6 RCW 9.94A.125:

7 (1) 26 weeks if the offender is adjudicated for the commission of
8 an A+, A, or A- offense;

9 (2) 16 weeks if the offender is adjudicated for the commission of
10 a B+ or B offense;

11 (3) 12 weeks if the offender is adjudicated for the commission of
12 a C+ or C offense.

13 **Sec. 106.** RCW 13.40.038 and 1986 c 288 s 7 are each amended to
14 read as follows:

15 It is the policy of this state that all county juvenile detention
16 facilities provide a humane, safe, and rehabilitative environment and
17 that unadjudicated youth remain in the community whenever possible,
18 consistent with public safety and the provisions of chapter 13.40 RCW.

19 The counties shall develop and implement detention intake standards
20 and risk assessment standards to determine whether detention is
21 warranted and if so whether the juvenile should be placed in secure,
22 nonsecure, or home detention to implement the goals of this section.
23 Inability to pay for a less restrictive detention placement shall not
24 be a basis for denying a respondent a less restrictive placement in the
25 community. The detention standards shall be developed and implemented
26 no later than December 31, 1992.

1 The juvenile court administrators may determine what level of
2 security is necessary for a juvenile committed to a detention facility,
3 subject to the superior court's approval of the risk assessment
4 criteria adopted, unless a court specifies a security level in the
5 court order regarding a particular juvenile offender.

6 **Sec. 107.** RCW 13.40.050 and 1979 c 155 s 58 are each amended to
7 read as follows:

8 (1) When a juvenile taken into custody is held in detention:

9 (a) An information, a community supervision modification or
10 termination of diversion petition, or a parole modification petition
11 shall be filed within seventy-two hours, Saturdays, Sundays, and
12 holidays excluded, or the juvenile shall be released; and

13 (b) A detention hearing, a community supervision modification or
14 termination of diversion petition, or a parole modification petition
15 shall be held within seventy-two hours, Saturdays, Sundays, and
16 holidays excluded, from the time of filing the information or petition,
17 to determine whether continued detention is necessary under RCW
18 13.40.040.

19 (2) Upon filing an information, a community supervision
20 modification, or termination of diversion petition as required under
21 subsection (1)(a) of this section, the clerk of the court shall issue
22 a summons directed to the parent, guardian, or custodian, and such
23 other persons as appears to the court to be proper or necessary parties
24 to the proceedings, requiring them to appear personally before the
25 court at the time fixed for the hearing required under subsection
26 (1)(b) of this section. The summons shall include notice of the
27 ((detention)) hearing, stating the time, place, and purpose of the
28 hearing, and stating the right to counsel((, shall be given to the
29 parent, guardian, or custodian if such person can be found and)). Such

1 notice shall also be given to the juvenile (~~((if over twelve years of~~
2 ~~age))~~ held in detention. When the custodian is summoned, the parent or
3 guardian or both shall also be served with a summons.

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

7 (4) The court shall, based upon the allegations in the information,
8 determine whether the case is properly before it or whether the case
9 should be treated as a diversion case under RCW 13.40.080. If the case
10 is not properly before the court the juvenile shall be ordered
11 released.

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

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

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

23 (b) Place restrictions on the travel of the juvenile during the
24 period of release;

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

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

29 (e) Require that the juvenile return to detention during specified
30 hours.

1 (7) The court shall consult with the parents, guardian, or
2 custodian of the juvenile in detention prior to a determination to
3 further detain or release the juvenile or treat the case as a diversion
4 case under RCW 13.40.080.

5 **Sec. 108.** RCW 13.40.070 and 1989 c 407 s 9 are each amended to
6 read as follows:

7 (1) Complaints referred to the juvenile court alleging the
8 commission of an offense shall be referred directly to the prosecutor.
9 The prosecutor, upon receipt of a complaint, shall screen the complaint
10 to determine whether:

11 (a) The alleged facts bring the case within the jurisdiction of the
12 court; and

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

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

19 (3) If the requirements of subsections (1) (a) and (b) of this
20 section are met, the prosecutor shall either file an information in
21 juvenile court or divert the case, as set forth in subsections (5),
22 (6), and (7) of this section. If the prosecutor finds that the
23 requirements of subsection (1) (a) and (b) of this section are not met,
24 the prosecutor shall maintain a record, for one year, of such decision
25 and the reasons therefor. In lieu of filing an information or
26 diverting an offense a prosecutor may file a motion to modify community
27 supervision where such offense constitutes a violation of community
28 supervision.

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

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

7 (a) An alleged offender is accused of a class A felony, a class B
8 felony, an attempt to commit a class B felony, (~~assault in the third~~
9 ~~degree, rape in the third degree~~) a class C felony listed in RCW
10 9.94A.440(2) as a crime against persons, or any other offense listed in
11 RCW 13.40.020(1) (b) or (c); or

12 (b) An alleged offender is accused of a felony and has a criminal
13 history of at least one class A or class B felony, or two class C
14 felonies, or at least two gross misdemeanors, or at least two
15 misdemeanors and one additional misdemeanor or gross misdemeanor, or at
16 least one class C felony and one misdemeanor or gross misdemeanor; or

17 (c) An alleged offender has previously been committed to the
18 department; or

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

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

24 (6) Where a case is legally sufficient the prosecutor shall divert
25 the case if the alleged offense is a misdemeanor or gross misdemeanor
26 or violation and the alleged offense(s) in combination with the alleged
27 offender's criminal history do not exceed two offenses or violations
28 and do not include any felonies: PROVIDED, That if the alleged
29 offender is charged with a related offense that must or may be filed

1 under subsections (5) and (7) of this section, a case under this
2 subsection may also be filed.

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

9 (8) Whenever a juvenile is placed in custody or, where not placed
10 in custody, referred to a diversionary interview, the parent or legal
11 guardian of the juvenile shall be notified as soon as possible
12 concerning the allegation made against the juvenile and the current
13 status of the juvenile. Where a case involves victims of crimes
14 against persons or victims whose property has not been recovered at the
15 time a juvenile is referred to a diversionary unit, the victim shall be
16 notified of the referral and informed how to contact the unit.

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

23 (10) The prosecutor, juvenile court probation counselor, or
24 diversion unit may, in exercising their authority under this section or
25 RCW 13.40.080, refer juveniles to mediation or victim offender
26 reconciliation programs.

27 **Sec. 109.** RCW 13.40.080 and 1985 c 73 s 2 are each amended to read
28 as follows:

1 (1) A diversion agreement shall be a contract between a juvenile
2 accused of an offense and a diversionary unit whereby the juvenile
3 agrees to fulfill certain conditions in lieu of prosecution. Such
4 agreements may be entered into only after the prosecutor, or probation
5 counselor pursuant to this chapter, has determined that probable cause
6 exists to believe that a crime has been committed and that the juvenile
7 committed it. Such agreements shall be entered into as expeditiously
8 as possible.

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

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

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

15 (c) Attendance at up to (~~two~~) ten hours of counseling and/or up
16 to (~~ten~~) twenty hours of educational or informational sessions at a
17 community agency: PROVIDED, That the state shall not be liable for
18 costs resulting from the diversionary unit exercising the option to
19 permit diversion agreements to mandate attendance at up to two hours of
20 counseling and/or up to ten hours of educational or informational
21 sessions; and

22 (d) A fine, not to exceed one hundred dollars. In determining the
23 amount of the fine, the diversion unit shall consider only the
24 juvenile's financial resources and whether the juvenile has the means
25 to pay the fine. The diversion unit shall not consider the financial
26 resources of the juvenile's parents, guardian, or custodian in
27 determining the fine to be imposed.

28 (3) In assessing periods of community service to be performed and
29 restitution to be paid by a juvenile who has entered into a diversion
30 agreement, the court officer to whom this task is assigned shall

1 consult with victims who have contacted the diversionary unit and, to
2 the extent possible, involve members of the community. Such members of
3 the community shall meet with the juvenile and advise the court officer
4 as to the terms of the diversion agreement and shall supervise the
5 juvenile in carrying out its terms.

6 (4) A diversion agreement may not exceed a period of six months
7 (~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~) and
8 may include a period extending beyond the eighteenth birthday of the
9 divertee. Any restitution assessed during its term may not exceed an
10 amount which the juvenile could be reasonably expected to pay during
11 this period. If additional time is necessary for the juvenile to
12 complete restitution to the victim, the time period limitations of this
13 subsection may be extended by an additional six months.

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

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

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

23 (b) Violation of the terms of the agreement shall be the only
24 grounds for termination;

25 (c) No divertee may be terminated from a diversion program without
26 being given a court hearing, which hearing shall be preceded by:

27 (i) Written notice of alleged violations of the conditions of the
28 diversion program; and

29 (ii) Disclosure of all evidence to be offered against the divertee;

1 (d) The hearing shall be conducted by the juvenile court and shall
2 include:

- 3 (i) Opportunity to be heard in person and to present evidence;
- 4 (ii) The right to confront and cross-examine all adverse witnesses;
- 5 (iii) A written statement by the court as to the evidence relied on
6 and the reasons for termination, should that be the decision; and
- 7 (iv) Demonstration by evidence that the diverttee has substantially
8 violated the terms of his or her diversion agreement.

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

- 11 (i) In juvenile court if the diverttee is under eighteen years of
12 age; or
- 13 (ii) In superior court or the appropriate court of limited
14 jurisdiction if the diverttee is eighteen years of age or older.

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

18 (8) The diversion unit shall be responsible for advising a diverttee
19 of his or her rights as provided in this chapter.

20 ((+8)) (9) The diversion unit may refer a juvenile to treatment
21 programs or the department's family reconciliation services.

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

1 interviews mean all interviews regarding the diversion agreement
2 process.

3 The juvenile shall be advised that a diversion agreement shall
4 constitute a part of the juvenile's criminal history as defined by RCW
5 13.40.020(6) as now or hereafter amended. A signed acknowledgment of
6 such advisement shall be obtained from the juvenile, and the document
7 shall be maintained by the diversionary unit together with the
8 diversion agreement, and a copy of both documents shall be delivered to
9 the prosecutor if requested by the prosecutor. The supreme court shall
10 promulgate rules setting forth the content of such advisement in simple
11 language.

12 ~~((9))~~ (11) When a juvenile enters into a diversion agreement, the
13 juvenile court may receive only the following information for
14 dispositional purposes:

- 15 (a) The fact that a charge or charges were made;
- 16 (b) The fact that a diversion agreement was entered into;
- 17 (c) The juvenile's obligations under such agreement;
- 18 (d) Whether the alleged offender performed his or her obligations
19 under such agreement; and
- 20 (e) The facts of the alleged offense.

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

1 ((the)) a case to the prosecuting attorney for action if ((such)) a
2 juvenile violates the terms of ((the)) a diversion agreement.

3 ((11)) (13) A diversionary unit may, in instances where it
4 determines that the act or omission of an act for which a juvenile has
5 been referred to it involved no victim, or where it determines that the
6 juvenile referred to it has no prior criminal history and is alleged to
7 have committed an illegal act involving no threat of or instance of
8 actual physical harm and involving not more than fifty dollars in
9 property loss or damage and that there is no loss outstanding to the
10 person or firm suffering such damage or loss, counsel and release or
11 release such a juvenile without entering into a diversion agreement(~~(+
12 PROVIDED, That)~~). A diversion unit's authority to counsel and release
13 a juvenile under this subsection shall include the authority to refer
14 the juvenile to local treatment programs or the department's family
15 reconciliation services. Any juvenile ((so handled)) released under
16 this subsection shall be advised that the act or omission of any act
17 for which he or she had been referred shall constitute a part of the
18 juvenile's criminal history as defined by RCW 13.40.020(6) as now or
19 hereafter amended. A signed acknowledgment of such advisement shall be
20 obtained from the juvenile, and the document shall be maintained by the
21 unit, and a copy of the document shall be delivered to the prosecutor
22 if requested by the prosecutor. The supreme court shall promulgate
23 rules setting forth the content of such advisement in simple
24 language(~~(+ PROVIDED FURTHER, That)~~). A juvenile determined to be
25 eligible by a diversionary unit for ((such)) release as provided in
26 this subsection shall retain the same right to counsel and right to
27 have his or her case referred to the court for formal action as any
28 other juvenile referred to the unit.

29 ((12)) (14) A diversion unit may supervise the fulfillment of a
30 diversion agreement entered into before the juvenile's eighteenth

1 birthday and which includes a period extending beyond the divertee's
2 eighteenth birthday.

3 (~~(13)~~) (15) If a fine required by a diversion agreement cannot
4 reasonably be paid due to a change of circumstance, the diversion
5 agreement may be modified at the request of the divertee and with the
6 concurrence of the diversion unit to convert an unpaid fine into
7 community service. The modification of the diversion agreement shall
8 be in writing and signed by the divertee and the diversion unit. The
9 number of hours of community service in lieu of a monetary penalty
10 shall be converted at the rate of the prevailing state minimum wage per
11 hour.

12 (~~(14)~~) (16) Fines imposed under this section shall be collected
13 and paid into the county general fund in accordance with procedures
14 established by the juvenile court administrator under RCW 13.04.040 and
15 may be used only for juvenile services. In the expenditure of funds
16 for juvenile services, there shall be a maintenance of effort whereby
17 counties exhaust existing resources before using amounts collected
18 under this section.

19 **Sec. 110.** RCW 13.40.100 and 1979 c 155 s 62 are each amended to
20 read as follows:

21 (1) Upon the filing of an information the alleged offender shall be
22 notified by summons, warrant, or other method approved by the court of
23 the next required court appearance.

24 (2) (~~(If notice is by summons,)~~) The clerk of the court shall also
25 issue a summons directed to (~~(the juvenile, if the juvenile is twelve~~
26 ~~or more years of age, and another to))~~ the parents, guardian, or
27 custodian, and such other persons as appear to the court to be proper
28 or necessary parties to the proceedings, requiring them to appear
29 personally before the court at the time fixed to hear the petition.

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

3 (3) A copy of the information shall be attached to each summons.

4 (4) The summons shall advise the parties of the right to counsel.

5 (5) The judge may endorse upon the summons an order directing the
6 parents, guardian, or custodian having the custody or control of the
7 juvenile to bring the juvenile to the hearing.

8 (6) If it appears from affidavit or sworn statement presented to
9 the judge that there is probable cause for the issuance of a warrant of
10 arrest or that the juvenile needs to be taken into custody pursuant to
11 RCW 13.34.050, as now or hereafter amended, the judge may endorse upon
12 the summons an order that an officer serving the summons shall at once
13 take the juvenile into custody and take the juvenile to the place of
14 detention or shelter designated by the court.

15 (7) Service of summons may be made under the direction of the court
16 by any law enforcement officer or probation counselor.

17 (8) If the person summoned as herein provided fails without
18 reasonable cause to appear and abide the order of the court, the person
19 may be proceeded against as for contempt of court.

20 **Sec. 111.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to
21 read as follows:

22 (1) The respondent shall be advised of the allegations in the
23 information and shall be required to plead guilty or not guilty to the
24 allegation(s). The state or the respondent may make preliminary
25 motions up to the time of the plea.

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

1 (3) The clerk of the court shall issue a summons directed to the
2 parents, guardian, or custodian, and such other persons as appears to
3 the court to be proper or necessary parties to the adjudicatory and
4 subsequent dispositional hearings, requiring them to appear personally
5 before the court at the time fixed for the adjudicatory and/or
6 dispositional hearing or hearings. Where the custodian is summoned,
7 the parent or guardian or both shall also be served with a summons.

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

11 (~~(4)~~) (5) The court shall record its findings of fact and shall
12 enter its decision upon the record. Such findings shall set forth the
13 evidence relied upon by the court in reaching its decision.

14 (~~(5)~~) (6) If the respondent is found not guilty he or she shall
15 be released from detention.

16 (~~(6)~~) (7) If the respondent is found guilty the court may
17 immediately proceed to disposition or may continue the case for a
18 dispositional hearing. Notice of the time and place of the continued
19 hearing may be given in open court. If notice is not given in open
20 court to a party, the party shall be notified by mail of the time and
21 place of the continued hearing.

22 (~~(7)~~) (8) The court following an adjudicatory hearing may request
23 that a predisposition study be prepared to aid the court in its
24 evaluation of the matters relevant to disposition of the case.

25 (~~(8)~~) (9) The disposition hearing shall be held within fourteen
26 days after the adjudicatory hearing or plea of guilty unless good cause
27 is shown for further delay, or within twenty-one days if the juvenile
28 is not held in a detention facility, unless good cause is shown for
29 further delay.

1 (~~(9)~~) (10) In sentencing an offender, the court shall use the
2 disposition standards in effect on the date of the offense.

3 **Sec. 112.** RCW 13.40.150 and 1990 c 3 s 605 are each amended to
4 read as follows:

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

15 (2) For purposes of disposition:

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

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

19 (c) In no event may a disposition for a violation include
20 confinement.

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

24 (a) Consider the facts supporting the allegations of criminal
25 conduct by the respondent;

26 (b) Consider information and arguments offered by parties and their
27 counsel;

28 (c) Consider any predisposition reports;

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

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

7 (f) Determine the amount of restitution owing to the victim, if
8 any;

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

11 (h) Consider whether or not any of the following mitigating factors
12 exist:

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

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

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

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

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

25 (i) Consider whether or not any of the following aggravating
26 factors exist:

27 (i) In the commission of the offense, or in flight therefrom, the
28 respondent inflicted or attempted to inflict serious bodily injury to
29 another;

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

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

4 (iv) The respondent has a recent criminal history or has failed to
5 comply with conditions of a recent dispositional order or diversion
6 agreement;

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

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

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

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

16 (a) The sex of the respondent;

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

18 (c) The creed or religion of the respondent or the respondent's
19 family;

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

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

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

27 **Sec. 113.** RCW 13.40.200 and 1986 c 288 s 5 are each amended to
28 read as follows:

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

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

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

27 (b) If the violation of the terms of the order under (a) of this
28 subsection is failure to pay fines, penalty assessments, complete
29 community service, or make restitution, the term of confinement imposed

1 under (a) of this subsection shall be assessed at a rate of one day of
2 confinement for each twenty-five dollars or eight hours owed.

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

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

20 NEW SECTION. Sec. 114. A new section is added to chapter 13.40
21 RCW to read as follows:

22 The department shall develop a plan to reduce its reliance on large
23 institutional facilities for juvenile offenders committed to the
24 department. The department's plan shall include the following:

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

1 (2) A recommendation whether the facilities should be state-
2 operated facilities or operated pursuant to contract with the counties
3 or private vendors, or a combination of both;

4 (3) A cost analysis of the construction and renovation, if any, and
5 operation of the facilities;

6 (4) A specific risk assessment tool for determining which offenders
7 may be placed in various security levels that will ensure that violent
8 offenders are held in secure settings and nonviolent offenders are held
9 in lower security facilities;

10 (5) A specific plan to ensure communities that offenders from
11 their own communities will be housed in the community-based facilities;
12 and

13 (6) A recommendation regarding the capital and operating plan for
14 existing institutions impacted by implementation of the plan.

15 The department shall obtain input and recommendations from the
16 counties, vendors, and other interested parties regarding development
17 of the plan.

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 fiscal year 1993-95.

23 NEW SECTION. **Sec. 115.** A new section is added to chapter 13.40
24 RCW to read as follows:

25 The office of the administrator for the courts, in cooperation with
26 the department, shall educate the judiciary, juvenile court
27 administrators, and other affected entities within the juvenile
28 offender system about resources, services, and programs available in

1 the community and department for the placement and rehabilitation of
2 juvenile offenders.

3 **Sec. 116.** RCW 9.41.010 and 1983 c 232 s 1 are each amended to read
4 as follows:

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

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

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

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

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

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

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

1 **Sec. 117.** RCW 9.41.040 and 1983 c 232 s 2 are each amended to read
2 as follows:

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

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

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

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

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

9 **Sec. 118.** RCW 9.41.280 and 1989 c 219 s 1 are each amended to read
10 as follows:

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

14 (a) Any firearm; or

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

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

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

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

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

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

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

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

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

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

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

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

13 **Sec. 119.** RCW 13.04.011 and 1979 c 155 s 1 are each amended to
14 read as follows:

15 For purposes of this title:

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

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

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

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

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

3 NEW SECTION. **Sec. 120.** RCW 13.40.010 and 1977 ex.s. c 291 s 55
4 are each repealed.

5 **PART II - FAMILIES AT RISK**

6 NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.225
7 RCW to read as follows:

8 Each school within a school district shall inform the students and
9 the parents of the students enrolled in the school about the compulsory
10 education requirements under this chapter. The school shall distribute
11 the information at least annually.

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

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

18 (1) Inform the juvenile's custodial parent, parents or guardian by
19 a notice in writing in English and, if different, in the primary
20 language of the custodial parent, parents or guardian and by other
21 means reasonably necessary to achieve notice of the fact that the
22 juvenile has failed to attend school without valid justification
23 (~~((recurrently or for an extended period of time))~~) after one unexcused
24 absence;

1 (2) Schedule a conference or conferences with the custodial parent,
2 parents or guardian and juvenile at a time and place reasonably
3 convenient for all persons included for the purpose of analyzing the
4 causes of the juvenile's absences after two unexcused absences; and

5 (3) Take steps to eliminate or reduce the juvenile's absences.
6 These steps shall include, where appropriate, adjusting the juvenile's
7 school program or school or course assignment, providing more
8 individualized or remedial instruction, preparing the juvenile for
9 employment with specific vocational courses or work experience, or
10 both, and assisting the parent or student to obtain supplementary
11 services that might eliminate or ameliorate the cause or causes for the
12 absence from school.

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

15 If action taken by a school pursuant to RCW 28A.225.020 is not
16 successful in substantially reducing a student's absences from school,
17 any of the following actions may be taken after five or more unexcused
18 absences: (1) The attendance officer of the school district through
19 its attorney may petition the juvenile court to assume jurisdiction
20 under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150
21 for the purpose of alleging a violation of RCW 28A.225.010 by the
22 parent; or (2) a petition alleging a violation of RCW 28A.225.010 by a
23 child may be filed with the juvenile court by the parent of such child
24 or by the attendance officer of the school district through its
25 attorney at the request of the parent. If the court assumes
26 jurisdiction in such an instance, the provisions of RCW 28A.200.010,
27 28A.200.020, and 28A.225.010 through 28A.225.150, except where
28 otherwise stated, shall apply.

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

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

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

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

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

4 (1) The number of petitions filed by a school district or by a
5 parent;

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

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

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

13 The educational service district superintendent shall compile such
14 information and report annually to the superintendent of public
15 instruction. The superintendent of public instruction shall compile
16 such information and report to the committees of the house of
17 representatives and the senate by ~~((January 1, 1988))~~ September 1 of
18 each year.

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

21 A child admitted to a crisis residential center under this chapter
22 who is not returned to the home of his or her parent or who is not
23 placed in an alternative residential placement under an agreement
24 between the parent and child, shall, except as provided for by RCW
25 13.32A.140 and 13.32A.160(2), reside in such placement under the rules
26 and regulations established for the center for a period not to exceed
27 ~~((seventy two hours, excluding Saturdays, Sundays, and holidays,))~~ five
28 consecutive days from the time of intake, except as otherwise provided
29 by this chapter. ~~Crisis residential center staff shall make a~~

1 concerted effort to achieve a reconciliation of the family. If a
2 reconciliation and voluntary return of the child has not been achieved
3 within forty eight hours(~~(, excluding Saturdays, Sundays and~~
4 ~~holidays,~~)) from the time of intake, and if the person in charge of the
5 center does not consider it likely that reconciliation will be achieved
6 within the (~~seventy two hour~~) five-day period, then the person in
7 charge shall inform the parent and child of (1) the availability of
8 counseling services; (2) the right to file a petition for an
9 alternative residential placement, the right of a parent to file an at-
10 risk youth petition, and the right of the parent and child to obtain
11 assistance in filing the petition; and (3) the right to request a
12 review of any alternative residential placement: PROVIDED, That at no
13 time shall information regarding a parent's or child's rights be
14 withheld if requested: PROVIDED FURTHER, That the department shall
15 develop and distribute to all law enforcement agencies and to each
16 crisis residential center administrator a written statement delineating
17 such services and rights. Every officer taking a child into custody
18 shall provide the child and his or her parent(s) or responsible adult
19 with whom the child is placed with a copy of such statement. In
20 addition, the administrator of the facility or his or her designee
21 shall provide every resident and parent with a copy of such statement.

22 **Sec. 207.** RCW 13.32A.140 and 1990 c 276 s 9 are each amended to
23 read as follows:

24 The department shall file a petition to approve an alternative
25 residential placement on behalf of a child under any of the following
26 sets of circumstances:

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

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

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

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

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

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

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

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

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

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

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

20 (3) An agreement between parent and child made pursuant to RCW
21 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
22 acceptable to parent or child, and:

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

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

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

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

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

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

4 Under the circumstances of subsections (1), (2), or (3) of this
5 section, the child shall remain in a licensed child care facility,
6 including but not limited to a crisis residential center, or in any
7 other suitable residence to be determined by the department until an
8 alternative residential placement petition filed by the department on
9 behalf of the child is reviewed by the juvenile court and is resolved
10 by such court. The department may authorize emergency medical or
11 dental care for a child placed under this section. The state, when the
12 department files a petition for alternative residential placement under
13 this section, shall be represented as provided for in RCW 13.04.093.

14 NEW SECTION. **Sec. 208.** To the extent possible, the department
15 of social and health services shall transfer children who are
16 inappropriately housed in crisis residential centers to residential and
17 treatment services designed to meet their specific, unique needs by
18 June 30, 1993.

19 The department shall prepare a budget request for the 1993-95
20 biennium that ensures all children inappropriately housed in crisis
21 residential centers are transferred to appropriate residential and
22 treatment services. The budget request shall be included in the
23 governor's proposed expenditure plan for the 1993-95 biennium.

24 NEW SECTION. **Sec. 209.** A new section is added to chapter 13.32A
25 RCW to read as follows:

26 The department of social and health services shall not
27 administratively split-code staff responsible for family reconciliation

1 services between separate and distinct functions, except in remote
2 rural offices where to do otherwise proves impractical.

3 NEW SECTION. **Sec. 210.** A new section is added to chapter 13.32A
4 RCW to read as follows:

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

10 NEW SECTION. **Sec. 211.** The juvenile issues task force
11 established by chapter 234, Laws of 1991, shall develop a statutory
12 community-based planning, allocation, and service system for children
13 and families, including at-risk youth, runaways, and families in
14 conflict, and submit it to the appropriate legislative committees no
15 later than December 1, 1992. The task force shall: (1) Identify which
16 state agencies, programs, and services should be included in the
17 system; (2) identify the various youth populations to be served by the
18 system; and (3) determine how to coordinate this system with existing
19 community-based planning and coordination requirements, including, but
20 not limited to, chapter 326, Laws of 1991, and chapter 13.06 RCW.

21 **Sec. 212.** RCW 74.13.032 and 1979 c 155 s 78 are each amended to
22 read as follows:

23 (1) The department shall establish, by contracts with private
24 vendors, not less than ~~((eight—regional))~~ thirty-eight crisis
25 residential centers, which shall be structured group care facilities
26 licensed under rules adopted by the department. Each ~~((regional))~~
27 center shall have ~~((an average of at least four adult staff members and~~

1 ~~in no event less than~~) three adult staff members to every ((eight))
2 nine children. The staff shall be trained so that they may effectively
3 counsel juveniles admitted to the centers, provide treatment,
4 supervision, and structure to the juveniles, and carry out the
5 responsibilities outlined in RCW 13.32A.090.

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

16 Crisis residential facilities shall be operated as semi-secure
17 facilities.

18 **Sec. 213.** RCW 74.13.033 and 1979 c 155 s 79 are each amended to
19 read as follows:

20 (1) If a resident of a center becomes by his or her behavior
21 disruptive to the facility's program, such resident may be immediately
22 removed to a separate area within the facility and counseled on an
23 individual basis until such time as the child regains his or her
24 composure. The department may set rules and regulations establishing
25 additional procedures for dealing with severely disruptive children on
26 the premises, which procedures are consistent with the federal juvenile
27 justice and delinquency prevention act of 1974 and regulations and
28 clarifying instructions promulgated thereunder. Nothing in this
29 section shall prohibit a center from referring any child who, as the

1 result of a mental or emotional disorder, or intoxication by alcohol or
2 other drugs, is suicidal, seriously assaultive or seriously destructive
3 toward others, or otherwise similarly evidences an immediate need for
4 emergency medical evaluation and possible care, (~~to a community mental~~
5 ~~health center~~) for evaluation pursuant to chapter 71.34 RCW
6 (~~(72.23.070)~~) or to a mental health professional pursuant to chapter
7 71.05 RCW whenever such action is deemed appropriate and consistent
8 with law.

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

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

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

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

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

23 (3) A juvenile taking unauthorized leave from this residence may be
24 apprehended and returned to it by law enforcement officers or other
25 persons designated as having this authority as provided in RCW
26 13.32A.050. If returned to the facility after having taken
27 unauthorized leave for a period of more than twenty-four hours a
28 juvenile may be supervised by such a facility for a period, pursuant to
29 this chapter, which, unless where otherwise provided, may not exceed
30 (~~seventy-two hours~~) five consecutive days on the premises. Costs of

1 housing juveniles admitted to crisis residential centers shall be
2 assumed by the department for a period not to exceed (~~seventy-two~~
3 hours)) five consecutive days.

4 **Sec. 214.** RCW 74.13.034 and 1991 c 364 s 5 are each amended to
5 read as follows:

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

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

25 ((~~3~~)) (2) Any child placed in secure detention pursuant to this
26 section shall, during the period of confinement, be provided with
27 appropriate treatment by the department or the department's designee,
28 which shall include the services defined in RCW 74.13.033(2). If the
29 child placed in secure detention is not returned home or if an

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

8 ~~((4))~~ (3) Juvenile detention facilities used pursuant to this
9 section shall first be certified by the department to ensure that
10 juveniles placed in the facility pursuant to this section are provided
11 with living conditions suitable to the well-being of the child. Where
12 space is available, juvenile courts, when certified by the department
13 to do so, shall provide secure placement for juveniles pursuant to this
14 section, at department expense.

15 ~~((5))~~ (4) It is the intent of the legislature that by July 1,
16 1982, crisis residential centers, supplemented by community mental
17 health programs and mental health professionals, will be able to
18 respond appropriately to children admitted to centers under this
19 chapter and will be able to respond to the needs of such children with
20 appropriate treatment, supervision, and structure.

21 **Sec. 215.** RCW 74.13.035 and 1979 c 155 s 81 are each amended to
22 read as follows:

23 Crisis residential centers shall compile yearly records which shall
24 be transmitted to the department and which shall contain information
25 regarding population profiles of the children admitted to the centers
26 during each past calendar year. Such information shall include but
27 shall not be limited to the following:

28 (1) The number, age, and sex of children admitted to custody;

29 (2) Who brought the children to the center;

- 1 (3) Services provided to children admitted to the center;
- 2 (4) The circumstances which necessitated the children being brought
- 3 to the center;
- 4 (5) The ultimate disposition of cases;
- 5 (6) The number of children admitted to custody who ran away from
- 6 the center and their ultimate disposition, if any;
- 7 (7) Length of stay.

8 The department may require the provision of additional information and

9 may require each center to provide all such necessary information in a

10 uniform manner.

11 ~~((A center may, in addition to being licensed as such, also be~~

12 ~~licensed as a family foster home or group care facility and may house~~

13 ~~on the premises juveniles assigned for foster or group care.))~~

14 NEW SECTION. Sec. 216. Sections 206, 207, 212, 214, and 215 of

15 this act shall take effect July 1, 1993.

16 **PART III - INVOLUNTARY COMMITMENT AND TREATMENT**

17 **Sec. 301.** RCW 74.04.055 and 1991 c 126 s 2 are each amended to

18 read as follows:

19 In furtherance of the policy of this state to cooperate with the

20 federal government in the programs included in this title the secretary

21 shall issue such rules and regulations as may become necessary to

22 entitle this state to participate in federal grants-in-aid, goods,

23 commodities and services unless the same be expressly prohibited by

24 this title. The secretary shall ensure that the department's services

25 and programs are designed and implemented to maximize the allocation of

26 federal funds to the state.

1 Any section or provision of this title which may be susceptible to
2 more than one construction shall be interpreted in favor of the
3 construction most likely to satisfy federal laws entitling this state
4 to receive federal matching or other funds for the various programs of
5 public assistance. If any part of this chapter is found to be in
6 conflict with federal requirements which are a prescribed condition to
7 the receipts of federal funds to the state, the conflicting part of
8 this chapter is hereby inoperative solely to the extent of the conflict
9 with respect to the agencies directly affected, and such finding or
10 determination shall not affect the operation of the remainder of this
11 chapter.

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

14 It is the purpose of this (~~legislation~~) chapter to ensure that
15 minors in need of mental health care and treatment receive an
16 appropriate continuum of culturally relevant care and treatment, ((and
17 to enable treatment decisions to be made in response to clinical needs
18 and in accordance with sound professional judgment while also
19 recognizing parents' rights to participate in treatment decisions for
20 their minor children, and to protect minors against needless
21 hospitalization and deprivations of liberty)) from prevention and early
22 intervention to involuntary treatment. To facilitate the continuum of
23 care and treatment to minors in out-of-home placements, all divisions
24 of the department that provide mental health services to minors shall
25 jointly plan and deliver those services.

26 It is also the purpose of this chapter to protect the rights of
27 minors against needless hospitalization and deprivations of liberty and
28 to enable treatment decisions to be made in response to clinical needs
29 in accordance with sound professional judgment. The mental health care

1 and treatment providers shall encourage the use of voluntary services
2 and, whenever clinically appropriate, the providers shall offer less
3 restrictive alternatives to inpatient treatment. Additionally, all
4 mental health care and treatment providers shall ensure that minors'
5 parents are given an opportunity to participate in the treatment
6 decisions for their children. The mental health care and treatment
7 providers shall, to the extent possible, offer services that involve
8 minors' parents or family.

9 NEW SECTION. Sec. 303. A new section is added to chapter 71.34
10 RCW to read as follows:

11 For the purpose of encouraging the expansion of existing evaluation
12 and treatment facilities and the creation of new facilities, the
13 department shall endeavor to redirect federal Title XIX funds which are
14 expended on out-of-state placements to fund placements within the
15 state.

16 NEW SECTION. Sec. 304. A new section is added to chapter 71.34
17 RCW to read as follows:

18 The department shall ensure that the provisions of this chapter are
19 applied by the counties in a consistent and uniform manner. The
20 department shall also ensure that the county-designated mental health
21 professionals are specifically trained in adolescent mental health
22 issues, the mental health civil commitment laws, and the criteria for
23 civil commitment.

24 NEW SECTION. Sec. 305. A new section is added to chapter 71.34
25 RCW to read as follows:

26 Whenever a county-designated mental health professional makes a
27 determination under RCW 71.34.050 that a minor, thirteen years or

1 older, does not meet the criteria for an involuntary detention at an
2 evaluation and treatment facility, the county-designated mental health
3 professional shall:

4 (1) Provide written notice to the minor's parent of the parent's
5 right to file petitions and obtain services available under chapter
6 13.32A RCW;

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

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

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

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

20 (1) Whenever a county-designated mental health professional makes
21 a determination under RCW 71.34.050 that a minor, thirteen years of age
22 or older, does not meet the criteria for an involuntary admission at an
23 evaluation and treatment facility, the minor's parent may file a
24 petition in the superior court seeking a review of the county-
25 designated mental health professional's decision not to detain the
26 minor.

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

28 (a) An affidavit of the parent which states the reasons why the
29 parent disagrees with the evaluation conducted by the county-designated

1 mental health professional and includes the specific facts alleged
2 which indicate the need for the minor's detention;

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

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

8 (3) If after reviewing the petition, affidavits, and supporting
9 documentation, the court finds probable cause that the minor, as a
10 result of a mental disorder, presents a likelihood of serious harm or
11 is gravely disabled, the court shall issue a warrant for the detention
12 of the minor at an evaluation and treatment facility. The warrant
13 shall be served with a statement of the minor's rights as delineated in
14 RCW 71.34.050(3), which includes the immediate right to an attorney.

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

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

19 The department shall ensure that the provisions of this chapter are
20 applied by the counties in a consistent and uniform manner. The
21 department shall also ensure that the county-designated chemical
22 dependency specialists are specifically trained in adolescent chemical
23 dependency issues, the chemical dependency commitment laws, and the
24 criteria for commitment.

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

27 Whenever a county-designated chemical dependency specialist makes
28 a determination under RCW 70.96A.140 that a minor does not meet the

1 criteria for a commitment to chemical dependency program, the county-
2 designated chemical dependency specialist shall:

3 (1) Provide written notice to the minor's parent of the parent's
4 right to file petitions and obtain services available under chapter
5 13.32A RCW;

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

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

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

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

19 (1) Whenever a county-designated chemical dependency specialist
20 makes a determination under RCW 70.96A.140 that a minor does not meet
21 the criteria for a commitment to a chemical dependency treatment
22 program, the minor's parent may file a petition in the superior court
23 seeking a review of the county-designated chemical dependency
24 specialist's decision not to commit the minor.

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

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

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

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

6 (3) If after reviewing the petition, affidavits, and supporting
7 documentation, the court finds probable cause that the minor meets the
8 criteria for commitment as set forth in RCW 70.96A.140(1), the court
9 shall fix a date for a hearing as provided in RCW 70.96A.140(2). The
10 petition and order for a hearing shall be served as provided in RCW
11 70.96A.140(2).

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

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

22 In making the assessment the department shall utilize all existing
23 studies to the extent possible. The department shall report the
24 results of the assessment to the appropriate standing committees of the
25 legislature by September 15, 1993. The department shall use the
26 assessment results for designing future programs, treatment models, and
27 for determining the reallocation of funds within the department. The
28 department shall submit recommendations to the appropriate standing

1 committees of the legislature on the necessary reallocation of funds,
2 as indicated by the assessment results, by December 1, 1993.

3 NEW SECTION. **Sec. 311.** The sum of four million five hundred
4 thirty thousand dollars, or as much thereof as may be necessary, is
5 appropriated for the biennium ending June 30, 1993, from the general
6 fund to the department of social and health services for the purposes
7 of contracting for twenty beds for the inpatient treatment of minors
8 who are involuntarily committed to chemical dependency treatment under
9 the provisions of chapter 70.96A RCW. The department shall contract
10 for beds that are geographically distributed across the state and shall
11 determine the ratio between staff-secure beds and facility-secure beds.

12 Five percent of the allocated funds shall be used to evaluate the
13 effectiveness of the involuntary chemical dependency treatment
14 programs. The evaluation shall include, but is not limited to, the
15 following considerations:

16 (1) The rate of abstinence after six months for minors completing
17 the program, indicating the separate rates for dependencies on alcohol,
18 drugs, or the combination of both alcohol and drugs;

19 (2) The comparative rate of abstinence after six months for minors
20 who undergo voluntary outpatient, voluntary inpatient, involuntary
21 outpatient, and involuntary inpatient chemical dependency treatment
22 programs, indicating the separate rates for dependencies on alcohol,
23 drugs, or the combination of both alcohol and drugs; and

24 (3) The average cost per person for the various treatments and
25 programs listed in subsection (2) of this section.

26 NEW SECTION. **Sec. 312.** The sum of fifty thousand dollars, or as
27 much thereof as may be necessary, is appropriated for the biennium
28 ending June 30, 1993, from the general fund to the department of social

1 and health services for the purposes of developing and conducting a
2 state-wide technical assistance and training program for chemical
3 dependency treatment providers who contract with the department to
4 provide adolescent services under chapter 70.96A RCW. The goal of the
5 program shall be to assist the providers in increasing their ability to
6 retain adolescent clients and to enhance the adolescents' participation
7 in the treatment programs.

8 **PART IV - MISCELLANEOUS**

9 **Sec. 401.** 1991 c 234 s 1 (uncodified) is amended to read as
10 follows:

11 A juvenile issues task force is created to review the operation of
12 the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990
13 "at-risk" youth legislation, and to study related issues. The task
14 force is charged with issuing a report and making recommendations to
15 the legislature by December 15, (~~(1991)~~) 1992.

16 The task force shall consist of the following members:

17 (1) Three co-chairs, one from the state senate appointed by the
18 president of the senate; one from the state house of representatives
19 appointed by the speaker of the house of representatives; and one
20 appointed by the governor from among the members of the task force
21 named in subsection (3) of this section.

22 (2) Eight legislators in addition to the two legislative cochairs
23 selected under subsection (1) of this section, two each from the
24 majority and minority caucuses of the senate and two each from the
25 majority and minority caucuses of the house of representatives.

26 (3) The governor shall appoint the following members of the task
27 force:

28 (a) (~~(Three)~~) One superior court judge(~~(s)~~);

- 1 (b) ~~((Two))~~ One prosecuting attorney~~((s))~~;
- 2 (c) ~~((Two))~~ One juvenile public defender~~((s))~~;
- 3 (d) The secretary of social and health services or the secretary's
- 4 designee;
- 5 (e) ~~((Two))~~ One juvenile court administrator~~((s))~~;
- 6 (f) One police chief or county sheriff;
- 7 (g) ~~((One child psychologist;~~
- 8 (h) ~~One child psychiatrist;~~
- 9 (i) ~~Two))~~ One director~~((s))~~ of a youth organization;
- 10 ~~((j))~~ (h) One person from the Washington council on crime and
- 11 delinquency;
- 12 ~~((k))~~ (i) One person from a parents' organization;
- 13 ~~((l))~~ (j) One person from a crisis residential center;
- 14 ~~((m))~~ (k) One juvenile court caseworker;
- 15 ~~((n) One representative of the executive branch;~~
- 16 ~~(o) One))~~ (l) Two members of the mental health treatment community;
- 17 ~~((and~~
- 18 ~~(p))~~ (m) One member from the substance abuse treatment community;
- 19 (n) One member from the education system; and
- 20 (o) One member from local government.

21 The department of social and health services shall fund the task

22 force in an amount sufficient to meet its mission. The task force

23 shall be staffed, to the extent possible, by staff available from the

24 membership of the task force.

25 The governor shall ensure that the racial diversity of the task

26 force membership appointed by the governor reflects the racial

27 diversity of juveniles served under the Family Reconciliation Act, the

28 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

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

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

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

16 The juvenile justice task force shall utilize the information on
17 disproportionality in developing its report and recommendations to the
18 legislature required under section ((1)) 401 of this act. (~~If by June~~
19 ~~30, 1991, the omnibus operating budget appropriations act for the 1991-~~
20 ~~93 biennium does not provide specific funding for this section,~~
21 ~~referencing this section by bill number and section, this section is~~
22 ~~null and void.~~)

23 NEW SECTION. **Sec. 403.** Part headings as used in this act do not
24 constitute any part of the law.