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HOUSE BILL 1238

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State of Washington

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1993 Regular Session

By Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt; by request of Department of Social and Health Services

Read first time 01/20/93. Referred to Committee on Corrections.

1 AN ACT Relating to notification to victims, witnesses, and the  
2 community of a change in the confinement status of juvenile offenders;  
3 and amending RCW 13.40.215.

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

5 **Sec. 1.** RCW 13.40.215 and 1990 c 3 s 101 are each amended to read  
6 as follows:

7 (1)(a) Except as provided in subsection (2) of this section, at the  
8 earliest possible date, and in no event later than ten days before  
9 discharge, parole, or any other authorized leave or release, or before  
10 transfer to a community residential facility, the secretary shall send  
11 written notice of the discharge, parole, authorized leave or release,  
12 or transfer of a juvenile found to have committed a violent offense  
13 ((or)) a sex offense, or stalking, to the following:

14 (i) The chief of police of the city, if any, in which the juvenile  
15 will reside; and

16 (ii) The sheriff of the county in which the juvenile will reside.

17 (b) The same notice as required by (a) of this subsection shall be  
18 sent to the following, if such notice has been requested in writing  
19 about a specific juvenile:

1 (i) The victim of the offense for which the juvenile was found to  
2 have committed or the victim's next of kin if the crime was a homicide;  
3 (ii) Any witnesses who testified against the juvenile in any court  
4 proceedings involving the offense; and  
5 (iii) Any person specified in writing by the prosecuting attorney.  
6 Information regarding victims, next of kin, or witnesses requesting the  
7 notice, information regarding any other person specified in writing by  
8 the prosecuting attorney to receive the notice, and the notice are  
9 confidential and shall not be available to the juvenile. The notice to  
10 the chief of police or the sheriff shall include the identity of the  
11 juvenile, the residence where the juvenile will reside, the identity of  
12 the person, if any, responsible for supervising the juvenile, and the  
13 time period of any authorized leave.

14 (2)(a) If a juvenile found to have committed a violent offense  
15 (~~(or)~~), a sex offense, or stalking escapes from a facility of the  
16 department, the secretary shall immediately notify, by the most  
17 reasonable and expedient means available, the chief of police of the  
18 city and the sheriff of the county in which the juvenile resided  
19 immediately before the juvenile's arrest. If previously requested, the  
20 secretary shall also notify the witnesses and the victim of the offense  
21 which the juvenile was found to have committed or the victim's next of  
22 kin if the crime was a homicide. If the juvenile is recaptured, the  
23 secretary shall send notice to the persons designated in this  
24 subsection as soon as possible but in no event later than two working  
25 days after the department learns of such recapture.

26 (b) The secretary may authorize a leave, for a juvenile found to  
27 have committed a violent (~~(or)~~) offense, a sex offense, or stalking,  
28 which shall not exceed forty-eight hours plus travel time, to meet an  
29 emergency situation such as a death or critical illness of a member of  
30 the juvenile's family. The secretary may authorize a leave, which  
31 shall not exceed the time medically necessary, to obtain medical care  
32 not available in a juvenile facility maintained by the department.  
33 Prior to the commencement of an emergency or medical leave, the  
34 secretary shall give notice of the leave to the appropriate law  
35 enforcement agency in the jurisdiction in which the juvenile will be  
36 during the leave period. The notice shall include the identity of the  
37 juvenile, the time period of the leave, the residence of the juvenile  
38 during the leave, and the identity of the person responsible for  
39 supervising the juvenile during the leave. If previously requested,

1 the department shall also notify the witnesses and victim of the  
2 offense which the juvenile was found to have committed or the victim's  
3 next of kin if the offense was a homicide.

4 In case of an emergency or medical leave the secretary may waive  
5 all or any portion of the requirements for leaves pursuant to RCW  
6 13.40.205 (2)(a), (3), (4), and (5).

7 (3) If the victim, the victim's next of kin, or any witness is  
8 under the age of sixteen, the notice required by this section shall be  
9 sent to the parents or legal guardian of the child.

10 (4) The secretary shall send the notices required by this chapter  
11 to the last address provided to the department by the requesting party.  
12 The requesting party shall furnish the department with a current  
13 address.

14 (5) For purposes of this section the following terms have the  
15 following meanings:

16 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

17 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

18 (c) "Stalking" means a crime of harassment as defined in RCW  
19 9A.46.060 that is a felony;

20 (d) "Next of kin" means a person's spouse, parents, siblings, and  
21 children.

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