
HOUSE BILL 2463

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By Representatives Mastin, Morris, Long, Edmondson, Padden, Appelwick, Dorn, Brough, Van Luven, Sheahan, Fuhrman, Cooke, Wood, Dyer, Chappell, Eide, Tate, Mielke, Rayburn and Springer

Read first time 01/14/94. Referred to Committee on Corrections.

1 AN ACT Relating to parole of juvenile offenders; and amending RCW
2 13.40.210.

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

4 **Sec. 1.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to read
5 as follows:

6 (1) The secretary shall, except in the case of a juvenile committed
7 by a court to a term of confinement in a state institution outside the
8 appropriate standard range for the offense(s) for which the juvenile
9 was found to be guilty established pursuant to RCW 13.40.030, (~~as now~~
10 ~~or hereafter amended,~~) set a release or discharge date for each
11 juvenile committed to its custody which shall be within the prescribed
12 range to which a juvenile has been committed. Such dates shall be
13 determined prior to the expiration of sixty percent of a juvenile's
14 minimum term of confinement included within the prescribed range to
15 which the juvenile has been committed. The secretary shall release any
16 juvenile committed to the custody of the department within four
17 calendar days prior to the juvenile's release date or on the release
18 date set under this chapter: PROVIDED, That days spent in the custody
19 of the department shall be tolled by any period of time during which a

1 juvenile has absented himself or herself from the department's
2 supervision without the prior approval of the secretary or the
3 secretary's designee.

4 (2) The secretary shall monitor the average daily population of the
5 state's juvenile residential facilities. When the secretary concludes
6 that in-residence population of residential facilities exceeds one
7 hundred five percent of the rated bed capacity specified in statute, or
8 in absence of such specification, as specified by the department in
9 rule, the secretary may recommend reductions to the governor. On
10 certification by the governor that the recommended reductions are
11 necessary, the secretary has authority to administratively release a
12 sufficient number of offenders to reduce in-residence population to one
13 hundred percent of rated bed capacity. The secretary shall release
14 those offenders who have served the greatest proportion of their
15 sentence. However, the secretary may deny release in a particular case
16 at the request of an offender, or if the secretary finds that there is
17 no responsible custodian, as determined by the department, to whom to
18 release the offender, or if the release of the offender would pose a
19 clear danger to society. The department shall notify the committing
20 court of the release at the end of each calendar year if any such early
21 releases have occurred during that year as a result of excessive in-
22 residence population. In no event shall a serious offender, as defined
23 in RCW 13.40.020(1) be granted release under the provisions of this
24 subsection.

25 (3) Following the juvenile's release pursuant to subsection (1) of
26 this section, the secretary may require the juvenile to comply with a
27 program of parole to be administered by the department in his or her
28 community which shall last no longer than eighteen months, except that
29 in the case of a juvenile sentenced for rape in the first or second
30 degree, rape of a child in the first or second degree, child
31 molestation in the first degree, or indecent liberties with forcible
32 compulsion, the period of parole shall be twenty-four months. A parole
33 program is mandatory for offenders released under subsection (2) of
34 this section. The secretary shall, for the period of parole,
35 facilitate the juvenile's reintegration into his or her community and
36 to further this goal (~~may~~) shall require the juvenile to: (a)
37 Undergo available medical or psychiatric treatment; (b) report as
38 directed to a parole officer; (c) pursue a course of study or
39 vocational training or employment; (d) remain within prescribed

1 geographical boundaries and notify the department of any change in his
2 or her address; ~~((and))~~ (e) refrain from committing new offenses; (f)
3 have no alcohol or other substance use and submit to random urinalysis
4 tests or blood tests or similar tests at the request of the supervising
5 parole officer; and (g) refrain from associating with individuals who
6 have criminal histories or who are codefendants to the offenses for
7 which the juvenile was committed to the department.

8 (4)(a) The release to parole from department residential custody
9 shall include a minimum twelve-month supervision and may increase to
10 eighteen months, as set forth in RCW 13.40.030. The initial parole
11 period shall include electronic home monitoring for not less than
12 thirty days and not more than ninety days.

13 (b) The initial intensive monitoring period described in (a) of
14 this subsection shall be followed by an additional period of home
15 monitoring for not less than thirty days and not more than one hundred
16 eighty days. This period of home monitoring shall include:

17 (i) A curfew, including a designation of hours during which the
18 juvenile must remain at home, work, school, or court-ordered treatment
19 programs; and

20 (ii) Prohibitions on leaving or entering designated geographical
21 areas.

22 (c) During the entire period of parole, the juvenile shall be
23 required to comply with certain behavioral conditions, including:

24 (i) Attendance at information classes;

25 (ii) Counseling, including outpatient or inpatient substance abuse
26 treatment programs; outpatient or inpatient mental health programs;
27 anger management classes; or other similar services; and

28 (iii) Attendance at school or other education programs appropriate
29 for the juvenile as determined by the school district. After
30 termination of the parole period, the juvenile shall be discharged from
31 the department's supervision.

32 ~~((4))~~ (5) The department may also modify parole for violation
33 thereof. If, after affording a juvenile all of the due process rights
34 to which he or she would be entitled if the juvenile were an adult, the
35 secretary finds that a juvenile has violated a condition of his or her
36 parole, the secretary shall order one of the following which is
37 reasonably likely to effectuate the purpose of the parole and to
38 protect the public: (a) Continued supervision under the same
39 conditions previously imposed; (b) intensified supervision with

1 increased reporting requirements; (c) additional conditions of
2 supervision authorized by this chapter; (d) except as provided in (e)
3 of this subsection, imposition of a period of confinement not to exceed
4 thirty days per violation in a facility operated by or pursuant to a
5 contract with the state of Washington or any city or county for a
6 portion of each day or for a certain number of days each week with the
7 balance of the days or weeks spent under supervision; and (e) the
8 secretary may order any of the conditions or may return the offender to
9 confinement in an institution for a portion or the remainder of the
10 sentence range ((if the offense for which the offender was sentenced is
11 rape in the first or second degree, rape of a child in the first or
12 second degree, child molestation in the first degree, indecent
13 liberties with forcible compulsion, or a sex offense that is also a
14 serious violent offense as defined by RCW 9.94A.030)). If the juvenile
15 is returned to confinement for a portion or the remainder of the
16 disposition range, another period of parole shall be imposed upon the
17 juvenile after his or her release from department residential custody.

18 ((+5)) (6) A parole officer of the department of social and health
19 services shall have the power to arrest a juvenile under his or her
20 supervision on the same grounds as a law enforcement officer would be
21 authorized to arrest such person.

22 ((+6)) (7) If so requested and approved under chapter 13.06 RCW,
23 the secretary shall permit a county or group of counties to perform
24 functions under subsections (3) through ((+5)) (6) of this section.

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