
HOUSE BILL 2859

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By Representatives Romero, Morris, Wolfe, Moak, Cothorn, Jones, Caver, Holm, Jacobsen, Conway, R. Meyers, Quall and Anderson

Read first time 01/26/94. Referred to Committee on Corrections.

1 AN ACT Relating to juvenile offenders; amending RCW 13.40.210;
2 adding a new section to chapter 13.40 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that inadequate
5 learning skills and illiteracy among committed juvenile offender
6 inmates not only impairs their ability to rehabilitate themselves and
7 reenter society but creates a tragic and socially costly pattern of
8 recidivism. Most committed juvenile offenders perform several grade
9 levels below the last grade they completed in school. Institutional
10 literacy programs are effective deterrents to recidivism and therefore
11 are an effective and efficient cost-cutting tool. The fact that the
12 juvenile offender who reenters society able to read and write is less
13 likely to return to a juvenile institution or prison translates to
14 direct savings to our state. Moreover, the savings realized by all of
15 our citizens from an individual becoming a productive member of society
16 rather than a costly threat, potentially adding to the workload of the
17 already overloaded criminal justice system, are harder to quantify but
18 are of unquestionably greater value.

1 The legislature further finds that juvenile offender literacy
2 programs need to include a focus on self-image, decision making, and
3 other social skills. We must strive not only to ensure that committed
4 juvenile offenders can read and write, but that they appreciate the
5 importance and usefulness of these abilities. Combined with work
6 programs and training, literacy training will serve to greatly increase
7 the odds that once juvenile offenders leave institutions, they are not
8 going to return.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
10 to read as follows:

11 The department shall develop and implement a literacy testing and
12 training program as a supplement to ongoing residential education.
13 This program must require the testing of every juvenile committed to
14 the department to determine that juvenile's written and oral
15 communication skills level. Juveniles testing more than three years
16 below their grade level must be provided the opportunity to receive
17 additional training as necessary to reach their appropriate level. The
18 department shall determine the structure, scheduling, and method for
19 literacy training. The department is encouraged to consider computer-
20 assisted training, inmate tutors, and volunteer programs as
21 appropriate.

22 **Sec. 3.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to read
23 as follows:

24 (1) The secretary shall, except in the case of a juvenile committed
25 by a court to a term of confinement in a state institution outside the
26 appropriate standard range for the offense(s) for which the juvenile
27 was found to be guilty established pursuant to RCW 13.40.030, as now or
28 hereafter amended, set a release or discharge date for each juvenile
29 committed to its custody which shall be within the prescribed range to
30 which a juvenile has been committed. Such dates shall be determined
31 prior to the expiration of sixty percent of a juvenile's minimum term
32 of confinement included within the prescribed range to which the
33 juvenile has been committed. When setting the juvenile's release date,
34 the secretary shall consider progress made by the juvenile in the
35 literacy program. The secretary shall release any juvenile committed
36 to the custody of the department within four calendar days prior to the
37 juvenile's release date or on the release date set under this chapter:

1 PROVIDED, That days spent in the custody of the department shall be
2 tolled by any period of time during which a juvenile has absented
3 himself or herself from the department's supervision without the prior
4 approval of the secretary or the secretary's designee.

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

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

1 (d) remain within prescribed geographical boundaries and notify the
2 department of any change in his or her address; and (e) refrain from
3 committing new offenses. After termination of the parole period, the
4 juvenile shall be discharged from the department's supervision.

5 (4) The department may also modify parole for violation thereof.
6 If, after affording a juvenile all of the due process rights to which
7 he or she would be entitled if the juvenile were an adult, the
8 secretary finds that a juvenile has violated a condition of his or her
9 parole, the secretary shall order one of the following which is
10 reasonably likely to effectuate the purpose of the parole and to
11 protect the public: (a) Continued supervision under the same
12 conditions previously imposed; (b) intensified supervision with
13 increased reporting requirements; (c) additional conditions of
14 supervision authorized by this chapter; (d) except as provided in (e)
15 of this subsection, imposition of a period of confinement not to exceed
16 thirty days in a facility operated by or pursuant to a contract with
17 the state of Washington or any city or county for a portion of each day
18 or for a certain number of days each week with the balance of the days
19 or weeks spent under supervision; and (e) the secretary may order any
20 of the conditions or may return the offender to confinement in an
21 institution for the remainder of the sentence range if the offense for
22 which the offender was sentenced is rape in the first or second degree,
23 rape of a child in the first or second degree, child molestation in the
24 first degree, indecent liberties with forcible compulsion, or a sex
25 offense that is also a serious violent offense as defined by RCW
26 9.94A.030.

27 (5) A parole officer of the department of social and health
28 services shall have the power to arrest a juvenile under his or her
29 supervision on the same grounds as a law enforcement officer would be
30 authorized to arrest such person.

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

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