

1 **3SHB 3900 - H AMD 293 ADOPTED 3-17-97**

2 By Representative Sheahan

3 On page 102, after line 21, insert the following:

4 "Sec. 36. RCW 72.01.410 and 1994 c 220 s 1 are each amended  
5 to read as follows:

6 (1) Whenever any child under the age of eighteen is convicted  
7 in the courts of this state of a crime amounting to a felony, and  
8 is committed for a term of confinement in a correctional  
9 institution wherein adults are confined, the secretary of  
10 corrections, after making an independent assessment and evaluation  
11 of the child and determining that the needs and correctional goals  
12 for the child could better be met by the programs and housing  
13 environment provided by the juvenile correctional institution, with  
14 the consent of the secretary of social and health services, may  
15 transfer such child to a juvenile correctional institution, or to  
16 such other institution as is now, or may hereafter be authorized by  
17 law to receive such child, until such time as the child arrives at  
18 the age of twenty-one years, whereupon the child shall be returned  
19 to the institution of original commitment. Retention within a  
20 juvenile detention facility or return to an adult correctional  
21 facility shall regularly be reviewed by the secretary of  
22 corrections and the secretary of social and health services with a  
23 determination made based on the level of maturity and  
24 sophistication of the individual, the behavior and progress while  
25 within the juvenile detention facility, security needs, and the  
26 program/treatment alternatives which would best prepare the  
27 individual for a successful return to the community. Notice of  
28 such transfers shall be given to the clerk of the committing court  
29 and the parents, guardian, or next of kin of such child, if known.

30 (2)(a) Except as provided in subsection (2)(b) of this  
31 section, an offender under the age of eighteen who is convicted in  
32 adult criminal court and who is committed to a term of confinement  
33 at the department of corrections must be placed in a housing unit,  
34 or a portion of a housing unit, that is separated from offenders

1 eighteen years of age or older, until the offender reaches the age  
2 of eighteen.

3 (b) An offender under the age of eighteen may be housed in an  
4 intensive management unit or administrative segregation unit  
5 containing offenders eighteen years of age or older if it is  
6 necessary for the safety or security of the offender or staff. In  
7 these cases, the offender shall be kept physically separate from  
8 other offenders at all times.

9 NEW SECTION. Sec. 37. A new section is added to chapter  
10 72.01 RCW to read as follows:

11 An offender under the age of eighteen who is convicted in  
12 adult criminal court of a crime and who is committed for a term of  
13 confinement in a jail as defined in RCW 70.48.020, must be housed  
14 in a jail cell that does not contain adult offenders, until the  
15 offender reaches the age of eighteen."

16 Renumber the remaining sections consecutively, correct internal  
17 references accordingly, and correct the title.

**EFFECT:** An offender under the age of 18 who is sentenced to prison must be placed in a housing unit, or a portion of a housing unit, separated from adult inmates. An offender under the age of eighteen may be housed in an intensive management unit or administrative segregation unit if necessary for the safety or security of the offender or the staff. An offender under the age of eighteen who is sentenced to jail must be placed in a jail cell that does not contain adult offenders.