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SENATE BILL 6424

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State of Washington

55th Legislature

1998 Regular Session

By Senators Haugen, McAuliffe, Prentice, Kline, Goings, Fairley and Spanel

Read first time 01/19/98. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the placement of children under the jurisdiction  
2 of the department of social and health services; amending RCW  
3 72.05.020, 74.15.020, and 28A.600.475; reenacting and amending RCW  
4 13.50.010; adding new sections to chapter 72.05 RCW; adding a new  
5 section to chapter 74.15 RCW; adding a new section to chapter 13.40  
6 RCW; adding a new chapter to Title 36 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that public safety has  
9 been placed at risk by the inappropriate placement of juvenile  
10 offenders in licensed community facilities for such offenders. The  
11 legislature recognizes that community support for, and participation  
12 in, community facilities is critical for the success of the facilities  
13 and the programs designed to assist juveniles as they achieve  
14 nonoffender status. The legislature intends that public safety be  
15 improved by strengthening the safeguards in placement, oversight, and  
16 monitoring of juvenile offenders placed in the community and by  
17 establishing minimum standards for operation of community facilities.

1       **Sec. 2.** RCW 72.05.020 and 1979 c 141 s 178 are each amended to  
2 read as follows:

3       As used in this chapter, unless the context requires otherwise:

4       (1) "Community facility" means a semi-secure residential facility  
5 licensed under Title 74 RCW in which juveniles convicted under chapter  
6 13.40 RCW are placed in a community setting.

7       (2) "Department" means the department of social and health  
8 services.

9       (3) "Juvenile" means a person under the age of twenty-one who has  
10 been convicted under chapter 13.40 RCW.

11       (4) "Service provider" means the entity that operates a community  
12 facility.

13       **Sec. 3.** RCW 74.15.020 and 1997 c 245 s 7 are each amended to read  
14 as follows:

15       For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
16 otherwise clearly indicated by the context thereof, the following terms  
17 shall mean:

18       (1) "Department" means the state department of social and health  
19 services;

20       (2) "Secretary" means the secretary of social and health services;

21       (3) "Agency" means any person, firm, partnership, association,  
22 corporation, or facility which receives children, expectant mothers, or  
23 persons with developmental disabilities for control, care, or  
24 maintenance outside their own homes, or which places, arranges the  
25 placement of, or assists in the placement of children, expectant  
26 mothers, or persons with developmental disabilities for foster care or  
27 placement of children for adoption, and shall include the following  
28 irrespective of whether there is compensation to the agency or to the  
29 children, expectant mothers or persons with developmental disabilities  
30 for services rendered:

31       (a) "Group-care facility" means an agency, other than a foster-  
32 family home, which is maintained and operated for the care of a group  
33 of children on a twenty-four hour basis;

34       (b) "Child-placing agency" means an agency which places a child or  
35 children for temporary care, continued care, or for adoption;

36       (c) "Maternity service" means an agency which provides or arranges  
37 for care or services to expectant mothers, before or during

1 confinement, or which provides care as needed to mothers and their  
2 infants after confinement;

3 (d) "Child day-care center" means an agency which regularly  
4 provides care for a group of children for periods of less than twenty-  
5 four hours;

6 (e) "Family day-care provider" means a child day-care provider who  
7 regularly provides child day care for not more than twelve children in  
8 the provider's home in the family living quarters;

9 (f) "Foster-family home" means an agency which regularly provides  
10 care on a twenty-four hour basis to one or more children, expectant  
11 mothers, or persons with developmental disabilities in the family abode  
12 of the person or persons under whose direct care and supervision the  
13 child, expectant mother, or person with a developmental disability is  
14 placed;

15 (g) "Crisis residential center" means an agency which is a  
16 temporary protective residential facility operated to perform the  
17 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
18 74.13.032 through 74.13.036;

19 (h) "Community facility" means a semi-secure residential facility  
20 licensed under Title 74 RCW in which juveniles convicted under chapter  
21 13.40 RCW are placed in a community setting;

22 (i) "Service provider" means the entity that operates a community  
23 facility.

24 (4) "Agency" shall not include the following:

25 (a) Persons related to the child, expectant mother, or person with  
26 developmental disability in the following ways:

27 (i) Any blood relative, including those of half-blood, and  
28 including first cousins, nephews or nieces, and persons of preceding  
29 generations as denoted by prefixes of grand, great, or great-great;

30 (ii) Stepfather, stepmother, stepbrother, and stepsister;

31 (iii) A person who legally adopts a child or the child's parent as  
32 well as the natural and other legally adopted children of such persons,  
33 and other relatives of the adoptive parents in accordance with state  
34 law;

35 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
36 subsection (4)(a), even after the marriage is terminated; or

37 (v) Extended family members, as defined by the law or custom of the  
38 Indian child's tribe or, in the absence of such law or custom, a person  
39 who has reached the age of eighteen and who is the Indian child's

1 grandparent, aunt or uncle, brother or sister, brother-in-law or  
2 sister-in-law, niece or nephew, first or second cousin, or stepparent  
3 who provides care in the family abode on a twenty-four-hour basis to an  
4 Indian child as defined in 25 U.S.C. Sec. 1903(4);

5 (b) Persons who are legal guardians of the child, expectant mother,  
6 or persons with developmental disabilities;

7 (c) Persons who care for a neighbor's or friend's child or  
8 children, with or without compensation, where: (i) The person  
9 providing care for periods of less than twenty-four hours does not  
10 conduct such activity on an ongoing, regularly scheduled basis for the  
11 purpose of engaging in business, which includes, but is not limited to,  
12 advertising such care; or (ii) the parent and person providing care on  
13 a twenty-four-hour basis have agreed to the placement in writing and  
14 the state is not providing any payment for the care;

15 (d) Parents on a mutually cooperative basis exchange care of one  
16 another's children;

17 (e) A person, partnership, corporation, or other entity that  
18 provides placement or similar services to exchange students or  
19 international student exchange visitors or persons who have the care of  
20 an exchange student in their home;

21 (f) Nursery schools or kindergartens which are engaged primarily in  
22 educational work with preschool children and in which no child is  
23 enrolled on a regular basis for more than four hours per day;

24 (g) Schools, including boarding schools, which are engaged  
25 primarily in education, operate on a definite school year schedule,  
26 follow a stated academic curriculum, accept only school-age children  
27 and do not accept custody of children;

28 (h) Seasonal camps of three months' or less duration engaged  
29 primarily in recreational or educational activities;

30 (i) Hospitals licensed pursuant to chapter 70.41 RCW when  
31 performing functions defined in chapter 70.41 RCW, nursing homes  
32 licensed under chapter 18.51 RCW and boarding homes licensed under  
33 chapter 18.20 RCW;

34 (j) Licensed physicians or lawyers;

35 (k) Facilities providing care to children for periods of less than  
36 twenty-four hours whose parents remain on the premises to participate  
37 in activities other than employment;

38 (l) Facilities approved and certified under chapter 71A.22 RCW;

1 (m) Any agency having been in operation in this state ten years  
2 prior to June 8, 1967, and not seeking or accepting moneys or  
3 assistance from any state or federal agency, and is supported in part  
4 by an endowment or trust fund;

5 (n) Persons who have a child in their home for purposes of  
6 adoption, if the child was placed in such home by a licensed child-  
7 placing agency, an authorized public or tribal agency or court or if a  
8 replacement report has been filed under chapter 26.33 RCW and the  
9 placement has been approved by the court;

10 (o) An agency operated by any unit of local, state, or federal  
11 government or an agency, located within the boundaries of a federally  
12 recognized Indian reservation, licensed by the Indian tribe;

13 (p) An agency located on a federal military reservation, except  
14 where the military authorities request that such agency be subject to  
15 the licensing requirements of this chapter.

16 (5) "Requirement" means any rule, regulation, or standard of care  
17 to be maintained by an agency.

18 (6) "Probationary license" means a license issued as a disciplinary  
19 measure to an agency that has previously been issued a full license but  
20 is out of compliance with licensing standards.

21 (7) "Juvenile" means a person under the age of twenty-one who has  
22 been convicted under chapter 13.40 RCW.

23 **Sec. 4.** RCW 13.50.010 and 1997 c 386 s 21 and 1997 c 338 s 39 are  
24 each reenacted and amended to read as follows:

25 (1) For purposes of this chapter:

26 (a) "Juvenile justice or care agency" means any of the following:  
27 Police, diversion units, court, prosecuting attorney, defense attorney,  
28 detention center, attorney general, the legislative children's  
29 oversight committee, the office of family and children's ombudsman, the  
30 department of social and health services and its contracting agencies,  
31 schools; ~~((and, in addition,))~~ persons or public or private agencies  
32 having children committed to their custody; and the placement oversight  
33 committee created in section 9 of this act;

34 (b) "Official juvenile court file" means the legal file of the  
35 juvenile court containing the petition or information, motions,  
36 memorandums, briefs, findings of the court, and court orders;

37 (c) "Social file" means the juvenile court file containing the  
38 records and reports of the probation counselor;

1 (d) "Records" means the official juvenile court file, the social  
2 file, and records of any other juvenile justice or care agency in the  
3 case.

4 (2) Each petition or information filed with the court may include  
5 only one juvenile and each petition or information shall be filed under  
6 a separate docket number. The social file shall be filed separately  
7 from the official juvenile court file.

8 (3) It is the duty of any juvenile justice or care agency to  
9 maintain accurate records. To this end:

10 (a) The agency may never knowingly record inaccurate information.  
11 Any information in records maintained by the department of social and  
12 health services relating to a petition filed pursuant to chapter 13.34  
13 RCW that is found by the court(~~(, upon proof presented,)~~) to be false  
14 or inaccurate shall be corrected or expunged from such records by the  
15 agency;

16 (b) An agency shall take reasonable steps to assure the security of  
17 its records and prevent tampering with them; and

18 (c) An agency shall make reasonable efforts to insure the  
19 completeness of its records, including action taken by other agencies  
20 with respect to matters in its files.

21 (4) Each juvenile justice or care agency shall implement procedures  
22 consistent with the provisions of this chapter to facilitate inquiries  
23 concerning records.

24 (5) Any person who has reasonable cause to believe information  
25 concerning that person is included in the records of a juvenile justice  
26 or care agency and who has been denied access to those records by the  
27 agency may make a motion to the court for an order authorizing that  
28 person to inspect the juvenile justice or care agency record concerning  
29 that person. The court shall grant the motion to examine records  
30 unless it finds that in the interests of justice or in the best  
31 interests of the juvenile the records or parts of them should remain  
32 confidential.

33 (6) A juvenile, or his or her parents, or any person who has  
34 reasonable cause to believe information concerning that person is  
35 included in the records of a juvenile justice or care agency may make  
36 a motion to the court challenging the accuracy of any information  
37 concerning the moving party in the record or challenging the continued  
38 possession of the record by the agency. If the court grants the

1 motion, it shall order the record or information to be corrected or  
2 destroyed.

3 (7) The person making a motion under subsection (5) or (6) of this  
4 section shall give reasonable notice of the motion to all parties to  
5 the original action and to any agency whose records will be affected by  
6 the motion.

7 (8) The court may permit inspection of records by, or release of  
8 information to, any clinic, hospital, or agency which has the subject  
9 person under care or treatment. The court may also permit inspection  
10 by or release to individuals or agencies, including juvenile justice  
11 advisory committees of county law and justice councils, engaged in  
12 legitimate research for educational, scientific, or public purposes.  
13 The court may also permit inspection of, or release of information  
14 from, records which have been sealed pursuant to RCW 13.50.050(11).  
15 The court shall release to the sentencing guidelines commission records  
16 needed for its research and data-gathering functions under RCW  
17 9.94A.040 and other statutes. Access to records or information for  
18 research purposes shall be permitted only if the anonymity of all  
19 persons mentioned in the records or information will be preserved.  
20 Each person granted permission to inspect juvenile justice or care  
21 agency records for research purposes shall present a notarized  
22 statement to the court stating that the names of juveniles and parents  
23 will remain confidential.

24 (9) Juvenile detention facilities shall release records to the  
25 sentencing guidelines commission under RCW 9.94A.040 upon request. The  
26 commission shall not disclose the names of any juveniles or parents  
27 mentioned in the records without the named individual's written  
28 permission.

29 (10) Requirements in this chapter relating to the court's authority  
30 to compel disclosure shall not apply to the legislative children's  
31 oversight committee or the office of the family and children's  
32 ombudsman.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.05 RCW  
34 to read as follows:

35 (1) Whenever the department operates, or the secretary enters a  
36 contract to operate, a community facility, the community facility may  
37 be operated only after the public notification and opportunities for  
38 review and comment as required by this section.

1 (2) The secretary shall establish a process for early and  
2 continuous public participation in establishing or relocating community  
3 facilities. The process shall include, at a minimum, public meetings  
4 in the local communities affected, as well as opportunities for written  
5 and oral comments, in the following manner:

6 (a) When a selection process by the secretary or a service provider  
7 has reduced the number of possible sites for a community facility to no  
8 fewer than three, the secretary or the chief operating officer of the  
9 service provider shall notify the public of the possible siting and  
10 hold at least two public hearings in each community where a community  
11 facility may be sited.

12 (b) When the secretary or service provider has determined the  
13 community facility's location, the secretary or the chief operating  
14 officer of the service provider shall hold at least one additional  
15 public hearing in the community where the community facility will be  
16 sited.

17 (c) To provide adequate notice of, and opportunity for interested  
18 persons to comment on, a proposed location, the secretary or the chief  
19 operating officer of the service provider shall provide at least  
20 fourteen days advance notice of the meeting to all newspapers of  
21 general circulation in the community, all radio and television stations  
22 generally available to persons in the community, any school district in  
23 which the community facility would be sited or whose boundary is within  
24 two miles of a proposed community facility, any library district in  
25 which the community facility would be sited, local business or  
26 fraternal organizations that request notification from the secretary or  
27 agency, and any person or property owner within a one-half mile radius  
28 of the proposed community facility.

29 (3) The secretary shall not issue a license to any service provider  
30 until the service provider submits proof that the requirements of this  
31 section have been met.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.05 RCW  
33 to read as follows:

34 (1) The department shall operate and maintain a staffed, toll-free  
35 twenty-four-hour hotline for the purpose of receiving reports of  
36 violations of conditions set for juveniles who are placed in community  
37 facilities.

1 (2) The department shall include the phone number on all documents  
2 distributed to the juvenile, his or her employer, school, parents, and  
3 treatment providers.

4 (3) The department shall include the phone number in every contract  
5 it executes with any service provider after the effective date of this  
6 act.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.15 RCW  
8 to read as follows:

9 Whenever the secretary contracts with a service provider to operate  
10 a community facility, the contract shall include a requirement that  
11 each service provider must report to the department any known  
12 infraction or violation committed by any juvenile under its  
13 supervision. The report must be made within two hours of learning of  
14 the infraction or violation.

15 The secretary shall adopt rules to enforce the provisions of this  
16 section. The rules shall contain a schedule of monetary penalties not  
17 to exceed the total compensation set forth in the contract, and include  
18 provisions for termination of all contracts with a service provider  
19 that has repeated serious violations of this section.

20 The secretary shall document in writing all violations, penalties,  
21 actions by the department to remove juveniles from a community  
22 facility, and contract terminations. The department shall give great  
23 weight to a service provider's record of violations, penalties, actions  
24 by the department to remove juveniles from a community facility, and  
25 contract terminations in determining to execute, renew, or renegotiate  
26 a contract with a service provider.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05 RCW  
28 to read as follows:

29 The department shall adopt an infraction policy for juveniles  
30 placed in community facilities who commit serious infractions or  
31 serious violations of conditions set by the department. The policy  
32 shall include a mandatory return to a close or medium security  
33 institution for every juvenile who commits a serious infraction or  
34 violation. A juvenile who is returned to an institution under this  
35 section shall remain there for at least fifty percent of the maximum  
36 time remaining on his or her sentence at the time of the infraction or  
37 violation. The department shall define the terms "serious infraction"

1 and "serious violation" in rule and shall include the commission of any  
2 criminal offense, any unlawful use or possession of a controlled  
3 substance, and any use or possession of an alcoholic beverage.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05 RCW  
5 to read as follows:

6 (1) Whenever the department operates, or the secretary enters a  
7 contract to operate, a community facility, the community facility must  
8 be operated in accordance with the requirements of this section.

9 (2) The secretary shall establish, or require the chief operating  
10 officer of a service provider to establish, a placement oversight  
11 committee. The committee may review and approve the residential and  
12 appropriate educational placement of any juvenile who the secretary  
13 proposes to locate in the community facility. The committee shall  
14 include, at a minimum, four persons residing within a one-mile radius  
15 of the community facility, representatives of local law enforcement,  
16 and representatives of the school district in which offenders residing  
17 at the community facility are likely to be enrolled.

18 (3) The secretary shall provide the committee with the name and all  
19 relevant records of any juvenile offender who the secretary proposes  
20 for placement in the community facility. The records shall include  
21 previous placements in a community facility and all infractions and  
22 violations of the conditions set by the department. The information  
23 shall be in writing and provided at least ten days in advance of the  
24 date of the intended placement.

25 (4) Members of the committee shall sign and adhere to a  
26 confidentiality agreement that protects the juveniles from disclosure  
27 of information deemed confidential by law.

28 (5) The committee may review and approve the proposed placement up  
29 to three business days prior to the juvenile's transfer to the  
30 community facility. If the committee disapproves a proposed placement  
31 it shall notify the secretary immediately, in the most expedient manner  
32 possible, and shall provide the secretary written notice of its  
33 decision within two business days of its decision.

34 (6) The committee shall consider whether a juvenile who is proposed  
35 for residence in a community facility is likely to adhere to conditions  
36 of placement, commit offenses while in placement, continue in  
37 appropriate treatment, or present a serious threat to other community  
38 facility residents or staff, and may consider other relevant conditions

1 which bear on the likelihood the juvenile will succeed in making a  
2 transition to nonoffender status.

3 (7) The committee and its members shall not be liable in any cause  
4 of action as a result of its decision in regard to a proposed placement  
5 of a juvenile.

6 (8) Members of the committee shall be reimbursed for travel  
7 expenses as provided in RCW 43.03.050 and 43.03.060.

8 (9) Except as provided in RCW 13.40.215, at least seventy-two hours  
9 prior to placing a juvenile in a community facility the secretary shall  
10 provide to the chief law enforcement officer of the jurisdiction in  
11 which the community facility is sited: (a) The name of the juvenile;  
12 (b) the juvenile's criminal history; and (c) such other relevant and  
13 disclosable information the law enforcement officer may request.

14 NEW SECTION. Sec. 10. A new section is added to chapter 72.05 RCW  
15 to read as follows:

16 (1) The department shall not place an offender in a community  
17 facility unless:

18 (a) The department has conducted a risk assessment, including a  
19 determination of drug and alcohol abuse, and the results indicate the  
20 juvenile will not pose a high risk to public safety; and

21 (b) The offender has spent at least ten percent of his or her  
22 sentence, but in no event less than thirty days, in a secure  
23 institution operated by, or under contract with, the department.

24 The risk assessment must include all prior convictions and any  
25 serious infractions or serious violations while under the jurisdiction  
26 of the secretary.

27 (2) No juvenile offender may be placed in a community facility  
28 until the juvenile's student records and information have been received  
29 and the department has reviewed them in conjunction with all other  
30 information used to assess risk, security classification, and placement  
31 of the juvenile.

32 (3) A juvenile offender shall not be placed in a community facility  
33 until the department's risk assessment and security classification is  
34 complete, local law enforcement has been properly notified, and the  
35 community placement oversight committee has reviewed and approved the  
36 placement.

1       **Sec. 11.** RCW 28A.600.475 and 1992 c 205 s 120 are each amended to  
2 read as follows:

3       School districts may participate in the exchange of information  
4 with law enforcement and juvenile court officials to the extent  
5 permitted by the family educational and privacy rights act of 1974, 20  
6 U.S.C. Sec. 1232g. When directed by court order or pursuant to any  
7 lawfully issued subpoena, a school district shall make student records  
8 and information available to law enforcement officials, probation  
9 officers, court personnel, and others legally entitled to the  
10 information. Except as provided in section 12 of this act, parents and  
11 students shall be notified by the school district of all such orders or  
12 subpoenas in advance of compliance with them.

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

15       Pursuant to RCW 28A.600.475, and to the extent permitted by the  
16 family educational and privacy rights act of 1974, 20 U.S.C. Sec.  
17 1232g(b), and in order to serve the juvenile while in detention and to  
18 prepare any postconviction services, schools shall make all student  
19 records and information necessary for risk assessment, security  
20 classification, and placement available to court personnel and the  
21 department within three working days of a request under this section.

22       When a juvenile has one or more prior convictions, a request for  
23 records shall be made by the county prosecuting attorney, or probation  
24 department if available, to the school not more than ten days following  
25 the juvenile's arrest or detention, whichever occurs later, and prior  
26 to trial. The request may be made by subpoena.

27       Where a juvenile has no prior conviction, a request to release  
28 records shall be made by subpoena upon the juvenile's conviction. When  
29 the request for a juvenile's student records and information is made by  
30 subpoena following conviction, the court or other issuing agency shall  
31 order the school on which the subpoena is served not to disclose to any  
32 person the existence or contents of the subpoena or any information  
33 furnished in response to the subpoena. When the court or issuing  
34 agency so orders, the school shall not provide notice to the juvenile  
35 or his or her parents.

36       NEW SECTION. **Sec. 13.** A new section is added to chapter 72.05 RCW  
37 to read as follows:

1 (1) The department shall establish by rule, in consultation with  
2 the office of the superintendent of public instruction, those student  
3 records and information necessary to conduct a risk assessment, make a  
4 security classification, and ensure proper placement. Those records  
5 shall include:

6 (a) Any history of placement in special education programs;

7 (b) Any past, current, or pending disciplinary action;

8 (c) Any history of violent or disruptive behavior, or gang  
9 membership, or behavior listed in RCW 13.04.155;

10 (d) Any referrals for drug or alcohol abuse; and

11 (e) Any health conditions affecting the juvenile's placement needs.

12 (2) For purposes of this section "gang" has the meaning defined in  
13 RCW 28A.225.225.

14 NEW SECTION. **Sec. 14.** A new section is added to chapter 72.05 RCW  
15 to read as follows:

16 (1) Whenever the department operates, or the secretary enters a  
17 contract to operate, a community facility, the placement and  
18 supervision of juveniles must be accomplished in accordance with this  
19 section.

20 (2) The secretary shall require that any juvenile placed in a  
21 community facility and who is employed or regularly assigned as a  
22 volunteer be subject to monitoring for compliance with requirements for  
23 attendance at his or her job or assignment. The monitoring  
24 requirements shall be included in a written agreement between the  
25 employer or supervisor, the secretary or chief operating officer of the  
26 contracting agency, and the juvenile. The requirements shall include,  
27 at a minimum, the following:

28 (a) Acknowledgment of the juvenile's offender status;

29 (b) The name, address, and telephone number of the community  
30 facility at which the juvenile resides;

31 (c) The twenty-four-hour telephone number required under section 6  
32 of this act;

33 (d) The name and work telephone number of all persons responsible  
34 for the supervision of the juvenile;

35 (e) A prohibition on the juvenile's departure from the work or  
36 volunteer site without prior approval of the person in charge of the  
37 community facility;

1 (f) A prohibition on personal telephone calls except to the  
2 community facility;

3 (g) A prohibition on receiving compensation in any form other than  
4 a negotiable instrument;

5 (h) A requirement that rest breaks during work hours be taken only  
6 in those areas at the location which are designated for such breaks;

7 (i) A prohibition on visits from persons not approved in advance by  
8 the person in charge of the community facility;

9 (j) A requirement that any unexcused absence, tardiness, or  
10 departure by the juvenile be reported immediately to the person in  
11 charge of the community facility;

12 (k) A requirement that any notice from the juvenile that he or she  
13 will not report to the work or volunteer site be verified as legitimate  
14 by contacting the person in charge of the community facility; and

15 (l) An agreement that the community facility will conduct random  
16 visits to determine compliance by the juvenile with the terms of this  
17 section.

18 (3) The secretary shall require that any juvenile placed in a  
19 community facility and who is enrolled in a public or private school be  
20 subject to monitoring for compliance with requirements for attendance  
21 at his or her school. The monitoring requirements shall be included in  
22 a written agreement between the school district or appropriate  
23 administrative officer, the secretary or chief operating officer of the  
24 contracting agency, and the juvenile. The requirements shall include,  
25 at a minimum, the following:

26 (a) Acknowledgment of the juvenile's offender status;

27 (b) The name, address, and telephone number of the community  
28 facility at which the juvenile resides;

29 (c) The twenty-four-hour telephone number required under section 6  
30 of this act;

31 (d) The name and work telephone number of at least two persons at  
32 the school to contact if issues arise concerning the juvenile's  
33 compliance with the terms of his or her attendance at school;

34 (e) A prohibition on the juvenile's departure from the school  
35 without prior approval of the appropriate person at the school;

36 (f) A prohibition on personal telephone calls except to the  
37 community facility;

38 (g) A requirement that the juvenile remain on school grounds except  
39 for authorized and supervised school activities;

1 (h) A prohibition on visits from persons not approved in advance by  
2 the person in charge of the community facility;

3 (i) A requirement that any unexcused absence or departure by the  
4 juvenile be reported immediately to the person in charge of the  
5 community facility;

6 (j) A requirement that any notice from the juvenile that he or she  
7 will not attend school be verified as legitimate by contacting the  
8 person in charge of the community facility; and

9 (k) An agreement that the community facility will conduct random  
10 visits to determine compliance by the juvenile with the terms of this  
11 section.

12 (4) The secretary shall require that when any juvenile placed in a  
13 community facility is employed, assigned as a volunteer, or enrolled in  
14 a public or private school:

15 (a) Program staff members shall make periodic and random  
16 accountability checks while the juvenile is at the school or work  
17 facility;

18 (b) A program counselor assigned to the juvenile shall contact the  
19 juvenile's employer, teacher, or school counselor regularly to discuss  
20 school or job performance-related issues.

21 (5) The department shall maintain a copy of all agreements executed  
22 under this section. The department shall also provide each affected  
23 juvenile with a copy of every agreement to which he or she is a party.  
24 The service provider shall maintain a copy of every agreement it  
25 executes under this section.

26 NEW SECTION. Sec. 15. A new section is added to chapter 72.05 RCW  
27 to read as follows:

28 (1) The department shall establish by rule a policy for the common  
29 use of residential group homes for juvenile offenders under the  
30 jurisdiction of the juvenile rehabilitation administration and the  
31 children's administration.

32 (2) A juvenile under the jurisdiction of the juvenile  
33 rehabilitation administration who is convicted of a class A felony is  
34 not eligible for placement in a community facility operated by  
35 children's administration that houses juveniles who are not under the  
36 jurisdiction of juvenile rehabilitation administration.

1        NEW SECTION.    **Sec. 16.**    A new section is added to chapter 72.05 RCW  
2 to read as follows:

3        (1) A person shall not be eligible for an employed or volunteer  
4 position within the juvenile rehabilitation administration or any  
5 agency with which it contracts in which the person may have regular  
6 access to juveniles under the jurisdiction of the department of social  
7 and health services or the department of corrections if the person has  
8 been convicted of one or more of the following:

9            (a) Any felony sex offense;

10          (b) Any violent offense, as defined in RCW 9.94A.030.

11        (2) Subsection (1) of this section applies only to persons hired by  
12 the department or any of its contracting agencies after the effective  
13 date of this act.

14        (3) Any person employed by the juvenile rehabilitation  
15 administration, or by any contracting agency, who may have regular  
16 access to juveniles under the jurisdiction of the department or the  
17 department of corrections and who is convicted of an offense set forth  
18 in this section after the effective date of this act, shall report the  
19 conviction to his or her supervisor. The report must be made within  
20 seven days of conviction. Failure to report within seven days of  
21 conviction constitutes misconduct under Title 50 RCW.

22        (4) For purposes of this section "may have regular access to  
23 juveniles" means access for more than a nominal amount of time.

24        (5) The department shall adopt rules to implement this section.

25        NEW SECTION.    **Sec. 17.**    (1) There is created a joint legislative  
26 task force on group home juvenile offenders. The task force shall  
27 review policies on the location of juvenile offenders in community  
28 facilities as defined in this act.

29        The task force shall examine at least the following:

30            (a) The procedures and policies for reporting violations and  
31 infractions by juvenile offenders to the administration;

32            (b) The methods for creating and maintaining documentation of  
33 reports of violations and infractions;

34            (c) The consistency and uniformity of reporting violations and  
35 infractions;

36            (d) Barriers to improving reporting and documentation;

37            (e) What consequences for violations and infractions exist and how  
38 uniformly they are applied;

1 (f) The nature and number of, and trends in violations and  
2 infractions;

3 (g) What employment and criminal history reviews are done of  
4 persons who are prospective employees of the administration or its  
5 service providers, when a person seeks employment in positions which  
6 involve supervision or regular contact with juvenile offenders in  
7 community facilities;

8 (h) What revisions in reviews could be done to improve the quality  
9 of employees or reduce the likelihood of inappropriate personnel  
10 selections;

11 (i) The barriers that exist to sharing information among all  
12 relevant parties in the decision-making process to locate and monitor  
13 juvenile offenders in community facilities, and the authority of the  
14 state to remove or reduce the barriers;

15 (j) The level of security at each community facility, at all times  
16 of the day and whether the levels are appropriate;

17 (k) What barriers exist to improving security and the authority of  
18 the state to reduce or eliminate the barriers;

19 (l) What controls exist to monitor and regulate persons who visit  
20 the facilities;

21 (m) The policies and procedures that control random security checks  
22 and visits to juvenile offenders who are outside the facilities in  
23 school or at work or elsewhere; and

24 (n) Methods for determining and reporting escapes and whether the  
25 methods are adequate or, if not, what improvements are appropriate.

26 (2) The audit shall be concluded not later than December 1, 1998.

27 (3) The task force shall consist of four members of the senate, two  
28 of whom shall be from the majority caucus and two of whom shall be from  
29 the minority caucus, and four members of the house of representatives,  
30 two of whom shall be from the majority caucus and two of whom shall be  
31 from the minority caucus. The members from the senate shall be  
32 appointed by the president of the senate. The members from the house  
33 shall be appointed by the speaker of the house.

34 NEW SECTION. **Sec. 18.** Unless the context clearly requires  
35 otherwise, the definitions in this section apply throughout this  
36 chapter.

37 (1) "Electrical utility" means an electrical power distribution  
38 business as defined in RCW 82.16.010.

1 (2) "Gas utility" means a gas distribution business as defined in  
2 RCW 82.16.010.

3 (3) "Telephone utility" means any firm engaged in the business of  
4 providing network telephone service as defined in RCW 82.04.065. For  
5 the purposes of this chapter, network telephone service does not  
6 include amounts that represent: (a) Charges to another  
7 telecommunications company, as defined in RCW 80.04.010, for connecting  
8 fees, switching charges, or carrier access charges relating to  
9 intrastate toll telephone services; or (b) charges to any person or  
10 business for access to, or charges for, interstate services.

11 (4) "Water utility" means a water distribution business as defined  
12 in RCW 82.16.010.

13 (5) "Sewer utility" means a sewerage collection business taxable  
14 under RCW 82.16.020.

15 (6) "Retail sale" means the sale of or charge made for electrical  
16 energy, gas, network telephone service, water, or sewerage service by  
17 a utility. A retail sale occurs at the place to which electrical  
18 energy, gas, network telephone service, water, or sewerage service is  
19 delivered or provided to the consumer thereof.

20 (7) "Selling price" has the meaning ascribed to it by RCW  
21 82.08.010.

22 (8) "Utility" means an electrical utility, gas utility, telephone  
23 utility, water utility, or sewer utility.

24 NEW SECTION. **Sec. 19.** By ordinance, the legislative authority of  
25 a county may levy an excise tax in the unincorporated areas of the  
26 county on retail sales by utilities. The tax shall be measured by the  
27 selling price and shall:

28 (1) Apply equally at a single rate to these utilities;

29 (2) Apply uniformly at a single rate within individual classes  
30 throughout the unincorporated areas of the county;

31 (3) Be imposed at a rate that does not exceed six percent unless  
32 the rate is approved by a majority of the voters of the unincorporated  
33 areas voting on such a proposition;

34 (4) Allow an exemption from tax for inter-utility sales of  
35 commodities for resale; and

36 (5) Be additional to payments made pursuant to franchises granted  
37 by the county.

1        NEW SECTION.    **Sec. 20.** Each utility shall add the tax levied under  
2 this chapter to the rates or charges it makes for utility services  
3 provided to consumers or users thereof and shall separately state the  
4 amount of the tax on consumer or user billings.

5        Any tax imposed under this chapter shall be paid by the consumer to  
6 the utility, and each utility shall collect from the consumer the full  
7 amount of the tax payable in respect to each taxable sale. The tax  
8 required to be collected by the utility shall be deemed to be held in  
9 trust by the utility until paid to the county.

10       The amount of tax, until paid by the consumer to the utility, shall  
11 constitute a debt from the consumer to the utility.

12       No tax levied under this chapter may apply to sales before the  
13 effective date of the ordinance.

14       NEW SECTION.    **Sec. 21.** The county legislative authority may  
15 establish, in consultation with the utility, classes of persons based  
16 on use upon whom the utility taxes are levied and may establish  
17 different rates of taxation on the classes, exemption of a class or  
18 classes, or rebates for a class or classes. Differential rates,  
19 exemptions, and rebates granted under this section shall be allowed  
20 equally for both consumers of electrical utility services and consumers  
21 of gas utility services.

22       NEW SECTION.    **Sec. 22.** Moneys collected under this chapter shall  
23 be expended exclusively for criminal justice purposes and shall not be  
24 used to replace or supplant existing funding. Criminal justice  
25 purposes are defined as activities that substantially assist the  
26 criminal justice system, which may include circumstances where  
27 ancillary benefit to the civil justice system occurs.

28       NEW SECTION.    **Sec. 23.** Sections 18 through 22 of this act  
29 constitute a new chapter in Title 36 RCW.

30       NEW SECTION.    **Sec. 24.** The code reviser shall alphabetize the  
31 definitions in RCW 13.50.010 and 74.15.020 and correct any references.

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