
HOUSE BILL 2498

State of Washington

56th Legislature

2000 Regular Session

By Representatives O'Brien and Ballasiotes; by request of Department of Social and Health Services

Read first time 01/14/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to licensing of and sanctions for violating
2 conditions of the juvenile offender basic training camp program;
3 amending RCW 13.40.320, 13.40.210, and 74.15.020; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 13.40.320 and 1997 c 338 s 38 are each amended to read
7 as follows:

8 (1) The department of social and health services shall establish
9 ~~((and operate))~~ a medium security juvenile offender basic training camp
10 program. ~~((The department shall site a juvenile offender basic
11 training camp facility in the most cost-effective facility possible and
12 shall review the possibility of using an existing abandoned and/or
13 available state, federally, or military-owned site or facility.))~~ The
14 facility is exempt from licensing requirements of chapter 74.15 RCW.

15 (2) The department may contract under this chapter with private
16 companies, the national guard, or other federal, state, or local
17 agencies to operate the juvenile offender basic training camp,
18 notwithstanding the provisions of RCW 41.06.380. ~~((Requests for~~

1 proposals from possible contractors shall not call for payment on a per
2 diem basis.

3 ~~(3) The juvenile offender basic training camp shall accommodate at~~
4 ~~least seventy offenders. The beds shall count as additions to, and not~~
5 ~~be used as replacements for, existing bed capacity at existing~~
6 ~~department of social and health services juvenile facilities.~~

7 ~~(4))~~ (3) The juvenile offender basic training camp shall be a
8 structured and regimented model ~~((lasting one hundred twenty days))~~
9 emphasizing the building up of an offender's self-esteem, confidence,
10 and discipline. The juvenile offender basic training camp program
11 shall provide participants with basic education, prevocational
12 training, work-based learning, ~~((live))~~ work experience, work ethic
13 skills, conflict resolution counseling, substance abuse intervention,
14 anger management counseling, and structured intensive physical
15 training. The juvenile offender basic training camp program shall have
16 a curriculum training and work schedule that incorporates a balanced
17 assignment of these or other rehabilitation and training components for
18 no less than sixteen hours per day, six days a week.

19 The department shall ~~((adopt rules))~~ develop standards for the safe
20 and effective operation of the juvenile offender basic training camp
21 program, ~~((standards))~~ for an offender's successful program completion,
22 and ~~((rules))~~ for the continued after-care supervision of offenders who
23 have successfully completed the program.

24 ~~((+5))~~ (4) Offenders eligible for the juvenile offender basic
25 training camp option shall be those with a disposition of not more than
26 sixty-five weeks. Violent and sex offenders shall not be eligible for
27 the juvenile offender basic training camp program.

28 ~~((+6))~~ (5) If the court determines that the offender is eligible
29 for the juvenile offender basic training camp option, the court may
30 recommend that the department place the offender in the program. The
31 department shall evaluate the offender and may place the offender in
32 the program. The evaluation shall include, at a minimum, a risk
33 assessment developed by the department and designed to determine the
34 offender's suitability for the program. No juvenile who is assessed as
35 a high risk offender or suffers from any mental or physical problems
36 that could endanger his or her health or drastically affect his or her
37 performance in the program shall be admitted to or retained in the
38 juvenile offender basic training camp program.

1 (~~(7)~~) (6) All juvenile offenders eligible for the juvenile
2 offender basic training camp sentencing option shall spend one hundred
3 twenty days of their disposition in a juvenile offender basic training
4 camp. This period may be extended for up to thirty days by the
5 secretary if a juvenile offender requires additional time to
6 successfully complete the basic training camp program. If the juvenile
7 offender's activities while in the juvenile offender basic training
8 camp are so disruptive to the juvenile offender basic training camp
9 program, as determined by the secretary according to (~~rules adopted~~)
10 standards developed by the department, as to result in the removal of
11 the juvenile offender from the juvenile offender basic training camp
12 program, or if the offender cannot complete the juvenile offender basic
13 training camp program due to medical problems, the secretary shall
14 require that the offender be committed to a juvenile institution to
15 serve the entire remainder of his or her disposition, less the amount
16 of time already served in the juvenile offender basic training camp
17 program.

18 (~~(8)~~) (7) All offenders who successfully graduate from the (~~one~~
19 ~~hundred twenty day~~) juvenile offender basic training camp program
20 shall spend the remainder of their disposition on parole in a
21 (~~division of~~) juvenile rehabilitation administration intensive
22 aftercare program in the local community. Violation of conditions of
23 parole is subject to sanctions specified in RCW 13.40.210(4). The
24 program shall provide for the needs of the offender based on his or her
25 progress in the aftercare program as indicated by ongoing assessment of
26 those needs and progress. The intensive aftercare program shall
27 monitor postprogram juvenile offenders and assist them to successfully
28 reintegrate into the community. In addition, the program shall develop
29 a process for closely monitoring and assessing public safety risks.
30 The intensive aftercare program shall be designed and funded by the
31 department of social and health services.

32 (~~(9)~~) (8) The department shall also develop and maintain a data
33 base to measure recidivism rates specific to this incarceration
34 program. The data base shall maintain data on all juvenile offenders
35 who complete the juvenile offender basic training camp program for a
36 period of two years after they have completed the program. The data
37 base shall also maintain data on the criminal activity, educational
38 progress, and employment activities of all juvenile offenders who
39 participated in the program.

1 **Sec. 2.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read
2 as follows:

3 (1) The secretary shall, except in the case of a juvenile committed
4 by a court to a term of confinement in a state institution outside the
5 appropriate standard range for the offense(s) for which the juvenile
6 was found to be guilty established pursuant to RCW 13.40.030, set a
7 release or discharge date for each juvenile committed to its custody.
8 The release or discharge date shall be within the prescribed range to
9 which a juvenile has been committed except as provided in RCW 13.40.320
10 concerning offenders the department determines are eligible for the
11 juvenile offender basic training camp program. Such dates shall be
12 determined prior to the expiration of sixty percent of a juvenile's
13 minimum term of confinement included within the prescribed range to
14 which the juvenile has been committed. The secretary shall release any
15 juvenile committed to the custody of the department within four
16 calendar days prior to the juvenile's release date or on the release
17 date set under this chapter. Days spent in the custody of the
18 department shall be tolled by any period of time during which a
19 juvenile has absented himself or herself from the department's
20 supervision without the prior approval of the secretary or the
21 secretary's designee.

22 (2) The secretary shall monitor the average daily population of the
23 state's juvenile residential facilities. When the secretary concludes
24 that in-residence population of residential facilities exceeds one
25 hundred five percent of the rated bed capacity specified in statute, or
26 in absence of such specification, as specified by the department in
27 rule, the secretary may recommend reductions to the governor. On
28 certification by the governor that the recommended reductions are
29 necessary, the secretary has authority to administratively release a
30 sufficient number of offenders to reduce in-residence population to one
31 hundred percent of rated bed capacity. The secretary shall release
32 those offenders who have served the greatest proportion of their
33 sentence. However, the secretary may deny release in a particular case
34 at the request of an offender, or if the secretary finds that there is
35 no responsible custodian, as determined by the department, to whom to
36 release the offender, or if the release of the offender would pose a
37 clear danger to society. The department shall notify the committing
38 court of the release at the time of release if any such early releases
39 have occurred as a result of excessive in-residence population. In no

1 event shall an offender adjudicated of a violent offense be granted
2 release under the provisions of this subsection.

3 (3)(a) Following the juvenile's release under subsection (1) of
4 this section, the secretary may require the juvenile to comply with a
5 program of parole to be administered by the department in his or her
6 community which shall last no longer than eighteen months, except that
7 in the case of a juvenile sentenced for rape in the first or second
8 degree, rape of a child in the first or second degree, child
9 molestation in the first degree, or indecent liberties with forcible
10 compulsion, the period of parole shall be twenty-four months and, in
11 the discretion of the secretary, may be up to thirty-six months when
12 the secretary finds that an additional period of parole is necessary
13 and appropriate in the interests of public safety or to meet the
14 ongoing needs of the juvenile. A parole program is mandatory for
15 offenders released under subsection (2) of this section. The decision
16 to place an offender on parole shall be based on an assessment by the
17 department of the offender's risk for reoffending upon release. The
18 department shall prioritize available parole resources to provide
19 supervision and services to offenders at moderate to high risk for
20 reoffending.

21 (b) The secretary shall, for the period of parole, facilitate the
22 juvenile's reintegration into his or her community and to further this
23 goal shall require the juvenile to refrain from possessing a firearm or
24 using a deadly weapon and refrain from committing new offenses and may
25 require the juvenile to: (i) Undergo available medical, psychiatric,
26 drug and alcohol, sex offender, mental health, and other offense-
27 related treatment services; (ii) report as directed to a parole officer
28 and/or designee; (iii) pursue a course of study, vocational training,
29 or employment; (iv) notify the parole officer of the current address
30 where he or she resides; (v) be present at a particular address during
31 specified hours; (vi) remain within prescribed geographical boundaries;
32 (vii) submit to electronic monitoring; (viii) refrain from using
33 illegal drugs and alcohol, and submit to random urinalysis when
34 requested by the assigned parole officer; (ix) refrain from contact
35 with specific individuals or a specified class of individuals; (x) meet
36 other conditions determined by the parole officer to further enhance
37 the juvenile's reintegration into the community; (xi) pay any court-
38 ordered fines or restitution; and (xii) perform community service.
39 Community service for the purpose of this section means compulsory

1 service, without compensation, performed for the benefit of the
2 community by the offender. Community service may be performed through
3 public or private organizations or through work crews.

4 (c) The secretary may further require up to twenty-five percent of
5 the highest risk juvenile offenders who are placed on parole to
6 participate in an intensive supervision program. Offenders
7 participating in an intensive supervision program shall be required to
8 comply with all terms and conditions listed in (b) of this subsection
9 and shall also be required to comply with the following additional
10 terms and conditions: (i) Obey all laws and refrain from any conduct
11 that threatens public safety; (ii) report at least once a week to an
12 assigned community case manager; and (iii) meet all other requirements
13 imposed by the community case manager related to participating in the
14 intensive supervision program. As a part of the intensive supervision
15 program, the secretary may require day reporting.

16 (d) After termination of the parole period, the juvenile shall be
17 discharged from the department's supervision.

18 (4)(a) The department may also modify parole for violation thereof.
19 If, after affording a juvenile all of the due process rights to which
20 he or she would be entitled if the juvenile were an adult, the
21 secretary finds that a juvenile has violated a condition of his or her
22 parole, the secretary shall order one of the following which is
23 reasonably likely to effectuate the purpose of the parole and to
24 protect the public: (i) Continued supervision under the same
25 conditions previously imposed; (ii) intensified supervision with
26 increased reporting requirements; (iii) additional conditions of
27 supervision authorized by this chapter; (iv) except as provided in
28 (a)(v) and (vi) of this subsection, imposition of a period of
29 confinement not to exceed thirty days in a facility operated by or
30 pursuant to a contract with the state of Washington or any city or
31 county for a portion of each day or for a certain number of days each
32 week with the balance of the days or weeks spent under supervision;
33 (~~and~~) (v) the secretary may order any of the conditions or may return
34 the offender to confinement for the remainder of the sentence range if
35 the offense for which the offender was sentenced is rape in the first
36 or second degree, rape of a child in the first or second degree, child
37 molestation in the first degree, indecent liberties with forcible
38 compulsion, or a sex offense that is also a serious violent offense as
39 defined by RCW 9.94A.030; and (vi) the secretary may order any of the

1 conditions or may return the offender to confinement for the remainder
2 of the sentence range if the youth has completed the basic training
3 camp as described in RCW 13.40.320.

4 (b) If the department finds that any juvenile in a program of
5 parole has possessed a firearm or used a deadly weapon during the
6 program of parole, the department shall modify the parole under (a) of
7 this subsection and confine the juvenile for at least thirty days.
8 Confinement shall be in a facility operated by or pursuant to a
9 contract with the state or any county.

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

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

17 **Sec. 3.** RCW 74.15.020 and 1999 c 267 s 11 are each amended to read
18 as follows:

19 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless
20 otherwise clearly indicated by the context thereof, the following terms
21 shall mean:

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

32 (a) "Child day-care center" means an agency which regularly
33 provides care for a group of children for periods of less than twenty-
34 four hours;

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

37 (c) "Community facility" means a group care facility operated for
38 the care of juveniles committed to the department under RCW 13.40.185.

1 A county detention facility that houses juveniles committed to the
2 department under RCW 13.40.185 pursuant to a contract with the
3 department is not a community facility;

4 (d) "Crisis residential center" means an agency which is a
5 temporary protective residential facility operated to perform the
6 duties specified in chapter 13.32A RCW, in the manner provided in RCW
7 74.13.032 through 74.13.036;

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

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

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

20 (h) "HOPE center" means an agency licensed by the secretary to
21 provide temporary residential placement and other services to street
22 youth. A street youth may remain in a HOPE center for thirty days
23 while services are arranged and permanent placement is coordinated. No
24 street youth may stay longer than thirty days unless approved by the
25 department and any additional days approved by the department must be
26 based on the unavailability of a long-term placement option. A street
27 youth whose parent wants him or her returned to home may remain in a
28 HOPE center until his or her parent arranges return of the youth, not
29 longer. All other street youth must have court approval under chapter
30 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

31 (i) "Maternity service" means an agency which provides or arranges
32 for care or services to expectant mothers, before or during
33 confinement, or which provides care as needed to mothers and their
34 infants after confinement;

35 (j) "Responsible living skills program" means an agency licensed by
36 the secretary that provides residential and transitional living
37 services to persons ages sixteen to eighteen who are dependent under
38 chapter 13.34 RCW and who have been unable to live in his or her
39 legally authorized residence and, as a result, the minor lived outdoors

1 or in another unsafe location not intended for occupancy by the minor.
2 Dependent minors ages fourteen and fifteen may be eligible if no other
3 placement alternative is available and the department approves the
4 placement;

5 (k) "Service provider" means the entity that operates a community
6 facility.

7 (2) "Agency" shall not include the following:

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

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

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

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

18 (iv) Spouses of any persons named in (i), (ii), or (iii) of this
19 subsection (2)(a), even after the marriage is terminated; or

20 (v) Extended family members, as defined by the law or custom of the
21 Indian child's tribe or, in the absence of such law or custom, a person
22 who has reached the age of eighteen and who is the Indian child's
23 grandparent, aunt or uncle, brother or sister, brother-in-law or
24 sister-in-law, niece or nephew, first or second cousin, or stepparent
25 who provides care in the family abode on a twenty-four-hour basis to an
26 Indian child as defined in 25 U.S.C. Sec. 1903(4);

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

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

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

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

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

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

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

14 (i) Hospitals licensed pursuant to chapter 70.41 RCW when
15 performing functions defined in chapter 70.41 RCW, nursing homes
16 licensed under chapter 18.51 RCW and boarding homes licensed under
17 chapter 18.20 RCW;

18 (j) Licensed physicians or lawyers;

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

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

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

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

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

35 (p) A maximum or medium security program for juvenile offenders
36 operated by or under contract with the department;

37 (q) An agency located on a federal military reservation, except
38 where the military authorities request that such agency be subject to
39 the licensing requirements of this chapter.

1 (3) "Department" means the state department of social and health
2 services.

3 (4) "Juvenile" means a person under the age of twenty-one who has
4 been sentenced to a term of confinement under the supervision of the
5 department under RCW 13.40.185.

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

9 (6) "Requirement" means any rule, regulation, or standard of care
10 to be maintained by an agency.

11 (7) "Secretary" means the secretary of social and health services.

12 (8) "Street youth" means a person under the age of eighteen who
13 lives outdoors or in another unsafe location not intended for occupancy
14 by the minor and who is not residing with his or her parent or at his
15 or her legally authorized residence.

16 (9) "Transitional living services" means at a minimum, to the
17 extent funds are available, the following:

18 (a) Educational services, including basic literacy and
19 computational skills training, either in local alternative or public
20 high schools or in a high school equivalency program that leads to
21 obtaining a high school equivalency degree;

22 (b) Assistance and counseling related to obtaining vocational
23 training or higher education, job readiness, job search assistance, and
24 placement programs;

25 (c) Counseling and instruction in life skills such as money
26 management, home management, consumer skills, parenting, health care,
27 access to community resources, and transportation and housing options;

28 (d) Individual and group counseling; and

29 (e) Establishing networks with federal agencies and state and local
30 organizations such as the United States department of labor, employment
31 and training administration programs including the job training
32 partnership act which administers private industry councils and the job
33 corps; vocational rehabilitation; and volunteer programs.

--- END ---