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HOUSE BILL 1070

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By Representatives Delvin, Dickerson, Ogden, Conway, Haigh, Kagi and Hurst; by request of Department of Social and Health Services

Read first time 01/15/2001. Referred to Committee on Juvenile Justice.

1 AN ACT Relating to the juvenile offender basic training camp  
2 program; and amending RCW 13.40.320, 13.40.210, and 74.15.020.

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

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

6 (1) The department of social and health services shall establish  
7 ~~((and operate))~~ a medium security juvenile offender basic training camp  
8 program. ~~((The department shall site a juvenile offender basic  
9 training camp facility in the most cost-effective facility possible and  
10 shall review the possibility of using an existing abandoned and/or  
11 available state, federally, or military-owned site or facility.))~~ This  
12 program for juvenile offenders serving a term of confinement under the  
13 supervision of the department is exempt from the licensing requirements  
14 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  
4 at least seventy offenders. The beds shall count as additions to, and  
5 not be used as replacements for, existing bed capacity at existing  
6 department of social and health services juvenile facilities.

7 (4)) 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 forty 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 the conditions  
23 of 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 program 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.

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