
HOUSE BILL 2380

State of Washington

57th Legislature

2002 Regular Session

By Representatives Dickerson, Eickmeyer, O'Brien, Kenney, Rockefeller, Ruderman, Kagi, Darneille, Tokuda, Chase, Lovick and Haigh

Read first time 01/16/2002. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to segregation of children offenders from adult
2 offenders; amending RCW 72.01.410; and declaring an emergency.

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

4 **Sec. 1.** RCW 72.01.410 and 1997 c 338 s 41 are each amended to read
5 as follows:

6 (1) Whenever any child under the age of eighteen is convicted in
7 the courts of this state of a crime amounting to a felony, and is
8 committed for a term of confinement in a correctional institution
9 wherein adults are confined, the secretary of corrections, after making
10 an independent assessment and evaluation of the child and determining
11 that the needs and correctional goals for the child could better be met
12 by the programs and housing environment provided by the juvenile
13 correctional institution, with the consent of the secretary of social
14 and health services, may transfer such child to a juvenile correctional
15 institution, or to such other institution as is now, or may hereafter
16 be authorized by law to receive such child, until such time as the
17 child arrives at the age of twenty-one years, whereupon the child shall
18 be returned to the institution of original commitment. Retention
19 within a juvenile detention facility or return to an adult correctional

1 facility shall regularly be reviewed by the secretary of corrections
2 and the secretary of social and health services with a determination
3 made based on the level of maturity and sophistication of the
4 individual, the behavior and progress while within the juvenile
5 detention facility, security needs, and the program/treatment
6 alternatives which would best prepare the individual for a successful
7 return to the community. Notice of such transfers shall be given to
8 the clerk of the committing court and the parents, guardian, or next of
9 kin of such child, if known.

10 (2)(a) Except as provided in (b) and (c) of this subsection, an
11 offender under the age of eighteen who is convicted in adult criminal
12 court and who is committed to a term of confinement at the department
13 of corrections must be placed in a housing unit, or a portion of a
14 housing unit, that is separated from offenders eighteen years of age or
15 older, until the offender reaches the age of eighteen.

16 (b) An offender who reaches eighteen years of age may remain in a
17 housing unit for offenders under the age of eighteen if the secretary
18 of corrections determines that: (i) The offender's needs and the
19 correctional goals for the offender could continue to be better met by
20 the programs and housing environment that is separate from offenders
21 eighteen years of age and older; and (ii) the programs or housing
22 environment for offenders under the age of eighteen will not be
23 substantially affected by the continued placement of the offender in
24 that environment. The offender may remain placed in a housing unit for
25 offenders under the age of eighteen until such time as the secretary of
26 corrections determines that the offender's needs and correctional goals
27 are no longer better met in that environment but in no case past the
28 offender's twenty-first birthday.

29 (c) An offender under the age of eighteen may be housed in an
30 intensive management unit or administrative segregation unit containing
31 offenders eighteen years of age or older if it is necessary for the
32 safety or security of the offender or staff. In these cases, the
33 offender shall be kept physically separate from other offenders at all
34 times.

35 NEW SECTION. Sec. 2. This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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