

ESSB 5903 - H COMM AMD  
By Committee on Juvenile Justice & Family Law

ADOPTED 04/24/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are  
4 each reenacted and amended to read as follows:

5 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

11 .....

12 **Arson and Malicious Mischief**

13	A	Arson 1 (9A.48.020)	B+
14	B	Arson 2 (9A.48.030)	C
15	C	Reckless Burning 1 (9A.48.040)	D
16	D	Reckless Burning 2 (9A.48.050)	E
17	B	Malicious Mischief 1 (9A.48.070)	C
18	C	Malicious Mischief 2 (9A.48.080)	D
19	D	Malicious Mischief 3 (<\$50 is E class)	
20		(9A.48.090)	E
21	E	Tampering with Fire Alarm Apparatus	
22		(9.40.100)	E
23	A	Possession of Incendiary Device (9.40.120)	B+

24 **Assault and Other Crimes Involving**

25 **Physical Harm**

26	A	Assault 1 (9A.36.011)	B+
27	B+	Assault 2 (9A.36.021)	C+
28	C+	Assault 3 (9A.36.031)	D+

1	D+	Assault 4 (9A.36.041)	E
2	B+	Drive-By Shooting (9A.36.045)	C+
3	D+	Reckless Endangerment (9A.36.050)	E
4	C+	Promoting Suicide Attempt (9A.36.060)	D+
5	D+	Coercion (9A.36.070)	E
6	C+	Custodial Assault (9A.36.100)	D+
7		<b>Burglary and Trespass</b>	
8	B+	Burglary 1 (9A.52.020)	C+
9	B	Residential Burglary (9A.52.025)	C
10	B	Burglary 2 (9A.52.030)	C
11	D	Burglary Tools (Possession of) (9A.52.060)	E
12	D	Criminal Trespass 1 (9A.52.070)	E
13	E	Criminal Trespass 2 (9A.52.080)	E
14	C	Vehicle Prowling 1 (9A.52.095)	D
15	D	Vehicle Prowling 2 (9A.52.100)	E
16		<b>Drugs</b>	
17	E	Possession/Consumption of Alcohol	
18		(66.44.270)	E
19	C	Illegally Obtaining Legend Drug	
20		(69.41.020)	D
21	C+	Sale, Delivery, Possession of Legend Drug	
22		with Intent to Sell (69.41.030)	D+
23	E	Possession of Legend Drug (69.41.030)	E
24	B+	Violation of Uniform Controlled	
25		Substances Act - Narcotic,	
26		Methamphetamine, or Flunitrazepam Sale	
27		(69.50.401(a)(1) (i) or (ii))	B+
28	C	Violation of Uniform Controlled	
29		Substances Act - Nonnarcotic Sale	
30		(69.50.401(a)(1)(iii))	C
31	E	Possession of Marihuana <40 grams	
32		(69.50.401(e))	E
33	C	Fraudulently Obtaining Controlled	
34		Substance (69.50.403)	C
35	C+	Sale of Controlled Substance for Profit	
36		(69.50.410)	C+
37	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.401(b)(1) (i)	
5		or (ii))	B
6	C	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
9	C	Violation of Uniform Controlled	
10		Substances Act - Possession of a Controlled	
11		Substance (69.50.401(d))	C
12	C	Violation of Uniform Controlled	
13		Substances Act - Possession of a Controlled	
14		Substance (69.50.401(c))	C
15		<b>Firearms and Weapons</b>	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm (9A.56.310)	C
18	E	Carrying Loaded Pistol Without Permit	
19		(9.41.050)	E
20	C	Possession of Firearms by Minor (<18)	
21		(9.41.040(1)(b)(iii))	C
22	D+	Possession of Dangerous Weapon	
23		(9.41.250)	E
24	D	Intimidating Another Person by use of	
25		Weapon (9.41.270)	E
26		<b>Homicide</b>	
27	A+	Murder 1 (9A.32.030)	A
28	A+	Murder 2 (9A.32.050)	B+
29	B+	Manslaughter 1 (9A.32.060)	C+
30	C+	Manslaughter 2 (9A.32.070)	D+
31	B+	Vehicular Homicide (46.61.520)	C+
32		<b>Kidnapping</b>	
33	A	Kidnap 1 (9A.40.020)	B+
34	B+	Kidnap 2 (9A.40.030)	C+
35	C+	Unlawful Imprisonment (9A.40.040)	D+
36		<b>Obstructing Governmental Operation</b>	

1	D	Obstructing a Law Enforcement Officer	
2		(9A.76.020)	E
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		<b>Public Disturbance</b>	
10	C+	Riot with Weapon (9A.84.010)	D+
11	D+	Riot Without Weapon (9A.84.010)	E
12	E	Failure to Disperse (9A.84.020)	E
13	E	Disorderly Conduct (9A.84.030)	E
14		<b>Sex Crimes</b>	
15	A	Rape 1 (9A.44.040)	B+
16	A-	Rape 2 (9A.44.050)	B+
17	C+	Rape 3 (9A.44.060)	D+
18	A-	Rape of a Child 1 (9A.44.073)	B+
19	B+	Rape of a Child 2 (9A.44.076)	C+
20	B	Incest 1 (9A.64.020(1))	C
21	C	Incest 2 (9A.64.020(2))	D
22	D+	Indecent Exposure (Victim <14)	
23		(9A.88.010)	E
24	E	Indecent Exposure (Victim 14 or over)	
25		(9A.88.010)	E
26	B+	Promoting Prostitution 1 (9A.88.070)	C+
27	C+	Promoting Prostitution 2 (9A.88.080)	D+
28	E	O & A (Prostitution) (9A.88.030)	E
29	B+	Indecent Liberties (9A.44.100)	C+
30	A-	Child Molestation 1 (9A.44.083)	B+
31	B	Child Molestation 2 (9A.44.086)	C+
32		<b>Theft, Robbery, Extortion, and Forgery</b>	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E
36	B	Theft of Livestock (9A.56.080)	C

1	C	Forgery (9A.60.020)	D
2	A	Robbery 1 (9A.56.200)	B+
3	B+	Robbery 2 (9A.56.210)	C+
4	B+	Extortion 1 (9A.56.120)	C+
5	C+	Extortion 2 (9A.56.130)	D+
6	C	Identity Theft 1 (9.35.020(2)(a))	D
7	D	Identity Theft 2 (9.35.020(2)(b))	E
8	D	Improperly Obtaining Financial	
9		Information (9.35.010)	E
10	B	Possession of Stolen Property 1	
11		(9A.56.150)	C
12	C	Possession of Stolen Property 2	
13		(9A.56.160)	D
14	D	Possession of Stolen Property 3	
15		(9A.56.170)	E
16	C	Taking Motor Vehicle Without Permission	
17		1 and 2 (9A.56.070 (1) and (2))	D
18		<b>Motor Vehicle Related Crimes</b>	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	
26		Vehicle (46.61.024)	D
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	
29		(46.61.502 and 46.61.504)	E
30		<b>Other</b>	
31	B	Bomb Threat (9.61.160)	C
32	C	Escape 1 <sup>1</sup> (9A.76.110)	C
33	C	Escape 2 <sup>1</sup> (9A.76.120)	C
34	D	Escape 3 (9A.76.130)	E
35	E	Obscene, Harassing, Etc., Phone Calls	
36		(9.61.230)	E



1		EXCEPT			
2		30-40			
3		WEEKS FOR			
4		15-17			
5		YEAR OLDS			
6					
7	Current	B+	15-36	52-65	80-100
8	Offense		WEEKS	WEEKS	WEEKS
9	Category				
10		B	LOCAL		52-65
11			SANCTIONS (LS)	15-36 WEEKS	WEEKS
12					
13		C+	LS		
14				15-36 WEEKS	
15					
16		C	LS		15-36 WEEKS
17			Local Sanctions:		
18			0 to 30 Days		
19		D+	LS	0 to 12 Months Community Supervision	
20				0 to 150 Hours Community Restitution	
21		D	LS	\$0 to \$500 Fine	
22					
23		E	LS		
24					
25				0	1
26				2	3
27				4	or more
				PRIOR ADJUDICATIONS	

28 NOTE: References in the grid to days or weeks mean periods of  
 29 confinement.

30 (1) The vertical axis of the grid is the current offense category.  
 31 The current offense category is determined by the offense of  
 32 adjudication.

33 (2) The horizontal axis of the grid is the number of prior  
 34 adjudications included in the juvenile's criminal history. Each prior  
 35 felony adjudication shall count as one point. Each prior violation,  
 36 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
 37 point. Fractional points shall be rounded down.

38 (3) The standard range disposition for each offense is determined  
 39 by the intersection of the column defined by the prior adjudications  
 40 and the row defined by the current offense category.

41 (4) RCW 13.40.180 applies if the offender is being sentenced for  
 42 more than one offense.

1 (5) A current offense that is a violation is equivalent to an  
2 offense category of E. However, a disposition for a violation shall  
3 not include confinement.

4 OR

5 OPTION B

6 SUSPENDED DISPOSITION ALTERNATIVE

7 (1) If the offender is subject to a standard range disposition  
8 involving confinement by the department, the court may impose the  
9 standard range and suspend the disposition on condition that the  
10 offender comply with one or more local sanctions and any educational or  
11 treatment requirement. The treatment programs provided to the offender  
12 must be research-based best practice programs as identified by the  
13 Washington state institute for public policy or the joint legislative  
14 audit and review committee.

15 (2) If the offender fails to comply with the suspended disposition,  
16 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke  
17 the suspended disposition and order the disposition's execution.

18 (3) An offender is ineligible for the suspended disposition option  
19 under this section if the offender is:

20 (a) Adjudicated of an A+ offense;

21 (b) Fourteen years of age or older and is adjudicated of one or  
22 more of the following offenses:

23 (i) A class A offense, or an attempt, conspiracy, or solicitation  
24 to commit a class A offense;

25 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

26 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
27 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW  
28 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential  
29 burglary (RCW 9A.52.025), burglary in the second degree (RCW  
30 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW  
31 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a  
32 witness (RCW 9A.72.110), violation of the uniform controlled substances  
33 act (RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2 (RCW  
34 9A.32.070), when the offense includes infliction of bodily harm upon  
35 another or when during the commission or immediate withdrawal from the  
36 offense the respondent was armed with a deadly weapon;

1 (c) Ordered to serve a disposition for a firearm violation under  
2 RCW 13.40.193; or

3 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

4 **OR**

5 **OPTION C**

6 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

7 If the juvenile offender is subject to a standard range disposition  
8 of local sanctions or 15 to 36 weeks of confinement and has not  
9 committed an A- or B+ offense, the court may impose a disposition  
10 under RCW 13.40.160(4) and 13.40.165.

11 **OR**

12 **OPTION ((C)) D**

13 **MANIFEST INJUSTICE**

14 If the court determines that a disposition under option A (~~(C)~~), B, or  
15 C would effectuate a manifest injustice, the court shall impose a  
16 disposition outside the standard range under RCW 13.40.160(2).

17 **Sec. 2.** RCW 13.40.160 and 2002 c 175 s 22 are each amended to read  
18 as follows:

19 (1) The standard range disposition for a juvenile adjudicated of an  
20 offense is determined according to RCW 13.40.0357.

21 (a) When the court sentences an offender to a local sanction as  
22 provided in RCW 13.40.0357 option A, the court shall impose a  
23 determinate disposition within the standard ranges, except as provided  
24 in subsections (2), (3), (~~and~~) (4), or (5) of this section. The  
25 disposition may be comprised of one or more local sanctions.

26 (b) When the court sentences an offender to a standard range as  
27 provided in RCW 13.40.0357 option A that includes a term of confinement  
28 exceeding thirty days, commitment shall be to the department for the  
29 standard range of confinement, except as provided in subsections (2),  
30 (3), (~~and~~) (4), and (5) of this section.

31 (2) If the court concludes, and enters reasons for its conclusion,  
32 that disposition within the standard range would effectuate a manifest  
33 injustice the court shall impose a disposition outside the standard

1 range, as indicated in option ((E)) D of RCW 13.40.0357. The court's  
2 finding of manifest injustice shall be supported by clear and  
3 convincing evidence.

4 A disposition outside the standard range shall be determinate and  
5 shall be comprised of confinement or community supervision, or a  
6 combination thereof. When a judge finds a manifest injustice and  
7 imposes a sentence of confinement exceeding thirty days, the court  
8 shall sentence the juvenile to a maximum term, and the provisions of  
9 RCW 13.40.030(2) shall be used to determine the range. A disposition  
10 outside the standard range is appealable under RCW 13.40.230 by the  
11 state or the respondent. A disposition within the standard range is  
12 not appealable under RCW 13.40.230.

13 (3) When a juvenile offender is found to have committed a sex  
14 offense, other than a sex offense that is also a serious violent  
15 offense as defined by RCW 9.94A.030, and has no history of a prior sex  
16 offense, the court, on its own motion or the motion of the state or the  
17 respondent, may order an examination to determine whether the  
18 respondent is amenable to treatment.

19 The report of the examination shall include at a minimum the  
20 following: The respondent's version of the facts and the official  
21 version of the facts, the respondent's offense history, an assessment  
22 of problems in addition to alleged deviant behaviors, the respondent's  
23 social, educational, and employment situation, and other evaluation  
24 measures used. The report shall set forth the sources of the  
25 evaluator's information.

26 The examiner shall assess and report regarding the respondent's  
27 amenability to treatment and relative risk to the community. A  
28 proposed treatment plan shall be provided and shall include, at a  
29 minimum:

30 (a)(i) Frequency and type of contact between the offender and  
31 therapist;

32 (ii) Specific issues to be addressed in the treatment and  
33 description of planned treatment modalities;

34 (iii) Monitoring plans, including any requirements regarding living  
35 conditions, lifestyle requirements, and monitoring by family members,  
36 legal guardians, or others;

37 (iv) Anticipated length of treatment; and

1 (v) Recommended crime-related prohibitions.

2 The court on its own motion may order, or on a motion by the state  
3 shall order, a second examination regarding the offender's amenability  
4 to treatment. The evaluator shall be selected by the party making the  
5 motion. The defendant shall pay the cost of any second examination  
6 ordered unless the court finds the defendant to be indigent in which  
7 case the state shall pay the cost.

8 After receipt of reports of the examination, the court shall then  
9 consider whether the offender and the community will benefit from use  
10 of this special sex offender disposition alternative and consider the  
11 victim's opinion whether the offender should receive a treatment  
12 disposition under this section. If the court determines that this  
13 special sex offender disposition alternative is appropriate, then the  
14 court shall impose a determinate disposition within the standard range  
15 for the offense, or if the court concludes, and enters reasons for its  
16 conclusions, that such disposition would cause a manifest injustice,  
17 the court shall impose a disposition under option ((E)) D, and the  
18 court may suspend the execution of the disposition and place the  
19 offender on community supervision for at least two years. As a  
20 condition of the suspended disposition, the court may impose the  
21 conditions of community supervision and other conditions, including up  
22 to thirty days of confinement and requirements that the offender do any  
23 one or more of the following:

24 (b)(i) Devote time to a specific education, employment, or  
25 occupation;

26 (ii) Undergo available outpatient sex offender treatment for up to  
27 two years, or inpatient sex offender treatment not to exceed the  
28 standard range of confinement for that offense. A community mental  
29 health center may not be used for such treatment unless it has an  
30 appropriate program designed for sex offender treatment. The  
31 respondent shall not change sex offender treatment providers or  
32 treatment conditions without first notifying the prosecutor, the  
33 probation counselor, and the court, and shall not change providers  
34 without court approval after a hearing if the prosecutor or probation  
35 counselor object to the change;

36 (iii) Remain within prescribed geographical boundaries and notify

1 the court or the probation counselor prior to any change in the  
2 offender's address, educational program, or employment;

3 (iv) Report to the prosecutor and the probation counselor prior to  
4 any change in a sex offender treatment provider. This change shall  
5 have prior approval by the court;

6 (v) Report as directed to the court and a probation counselor;

7 (vi) Pay all court-ordered legal financial obligations, perform  
8 community restitution, or any combination thereof;

9 (vii) Make restitution to the victim for the cost of any counseling  
10 reasonably related to the offense;

11 (viii) Comply with the conditions of any court-ordered probation  
12 bond; or

13 (ix) The court shall order that the offender may not attend the  
14 public or approved private elementary, middle, or high school attended  
15 by the victim or the victim's siblings. The parents or legal guardians  
16 of the offender are responsible for transportation or other costs  
17 associated with the offender's change of school that would otherwise be  
18 paid by the school district. The court shall send notice of the  
19 disposition and restriction on attending the same school as the victim  
20 or victim's siblings to the public or approved private school the  
21 juvenile will attend, if known, or if unknown, to the approved private  
22 schools and the public school district board of directors of the  
23 district in which the juvenile resides or intends to reside. This  
24 notice must be sent at the earliest possible date but not later than  
25 ten calendar days after entry of the disposition.

26 The sex offender treatment provider shall submit quarterly reports  
27 on the respondent's progress in treatment to the court and the parties.  
28 The reports shall reference the treatment plan and include at a minimum  
29 the following: Dates of attendance, respondent's compliance with  
30 requirements, treatment activities, the respondent's relative progress  
31 in treatment, and any other material specified by the court at the time  
32 of the disposition.

33 At the time of the disposition, the court may set treatment review  
34 hearings as the court considers appropriate.

35 Except as provided in this subsection (3), after July 1, 1991,  
36 examinations and treatment ordered pursuant to this subsection shall  
37 only be conducted by sex offender treatment providers certified by the

1 department of health pursuant to chapter 18.155 RCW. A sex offender  
2 therapist who examines or treats a juvenile sex offender pursuant to  
3 this subsection does not have to be certified by the department of  
4 health pursuant to chapter 18.155 RCW if the court finds that: (A) The  
5 offender has already moved to another state or plans to move to another  
6 state for reasons other than circumventing the certification  
7 requirements; (B) no certified providers are available for treatment  
8 within a reasonable geographical distance of the offender's home; and  
9 (C) the evaluation and treatment plan comply with this subsection (3)  
10 and the rules adopted by the department of health.

11 If the offender violates any condition of the disposition or the  
12 court finds that the respondent is failing to make satisfactory  
13 progress in treatment, the court may revoke the suspension and order  
14 execution of the disposition or the court may impose a penalty of up to  
15 thirty days' confinement for violating conditions of the disposition.  
16 The court may order both execution of the disposition and up to thirty  
17 days' confinement for the violation of the conditions of the  
18 disposition. The court shall give credit for any confinement time  
19 previously served if that confinement was for the offense for which the  
20 suspension is being revoked.

21 For purposes of this section, "victim" means any person who has  
22 sustained emotional, psychological, physical, or financial injury to  
23 person or property as a direct result of the crime charged. "Victim"  
24 may also include a known parent or guardian of a victim who is a minor  
25 child unless the parent or guardian is the perpetrator of the offense.

26 A disposition entered under this subsection (3) is not appealable  
27 under RCW 13.40.230.

28 (4) If the juvenile offender is subject to a standard range  
29 disposition of local sanctions or 15 to 36 weeks of confinement and has  
30 not committed an A- or B+ offense, the court may impose the disposition  
31 alternative under RCW 13.40.165.

32 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of  
33 confinement, the court may impose the disposition alternative under  
34 section 3 of this act.

35 (6) RCW 13.40.193 shall govern the disposition of any juvenile  
36 adjudicated of possessing a firearm in violation of RCW

1 9.41.040(1)(b)(iii) or any crime in which a special finding is entered  
2 that the juvenile was armed with a firearm.

3 ~~((+6+))~~ (7) Whenever a juvenile offender is entitled to credit for  
4 time spent in detention prior to a dispositional order, the  
5 dispositional order shall specifically state the number of days of  
6 credit for time served.

7 ~~((+7+))~~ (8) Except as provided under subsection (3) ~~((+8+))~~, (4), or  
8 (5) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127,  
9 the court shall not suspend or defer the imposition or the execution of  
10 the disposition.

11 ~~((+8+))~~ (9) In no case shall the term of confinement imposed by the  
12 court at disposition exceed that to which an adult could be subjected  
13 for the same offense.

14 NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW  
15 to read as follows:

16 (1) When an offender is subject to a standard range commitment of  
17 15 to 65 weeks, the court may:

18 (a) Impose the standard range; or

19 (b) Suspend the standard range disposition on condition that the  
20 offender complies with the terms of this mental health disposition  
21 alternative.

22 (2) The court may impose this disposition alternative when the  
23 court finds the following:

24 (a) The offender has a current diagnosis, consistent with the  
25 American psychiatry association diagnostic and statistical manual of  
26 mental disorders, of axis I psychiatric disorder, excluding youth that  
27 are diagnosed as solely having a conduct disorder, oppositional defiant  
28 disorder, substance abuse disorder, paraphilia, or pedophilia;

29 (b) An appropriate treatment option is available in the local  
30 community;

31 (c) The plan for the offender identifies and addresses requirements  
32 for successful participation and completion of the treatment  
33 intervention program including: Incentives and graduated sanctions  
34 designed specifically for amenable youth, including the use of  
35 detention, detoxication, and in-patient or outpatient substance abuse  
36 treatment and psychiatric hospitalization, and structured community

1 support consisting of mental health providers, probation, educational  
2 and vocational advocates, child welfare services, and family and  
3 community support. For any mental health treatment ordered for an  
4 offender under this section, the treatment option selected shall be  
5 chosen from among programs which have been successful in addressing  
6 mental health needs of juveniles and successful in mental health  
7 treatment of juveniles and identified as research-based best practice  
8 programs. A list of programs which meet these criteria shall be agreed  
9 upon by: The Washington association of juvenile court administrators,  
10 the juvenile rehabilitation administration of the department of social  
11 and health services, a representative of the division of public  
12 behavioral health and justice policy at the University of Washington,  
13 and the Washington institute for public policy. The list of programs  
14 shall be created not later than July 1, 2003. The group shall provide  
15 the list to all superior courts, its own membership, the legislature,  
16 and the governor. The group shall meet annually and revise the list as  
17 appropriate; and

18 (d) The offender, offender's family, and community will benefit  
19 from use of the mental health disposition alternative.

20 (3) The court on its own motion may order, or on motion by either  
21 party, shall order a comprehensive mental health evaluation to  
22 determine if the offender has a designated mental disorder. The court  
23 may also order a chemical dependency evaluation to determine if the  
24 offender also has a co-occurring chemical dependency disorder. The  
25 evaluation shall include at a minimum the following: The offender's  
26 version of the facts and the official version of the facts, the  
27 offender's offense, an assessment of the offender's mental health and  
28 drug-alcohol problems and previous treatment attempts, and the  
29 offender's social, criminal, educational, and employment history and  
30 living situation.

31 (4) The evaluator shall determine if the offender is amenable to  
32 research-based treatment. A proposed case management and treatment  
33 plan shall include at a minimum:

34 (a) The availability of treatment;

35 (b) Anticipated length of treatment;

36 (c) Whether one or more treatment interventions are proposed and  
37 the anticipated sequence of those treatment interventions;

- 1 (d) The education plan;
- 2 (e) The residential plan; and
- 3 (f) The monitoring plan.

4 (5) The court on its own motion may order, or on motion by either  
5 party, shall order a second mental health or chemical dependency  
6 evaluation. The party making the motion shall select the evaluator.  
7 The requesting party shall pay the cost of any examination ordered  
8 under this subsection and subsection (3) of this section unless the  
9 court finds the offender is indigent and no third party insurance  
10 coverage is available, in which case the state shall pay the cost.

11 (6) Upon receipt of the assessments, evaluations, and reports the  
12 court shall consider whether the offender and the community will  
13 benefit from use of the mental health disposition alternative. The  
14 court shall consider the victim's opinion whether the offender should  
15 receive the option.

16 (7) If the court determines that the mental health disposition  
17 alternative is appropriate, the court shall impose a standard range  
18 disposition of not more than 65 weeks, suspend execution of the  
19 disposition, and place the offender on community supervision up to one  
20 year and impose one or more other local sanctions. Confinement in a  
21 secure county detention facility, other than county group homes,  
22 inpatient psychiatric treatment facilities, and substance abuse  
23 programs, shall be limited to thirty days. As a condition of a  
24 suspended disposition, the court shall require the offender to  
25 participate in the recommended treatment interventions.

26 (8) The treatment providers shall submit monthly reports to the  
27 court and parties on the offender's progress in treatment. The report  
28 shall reference the treatment plan and include at a minimum the  
29 following: Dates of attendance, offender's compliance with  
30 requirements, treatment activities, medication management, the  
31 offender's relative progress in treatment, and any other material  
32 specified by the court at the time of the disposition.

33 (9) If the offender fails to comply with the suspended disposition,  
34 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke  
35 the suspended disposition and order the disposition's execution.

36 (10) An offender is ineligible for the mental health disposition

1 option under this section if the offender is adjudicated of a sex or  
2 violent offense as defined in RCW 9.94A.030.

3 **Sec. 4.** RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are  
4 each reenacted and amended to read as follows:

5 (1) The purpose of this disposition alternative is to ensure that  
6 successful treatment options to reduce recidivism are available to  
7 eligible youth, pursuant to RCW 70.96A.520. The court must consider  
8 eligibility for the chemical dependency disposition alternative when a  
9 juvenile offender is subject to a standard range disposition of local  
10 sanctions or 15 to 36 weeks of confinement and has not committed an A-  
11 or B+ offense, other than a first time B+ offense under chapter 69.50  
12 RCW. The court, on its own motion or the motion of the state or the  
13 respondent if the evidence shows that the offender may be chemically  
14 dependent or substance abusing, may order an examination by a chemical  
15 dependency counselor from a chemical dependency treatment facility  
16 approved under chapter 70.96A RCW to determine if the youth is  
17 chemically dependent or substance abusing. The offender shall pay the  
18 cost of any examination ordered under this subsection unless the court  
19 finds that the offender is indigent and no third party insurance  
20 coverage is available, in which case the state shall pay the cost.

21 (2) The report of the examination shall include at a minimum the  
22 following: The respondent's version of the facts and the official  
23 version of the facts, the respondent's offense history, an assessment  
24 of drug-alcohol problems and previous treatment attempts, the  
25 respondent's social, educational, and employment situation, and other  
26 evaluation measures used. The report shall set forth the sources of  
27 the examiner's information.

28 (3) The examiner shall assess and report regarding the respondent's  
29 relative risk to the community. A proposed treatment plan shall be  
30 provided and shall include, at a minimum:

- 31 (a) Whether inpatient and/or outpatient treatment is recommended;
- 32 (b) Availability of appropriate treatment;
- 33 (c) Monitoring plans, including any requirements regarding living  
34 conditions, lifestyle requirements, and monitoring by family members,  
35 legal guardians, or others;
- 36 (d) Anticipated length of treatment; and

1 (e) Recommended crime-related prohibitions.

2 (4) The court on its own motion may order, or on a motion by the  
3 state or the respondent shall order, a second examination. The  
4 evaluator shall be selected by the party making the motion. The  
5 requesting party shall pay the cost of any examination ordered under  
6 this subsection unless the requesting party is the offender and the  
7 court finds that the offender is indigent and no third party insurance  
8 coverage is available, in which case the state shall pay the cost.

9 (5)(a) After receipt of reports of the examination, the court shall  
10 then consider whether the offender and the community will benefit from  
11 use of this chemical dependency disposition alternative and consider  
12 the victim's opinion whether the offender should receive a treatment  
13 disposition under this section.

14 (b) If the court determines that this chemical dependency  
15 disposition alternative is appropriate, then the court shall impose the  
16 standard range for the offense, or if the court concludes, and enters  
17 reasons for its conclusion, that such disposition would effectuate a  
18 manifest injustice, the court shall impose a disposition above the  
19 standard range as indicated in option ((C)) D of RCW 13.40.0357 if the  
20 disposition is an increase from the standard range and the confinement  
21 of the offender does not exceed a maximum of fifty-two weeks, suspend  
22 execution of the disposition, and place the offender on community  
23 supervision for up to one year. As a condition of the suspended  
24 disposition, the court shall require the offender to undergo available  
25 outpatient drug/alcohol treatment and/or inpatient drug/alcohol  
26 treatment. For purposes of this section, inpatient treatment may not  
27 exceed ninety days. As a condition of the suspended disposition, the  
28 court may impose conditions of community supervision and other  
29 sanctions, including up to thirty days of confinement, one hundred  
30 fifty hours of community restitution, and payment of legal financial  
31 obligations and restitution.

32 (6) The drug/alcohol treatment provider shall submit monthly  
33 reports on the respondent's progress in treatment to the court and the  
34 parties. The reports shall reference the treatment plan and include at  
35 a minimum the following: Dates of attendance, respondent's compliance  
36 with requirements, treatment activities, the respondent's relative

1 progress in treatment, and any other material specified by the court at  
2 the time of the disposition.

3 At the time of the disposition, the court may set treatment review  
4 hearings as the court considers appropriate.

5 If the offender violates any condition of the disposition or the  
6 court finds that the respondent is failing to make satisfactory  
7 progress in treatment, the court may impose sanctions pursuant to RCW  
8 13.40.200 or revoke the suspension and order execution of the  
9 disposition. The court shall give credit for any confinement time  
10 previously served if that confinement was for the offense for which the  
11 suspension is being revoked.

12 (7) For purposes of this section, "victim" means any person who has  
13 sustained emotional, psychological, physical, or financial injury to  
14 person or property as a direct result of the offense charged.

15 (8) Whenever a juvenile offender is entitled to credit for time  
16 spent in detention prior to a dispositional order, the dispositional  
17 order shall specifically state the number of days of credit for time  
18 served.

19 (9) In no case shall the term of confinement imposed by the court  
20 at disposition exceed that to which an adult could be subjected for the  
21 same offense.

22 (10) A disposition under this section is not appealable under RCW  
23 13.40.230.

24 NEW SECTION. **Sec. 5.** Because model adherence and competent  
25 delivery of research-based intervention programs is critical for  
26 reducing recidivism, the Washington state institute for public policy  
27 shall develop adherence and outcome standards for measuring  
28 effectiveness of treatment programs referred to in this act. The  
29 standards shall be developed and presented to the governor and  
30 legislature no later than January 1, 2004. The standards shall include  
31 methods for measuring competent delivery of interventions as well as  
32 success factors following treatment. The standards shall include, but  
33 not be limited to hiring, training and retaining qualified providers,  
34 managing and overseeing the delivery of treatment services, and  
35 developing quality assurance measures. The department shall utilize  
36 these standards to assess program effectiveness. The courts shall also

1 utilize these standards in determining their continued use of these  
2 alternatives. The courts shall not continue to use programs that do  
3 not comply with these standards.

4 NEW SECTION. **Sec. 6.** (1) A task force is created for the purpose  
5 of examining the coordination of information, education services, and  
6 matters of public safety when juvenile offenders are placed into public  
7 schools, following their conviction.

8 (2) The task force shall be chaired by the superintendent of public  
9 instruction and include a representative from the juvenile  
10 rehabilitation administration of the department of social and health  
11 services, the state board of education, associations which represent  
12 school teachers, administrators, and school boards, superior court  
13 judges, the Washington association of juvenile court administrators,  
14 prosecuting attorneys, the governor, attorneys whose practice includes  
15 criminal defense work for juvenile defendants, three groups whose  
16 primary purpose is the delivery of services to families and children,  
17 and law enforcement. The three groups who deliver services shall be  
18 selected by the superintendent of public instruction.

19 (3) The task force shall identify specific policies and statutory,  
20 administrative, and practice processes and barriers that may operate to  
21 impede: (a) The identification and delivery of appropriate and  
22 coordinated services to juvenile offenders who are placed in, or  
23 returned to public schools following conviction of an offense; and (b)  
24 transmittal of information regarding juvenile offenders who are  
25 returned to, or placed in, public schools following conviction of an  
26 offense. The task force shall recommend specific statutory and  
27 administrative changes as it finds appropriate to eliminate or reduce  
28 the barriers identified as a result of this subsection (3).

29 (4) The task force shall report its findings and recommendations to  
30 the governor, the legislature, and the agencies represented on the task  
31 force not later than December 1, 2003.

32 NEW SECTION. **Sec. 7.** Sections 5 and 6 of this act expire December  
33 31, 2003.

1        NEW SECTION.    **Sec. 8.**    If specific funding for the purposes of this  
2    act, referencing this act by bill or chapter number, is not provided by  
3    June 30, 2003, in the omnibus appropriations act, this act is null and  
4    void."

5        Correct the title.

EFFECT:    (1) Specifies that the court may order the offender to follow an educational program or treatment requirement as a part of the Suspended Sentence Disposition Alternative.

      (2) Requires the treatment programs used under the Suspended Disposition Alternative and the Mental Health Disposition Alternative to be a research-based best practice program.

      (3) Removes the Community Commitment Disposition Alternative.

      (4) Adds a null and void clause which clarifies that the provisions of the act will be null and void if funding is not provided.

      --- END ---