

SSB 5243 - H COMM AMD

By Committee on Human Services

ADOPTED 04/03/2007

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

3 "Sec. 1. RCW 13.40.210 and 2002 c 175 s 27 are each amended to
4 read as follows:

5 (1) The secretary shall set a release date for each juvenile
6 committed to its custody. The release date shall be within the
7 prescribed range to which a juvenile has been committed under RCW
8 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
9 offenders the department determines are eligible for the juvenile
10 offender basic training camp program. Such dates shall be determined
11 prior to the expiration of sixty percent of a juvenile's minimum term
12 of confinement included within the prescribed range to which the
13 juvenile has been committed. The secretary shall release any juvenile
14 committed to the custody of the department within four calendar days
15 prior to the juvenile's release date or on the release date set under
16 this chapter. Days spent in the custody of the department shall be
17 tolled by any period of time during which a juvenile has absented
18 himself or herself from the department's supervision without the prior
19 approval of the secretary or the secretary's designee.

20 (2) The secretary shall monitor the average daily population of the
21 state's juvenile residential facilities. When the secretary concludes
22 that in-residence population of residential facilities exceeds one
23 hundred five percent of the rated bed capacity specified in statute, or
24 in absence of such specification, as specified by the department in
25 rule, the secretary may recommend reductions to the governor. On
26 certification by the governor that the recommended reductions are
27 necessary, the secretary has authority to administratively release a
28 sufficient number of offenders to reduce in-residence population to one
29 hundred percent of rated bed capacity. The secretary shall release
30 those offenders who have served the greatest proportion of their

1 sentence. However, the secretary may deny release in a particular case
2 at the request of an offender, or if the secretary finds that there is
3 no responsible custodian, as determined by the department, to whom to
4 release the offender, or if the release of the offender would pose a
5 clear danger to society. The department shall notify the committing
6 court of the release at the time of release if any such early releases
7 have occurred as a result of excessive in-residence population. In no
8 event shall an offender adjudicated of a violent offense be granted
9 release under the provisions of this subsection.

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

28 (b) The secretary shall, for the period of parole, facilitate the
29 juvenile's reintegration into his or her community and to further this
30 goal shall require the juvenile to refrain from possessing a firearm or
31 using a deadly weapon and refrain from committing new offenses and may
32 require the juvenile to: (i) Undergo available medical, psychiatric,
33 drug and alcohol, sex offender, mental health, and other offense-
34 related treatment services; (ii) report as directed to a parole officer
35 and/or designee; (iii) pursue a course of study, vocational training,
36 or employment; (iv) notify the parole officer of the current address
37 where he or she resides; (v) be present at a particular address during
38 specified hours; (vi) remain within prescribed geographical boundaries;

1 (vii) submit to electronic monitoring; (viii) refrain from using
2 illegal drugs and alcohol, and submit to random urinalysis when
3 requested by the assigned parole officer; (ix) refrain from contact
4 with specific individuals or a specified class of individuals; (x) meet
5 other conditions determined by the parole officer to further enhance
6 the juvenile's reintegration into the community; (xi) pay any court-
7 ordered fines or restitution; and (xii) perform community restitution.
8 Community restitution for the purpose of this section means compulsory
9 service, without compensation, performed for the benefit of the
10 community by the offender. Community restitution may be performed
11 through public or private organizations or through work crews.

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

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

26 (4)(a) The department may also modify parole for violation thereof.
27 If, after affording a juvenile all of the due process rights to which
28 he or she would be entitled if the juvenile were an adult, the
29 secretary finds that a juvenile has violated a condition of his or her
30 parole, the secretary shall order one of the following which is
31 reasonably likely to effectuate the purpose of the parole and to
32 protect the public: (i) Continued supervision under the same
33 conditions previously imposed; (ii) intensified supervision with
34 increased reporting requirements; (iii) additional conditions of
35 supervision authorized by this chapter; (iv) except as provided in
36 (a)(v) and (vi) of this subsection, imposition of a period of
37 confinement not to exceed thirty days in a facility operated by or
38 pursuant to a contract with the state of Washington or any city or

1 county for a portion of each day or for a certain number of days each
2 week with the balance of the days or weeks spent under supervision; (v)
3 the secretary may order any of the conditions or may return the
4 offender to confinement for the remainder of the sentence range if the
5 offense for which the offender was sentenced is rape in the first or
6 second degree, rape of a child in the first or second degree, child
7 molestation in the first degree, indecent liberties with forcible
8 compulsion, or a sex offense that is also a serious violent offense as
9 defined by RCW 9.94A.030; and (vi) the secretary may order any of the
10 conditions or may return the offender to confinement for the remainder
11 of the sentence range if the youth has completed the basic training
12 camp program as described in RCW 13.40.320.

13 (b) The secretary may modify parole and order any of the conditions
14 or may return the offender to confinement for up to twenty-four weeks
15 if the offender was sentenced for a sex offense as defined under RCW
16 9A.44.130 and is known to have violated the terms of parole.
17 Confinement beyond thirty days is intended to only be used for a small
18 and limited number of sex offenders. It shall only be used when other
19 graduated sanctions or interventions have not been effective or the
20 behavior is so egregious it warrants the use of the higher level
21 intervention and the violation: (i) Is a known pattern of behavior
22 consistent with a previous sex offense that puts the youth at high risk
23 for reoffending sexually; (ii) consists of sexual behavior that is
24 determined to be predatory as defined in RCW 71.09.020; or (iii)
25 requires a review under chapter 71.09 RCW, due to a recent overt act.
26 The total number of days of confinement for violations of parole
27 conditions during the parole period shall not exceed the number of days
28 provided by the maximum sentence imposed by the disposition for the
29 underlying offense pursuant to RCW 13.40.0357. The department shall
30 not aggregate multiple parole violations that occur prior to the parole
31 revocation hearing and impose consecutive twenty-four week periods of
32 confinement for each parole violation. The department is authorized to
33 engage in rule making pursuant to chapter 34.05 RCW, to implement this
34 subsection, including narrowly defining the behaviors that could lead
35 to this higher level intervention.

36 (c) If the department finds that any juvenile in a program of
37 parole has possessed a firearm or used a deadly weapon during the
38 program of parole, the department shall modify the parole under (a) of

1 this subsection and confine the juvenile for at least thirty days.
2 Confinement shall be in a facility operated by or pursuant to a
3 contract with the state or any county.

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

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

11 NEW SECTION. **Sec. 2.** This act applies prospectively only and not
12 retroactively. It applies only to juvenile offenders who have been
13 adjudicated for an offense that occurred on or after the effective date
14 of this act.

15 NEW SECTION. **Sec. 3.** This act takes effect October 1, 2007."

16 Correct the title.

EFFECT: (1) Narrows the situations in which an offender may
receive an additional 24 weeks of community supervision, but permits
the 24 weeks to be imposed regardless of the time remaining on the
offender's parole.

(2) Makes the application of the act prospective only beginning
October 1, 2007.

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