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**SUBSTITUTE HOUSE BILL 1682**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Roberts, Ormsby and Green; by request of Department of Social and Health Services)

READ FIRST TIME 02/13/07.

1            AN ACT Relating to increasing the length of confinement for a  
2 parole violation committed by certain juvenile sex offenders under the  
3 jurisdiction of the department of social and health services, juvenile  
4 rehabilitation administration; amending RCW 13.40.210; creating a new  
5 section; and prescribing penalties.

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

7            **Sec. 1.** RCW 13.40.210 and 2002 c 175 s 27 are each amended to read  
8 as follows:

9            (1) The secretary shall set a release date for each juvenile  
10 committed to its custody. The release date shall be within the  
11 prescribed range to which a juvenile has been committed under RCW  
12 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning  
13 offenders the department determines are eligible for the juvenile  
14 offender basic training camp program. Such dates shall be determined  
15 prior to the expiration of sixty percent of a juvenile's minimum term  
16 of confinement included within the prescribed range to which the  
17 juvenile has been committed. The secretary shall release any juvenile  
18 committed to the custody of the department within four calendar days  
19 prior to the juvenile's release date or on the release date set under

1 this chapter. Days spent in the custody of the department shall be  
2 tolled by any period of time during which a juvenile has absented  
3 himself or herself from the department's supervision without the prior  
4 approval of the secretary or the secretary's designee.

5 (2) The secretary shall monitor the average daily population of the  
6 state's juvenile residential facilities. When the secretary concludes  
7 that in-residence population of residential facilities exceeds one  
8 hundred five percent of the rated bed capacity specified in statute, or  
9 in absence of such specification, as specified by the department in  
10 rule, the secretary may recommend reductions to the governor. On  
11 certification by the governor that the recommended reductions are  
12 necessary, the secretary has authority to administratively release a  
13 sufficient number of offenders to reduce in-residence population to one  
14 hundred percent of rated bed capacity. The secretary shall release  
15 those offenders who have served the greatest proportion of their  
16 sentence. However, the secretary may deny release in a particular case  
17 at the request of an offender, or if the secretary finds that there is  
18 no responsible custodian, as determined by the department, to whom to  
19 release the offender, or if the release of the offender would pose a  
20 clear danger to society. The department shall notify the committing  
21 court of the release at the time of release if any such early releases  
22 have occurred as a result of excessive in-residence population. In no  
23 event shall an offender adjudicated of a violent offense be granted  
24 release under the provisions of this subsection.

25 (3)(a) Following the release of any juvenile under subsection (1)  
26 of this section, the secretary may require the juvenile to comply with  
27 a program of parole to be administered by the department in his or her  
28 community which shall last no longer than eighteen months, except that  
29 in the case of a juvenile sentenced for rape in the first or second  
30 degree, rape of a child in the first or second degree, child  
31 molestation in the first degree, or indecent liberties with forcible  
32 compulsion, the period of parole shall be twenty-four months and, in  
33 the discretion of the secretary, may be up to thirty-six months when  
34 the secretary finds that an additional period of parole is necessary  
35 and appropriate in the interests of public safety or to meet the  
36 ongoing needs of the juvenile. A parole program is mandatory for  
37 offenders released under subsection (2) of this section. The decision  
38 to place an offender on parole shall be based on an assessment by the

1 department of the offender's risk for reoffending upon release. The  
2 department shall prioritize available parole resources to provide  
3 supervision and services to offenders at moderate to high risk for  
4 reoffending.

5 (b) The secretary shall, for the period of parole, facilitate the  
6 juvenile's reintegration into his or her community and to further this  
7 goal shall require the juvenile to refrain from possessing a firearm or  
8 using a deadly weapon and refrain from committing new offenses and may  
9 require the juvenile to: (i) Undergo available medical, psychiatric,  
10 drug and alcohol, sex offender, mental health, and other offense-  
11 related treatment services; (ii) report as directed to a parole officer  
12 and/or designee; (iii) pursue a course of study, vocational training,  
13 or employment; (iv) notify the parole officer of the current address  
14 where he or she resides; (v) be present at a particular address during  
15 specified hours; (vi) remain within prescribed geographical boundaries;  
16 (vii) submit to electronic monitoring; (viii) refrain from using  
17 illegal drugs and alcohol, and submit to random urinalysis when  
18 requested by the assigned parole officer; (ix) refrain from contact  
19 with specific individuals or a specified class of individuals; (x) meet  
20 other conditions determined by the parole officer to further enhance  
21 the juvenile's reintegration into the community; (xi) pay any court-  
22 ordered fines or restitution; and (xii) perform community restitution.  
23 Community restitution for the purpose of this section means compulsory  
24 service, without compensation, performed for the benefit of the  
25 community by the offender. Community restitution may be performed  
26 through public or private organizations or through work crews.

27 (c) The secretary may further require up to twenty-five percent of  
28 the highest risk juvenile offenders who are placed on parole to  
29 participate in an intensive supervision program. Offenders  
30 participating in an intensive supervision program shall be required to  
31 comply with all terms and conditions listed in (b) of this subsection  
32 and shall also be required to comply with the following additional  
33 terms and conditions: (i) Obey all laws and refrain from any conduct  
34 that threatens public safety; (ii) report at least once a week to an  
35 assigned community case manager; and (iii) meet all other requirements  
36 imposed by the community case manager related to participating in the  
37 intensive supervision program. As a part of the intensive supervision  
38 program, the secretary may require day reporting.

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

3 (4)(a) The department may also modify parole for violation thereof.  
4 If, after affording a juvenile all of the due process rights to which  
5 he or she would be entitled if the juvenile were an adult, the  
6 secretary finds that a juvenile has violated a condition of his or her  
7 parole, the secretary shall order one of the following which is  
8 reasonably likely to effectuate the purpose of the parole and to  
9 protect the public: (i) Continued supervision under the same  
10 conditions previously imposed; (ii) intensified supervision with  
11 increased reporting requirements; (iii) additional conditions of  
12 supervision authorized by this chapter; (iv) except as provided in  
13 (a)(v) (~~and~~), (vi), and (vii) of this subsection, imposition of a  
14 period of confinement not to exceed thirty days in a facility operated  
15 by or pursuant to a contract with the state of Washington or any city  
16 or county for a portion of each day or for a certain number of days  
17 each week with the balance of the days or weeks spent under  
18 supervision; (v) the secretary may order any of the conditions or may  
19 return the offender to confinement for the remainder of the sentence  
20 range if the offense for which the offender was sentenced is rape in  
21 the first or second degree, rape of a child in the first or second  
22 degree, child molestation in the first degree, indecent liberties with  
23 forcible compulsion, or a sex offense that is also a serious violent  
24 offense as defined by RCW 9.94A.030; (vi) the secretary may order any  
25 of the conditions or may return the offender to confinement for a  
26 period of up to twenty-four weeks of the remaining sentence range if  
27 the offender is convicted of a sex offense as defined in RCW 9.94A.030;  
28 and ((+vi)) (vii) the secretary may order any of the conditions or may  
29 return the offender to confinement for the remainder of the sentence  
30 range if the youth has completed the basic training camp program as  
31 described in RCW 13.40.320.

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

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

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

8 NEW SECTION. **Sec. 2.** This act applies prospectively only and not  
9 retroactively. It applies only to parole violations that occur on or  
10 after the effective date of this act.

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