
HOUSE BILL 2732

State of Washington

62nd Legislature

2012 Regular Session

By Representative Takko

Read first time 01/27/12. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to creating a sentence for treatment program for
2 juvenile offenders; reenacting and amending RCW 13.40.0357; adding a
3 new section to chapter 13.40 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) The continuum of care for the juvenile rehabilitation
7 administration has been stretched to the limit since the closure of
8 Indian Ridge youth camp in 1999 and Mission Creek youth camp in 2001.

9 (2) Closing the last remaining medium security, step-down facility
10 in the department would seriously impede capacity to deliver effective
11 rehabilitative services.

12 (3) In a period of fiscal restraint, understandable consideration
13 has been made to achieve savings by closing a medium security
14 institution and consolidating the population in the bed space of
15 remaining close security facilities. Further shrinking of the
16 institutional continuum would require mixing incompatible
17 subpopulations, resulting in genuine safety and security risks.

18 (4) Furthermore, it would not be in the interest of the state to

1 place youth who are appropriate for youth camp placement in an
2 unnecessarily restrictive setting, such as an institution.

3 (5) Unless the services and environment in a close security
4 facility support and match the developmental, treatment, and security
5 needs of the young people currently being served in a medium security
6 facility, there is genuine potential some will be harmed rather than
7 helped.

8 (6) The legislature hereby recognizes and concurs with the findings
9 of the juvenile rehabilitation administration strategic plan: 2009-
10 2013, "It would serve nobody's best interests to place youth who are
11 appropriate for youth camp placement in an unnecessarily restrictive
12 setting like an institution. A "bed" is not just a bed. It is a
13 facility placement for a young person. Unless the services and
14 environment in a facility support and match the developmental,
15 treatment, and security needs of the young people being served, there
16 is genuine potential some will be harmed rather than helped..."

17 (7) The legislature also recognizes that, "It is mission critical
18 that JRA retain a continuum of care capable of responding to the
19 complicated developmental, management, and treatment needs of this
20 population."

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
22 to read as follows:

23 (1) The department shall maintain a medium security youth camp to
24 fulfill the department's obligation to provide education, treatment,
25 and job training to juvenile offenders in the least restrictive
26 continuum of care. Juvenile offenders sentenced for treatment shall be
27 placed in a medium security youth camp which offers education;
28 treatment options to include sex offender, aggression reduction, and
29 intensive inpatient chemical dependency programs; job training; and
30 community-based work experience. This program for juvenile offenders
31 serving a term of confinement under the supervision of the department
32 is exempt from the licensing requirements of chapter 74.15 RCW.

33 (2) The medium security youth camp for juvenile offenders shall be
34 a structured and regimented model emphasizing the building up of an
35 offender's self-esteem, confidence, and discipline. The sentence for
36 treatment program shall provide participants with basic education,
37 vocational training, work-based learning, work experience, work ethic

1 skills, conflict resolution counseling, substance abuse intervention as
2 assessed, including intensive inpatient chemical dependency treatment,
3 anger management counseling, and victim awareness.

4 (3) The department shall develop standards for the safe and
5 effective operation of the sentence for treatment program, for
6 successful program completion by the offender, and for the continued
7 aftercare supervision of offenders who have successfully completed the
8 program, including assistance with housing and job placement if needed.

9 (4) Admission to the sentence for treatment program is voluntary.
10 If the court determines that the offender is eligible for the sentence
11 for treatment program, the court shall order the department to place
12 the offender directly in the medium security youth camp where the
13 department shall evaluate the offender and provide the court with
14 recommended educational attainment, treatment, and length and type of
15 work experience needed by the offender. Length of satisfactory work
16 experience established by the court shall not exceed the length of time
17 needed to complete educational attainment and treatment minus the time
18 needed for assessment, orientation, and time off from work needed to
19 meet treatment requirements. Time accrued as unsatisfactory work
20 performance shall extend the sentence for treatment an equal number of
21 days. No juvenile who is assessed as a high risk offender or suffers
22 from any mental or physical problems that could endanger his or her
23 health or drastically affect his or her performance in the program
24 shall be retained in the sentence for treatment program.

25 (5) If the activities of the juvenile offender while in the
26 juvenile offender youth camp are so disruptive to the sentence for
27 treatment program, as determined by the secretary according to
28 standards developed by the department, which results in the removal of
29 the juvenile offender from the youth camp, or if the offender cannot
30 complete the sentence for treatment program due to medical problems,
31 the secretary shall require that the offender be committed to a
32 juvenile institution to serve the entire remainder of his or her
33 disposition, less the amount of time already served in the sentence for
34 treatment program.

35 (6) All offenders who successfully complete the sentence for
36 treatment program shall spend the remainder of his or her disposition
37 on parole in a juvenile rehabilitation administration intensive
38 aftercare program in the local community. Violations of the conditions

1 of parole are subject to sanctions specified in RCW 13.40.210. The
2 aftercare program shall provide for the needs of the offender based on
3 his or her progress in the aftercare program as indicated by ongoing
4 assessment of those needs and progress. The aftercare program shall
5 monitor postprogram juvenile offenders and assist them to successfully
6 reintegrate into the community. In addition, the aftercare program
7 shall develop a process for closely monitoring and assessing public
8 safety risks, and be designed and funded by the department.

9 (7) The department shall also develop and maintain a database to
10 measure recidivism rates specific to the sentence for treatment
11 program. The database shall maintain data on all juvenile offenders
12 who complete the sentence for treatment program for a period of two
13 years following the completion of the program. The database shall also
14 maintain data on the criminal activity, educational progress, and
15 employment activities of all juvenile offender programs. Data by
16 facility and program shall be updated every six months and available to
17 the public by means of the internet.

18 (8) For the purposes of this section:

19 (a) "Medium security youth camp" or "youth camp" means a medium
20 security forestry camp that accepts juvenile offenders of a minimum or
21 medium security risk.

22 (b) "Sentence for treatment" means an alternative sentencing option
23 offered at the discretion of the court which carries a comprehensive
24 mandate of certain educational attainment, successful completion of
25 substance abuse, chemical dependency or sex offender treatment, and/or
26 vocational experience for a particular juvenile offender. Upon
27 successful completion of the specified treatment or attainment of the
28 prescribed educational or vocational achievement, the extent of the
29 standard disposition remaining is served by the offender on an
30 intensive supervision program administered by the administration.

31 **Sec. 3.** RCW 13.40.0357 and 2008 c 230 s 3 and 2008 c 158 s 1 are
32 each reenacted and amended to read as follows:
33

34 **DESCRIPTION AND OFFENSE CATEGORY**

1		JUVENILE DISPOSITION
2	JUVENILE	CATEGORY FOR
3	DISPOSITION	ATTEMPT, BAILJUMP,
4	OFFENSE	CONSPIRACY, OR
5	CATEGORY	DESCRIPTION (RCW CITATION)
6		SOLICITATION
7	
8	Arson and Malicious Mischief	
9	A	Arson 1 (9A.48.020) B+
10	B	Arson 2 (9A.48.030) C
11	C	Reckless Burning 1 (9A.48.040) D
12	D	Reckless Burning 2 (9A.48.050) E
13	B	Malicious Mischief 1 (9A.48.070) C
14	C	Malicious Mischief 2 (9A.48.080) D
15	D	Malicious Mischief 3 (9A.48.090(2) (a) and
16		(c)) E
17	E	Malicious Mischief 3 (9A.48.090(2)(b)) E
18	E	Tampering with Fire Alarm Apparatus
19		(9.40.100) E
20	E	Tampering with Fire Alarm Apparatus with
21		Intent to Commit Arson (9.40.105) E
22	A	Possession of Incendiary Device (9.40.120) B+
23	Assault and Other Crimes Involving	
24	Physical Harm	
25	A	Assault 1 (9A.36.011) B+
26	B+	Assault 2 (9A.36.021) C+
27	C+	Assault 3 (9A.36.031) D+
28	D+	Assault 4 (9A.36.041) E
29	B+	Drive-By Shooting (9A.36.045) C+
30	D+	Reckless Endangerment (9A.36.050) E
31	C+	Promoting Suicide Attempt (9A.36.060) D+
32	D+	Coercion (9A.36.070) E
33	C+	Custodial Assault (9A.36.100) D+
34	Burglary and Trespass	
35	B+	Burglary 1 (9A.52.020) C+
36	B	Residential Burglary (9A.52.025) C
37	B	Burglary 2 (9A.52.030) C
	D	Burglary Tools (Possession of) (9A.52.060) E

1	D	Criminal Trespass 1 (9A.52.070)	E
2	E	Criminal Trespass 2 (9A.52.080)	E
3	C	Mineral Trespass (78.44.330)	C
4	C	Vehicle Prowling 1 (9A.52.095)	D
5	D	Vehicle Prowling 2 (9A.52.100)	E
6		Drugs	
7	E	Possession/Consumption of Alcohol	
8		(66.44.270)	E
9	C	Illegally Obtaining Legend Drug	
10		(69.41.020)	D
11	C+	Sale, Delivery, Possession of Legend Drug	
12		with Intent to Sell (69.41.030(2)(a))	D+
13	E	Possession of Legend Drug	
14		(69.41.030(2)(b))	E
15	B+	Violation of Uniform Controlled Substances	
16		Act - Narcotic, Methamphetamine, or	
17		Flunitrazepam Sale (69.50.401(2) (a) or	
18		(b))	B+
19	C	Violation of Uniform Controlled Substances	
20		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
21	E	Possession of Marihuana <40 grams	
22		(69.50.4014)	E
23	C	Fraudulently Obtaining Controlled	
24		Substance (69.50.403)	C
25	C+	Sale of Controlled Substance for Profit	
26		(69.50.410)	C+
27	E	Unlawful Inhalation (9.47A.020)	E
28	B	Violation of Uniform Controlled Substances	
29		Act - Narcotic, Methamphetamine, or	
30		Flunitrazepam Counterfeit Substances	
31		(69.50.4011(2) (a) or (b))	B
32	C	Violation of Uniform Controlled Substances	
33		Act - Nonnarcotic Counterfeit Substances	
34		(69.50.4011(2) (c), (d), or (e))	C
35	C	Violation of Uniform Controlled Substances	
36		Act - Possession of a Controlled Substance	
37		(69.50.4013)	C

1	C	Violation of Uniform Controlled Substances	
2		Act - Possession of a Controlled Substance	
3		(69.50.4012)	C
4		Firearms and Weapons	
5	B	Theft of Firearm (9A.56.300)	C
6	B	Possession of Stolen Firearm (9A.56.310)	C
7	E	Carrying Loaded Pistol Without Permit	
8		(9.41.050)	E
9	C	Possession of Firearms by Minor (<18)	
10		(9.41.040(2)(a)(iii))	C
11	D+	Possession of Dangerous Weapon	
12		(9.41.250)	E
13	D	Intimidating Another Person by use of	
14		Weapon (9.41.270)	E
15		Homicide	
16	A+	Murder 1 (9A.32.030)	A
17	A+	Murder 2 (9A.32.050)	B+
18	B+	Manslaughter 1 (9A.32.060)	C+
19	C+	Manslaughter 2 (9A.32.070)	D+
20	B+	Vehicular Homicide (46.61.520)	C+
21		Kidnapping	
22	A	Kidnap 1 (9A.40.020)	B+
23	B+	Kidnap 2 (9A.40.030)	C+
24	C+	Unlawful Imprisonment (9A.40.040)	D+
25		Obstructing Governmental Operation	
26	D	Obstructing a Law Enforcement Officer	
27		(9A.76.020)	E
28	E	Resisting Arrest (9A.76.040)	E
29	B	Introducing Contraband 1 (9A.76.140)	C
30	C	Introducing Contraband 2 (9A.76.150)	D
31	E	Introducing Contraband 3 (9A.76.160)	E
32	B+	Intimidating a Public Servant (9A.76.180)	C+
33	B+	Intimidating a Witness (9A.72.110)	C+
34		Public Disturbance	
35	C+	Riot with Weapon (9A.84.010(2)(b))	D+
36	D+	Riot Without Weapon (9A.84.010(2)(a))	E

1	E	Failure to Disperse (9A.84.020)	E
2	E	Disorderly Conduct (9A.84.030)	E
3		Sex Crimes	
4	A	Rape 1 (9A.44.040)	B+
5	A-	Rape 2 (9A.44.050)	B+
6	C+	Rape 3 (9A.44.060)	D+
7	A-	Rape of a Child 1 (9A.44.073)	B+
8	B+	Rape of a Child 2 (9A.44.076)	C+
9	B	Incest 1 (9A.64.020(1))	C
10	C	Incest 2 (9A.64.020(2))	D
11	D+	Indecent Exposure (Victim <14)	
12		(9A.88.010)	E
13	E	Indecent Exposure (Victim 14 or over)	
14		(9A.88.010)	E
15	B+	Promoting Prostitution 1 (9A.88.070)	C+
16	C+	Promoting Prostitution 2 (9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	A-	Child Molestation 1 (9A.44.083)	B+
20	B	Child Molestation 2 (9A.44.086)	C+
21	C	Failure to Register as a Sex Offender	
22		(9A.44.130)	D
23		Theft, Robbery, Extortion, and Forgery	
24	B	Theft 1 (9A.56.030)	C
25	C	Theft 2 (9A.56.040)	D
26	D	Theft 3 (9A.56.050)	E
27	B	Theft of Livestock 1 and 2 (9A.56.080 and	
28		9A.56.083)	C
29	C	Forgery (9A.60.020)	D
30	A	Robbery 1 (9A.56.200)	B+
31	B+	Robbery 2 (9A.56.210)	C+
32	B+	Extortion 1 (9A.56.120)	C+
33	C+	Extortion 2 (9A.56.130)	D+
34	C	Identity Theft 1 (9.35.020(2))	D
35	D	Identity Theft 2 (9.35.020(3))	E
36	D	Improperly Obtaining Financial Information	
37		(9.35.010)	E

1	B	Possession of a Stolen Vehicle (9A.56.068)	C
2	B	Possession of Stolen Property 1	
3		(9A.56.150)	C
4	C	Possession of Stolen Property 2	
5		(9A.56.160)	D
6	D	Possession of Stolen Property 3	
7		(9A.56.170)	E
8	B	Taking Motor Vehicle Without Permission	
9		1 (9A.56.070)	C
10	C	Taking Motor Vehicle Without Permission	
11		2 (9A.56.075)	D
12	B	Theft of a Motor Vehicle (9A.56.065)	C
13		Motor Vehicle Related Crimes	
14	E	Driving Without a License (46.20.005)	E
15	B+	Hit and Run - Death (46.52.020(4)(a))	C+
16	C	Hit and Run - Injury (46.52.020(4)(b))	D
17	D	Hit and Run-Attended (46.52.020(5))	E
18	E	Hit and Run-Unattended (46.52.010)	E
19	C	Vehicular Assault (46.61.522)	D
20	C	Attempting to Elude Pursuing Police	
21		Vehicle (46.61.024)	D
22	E	Reckless Driving (46.61.500)	E
23	D	Driving While Under the Influence	
24		(46.61.502 and 46.61.504)	E
25	B+	Felony Driving While Under the Influence	
26		(46.61.502(6))	B
27	B+	Felony Physical Control of a Vehicle While	
28		Under the Influence (46.61.504(6))	B
29		Other	
30	B	Animal Cruelty 1 (16.52.205)	C
31	B	Bomb Threat (9.61.160)	C
32	C	Escape 1 ¹ (9A.76.110)	C
33	C	Escape 2 ¹ (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	A	Other Offense Equivalent to an Adult Class	
2		A Felony	B+
3	B	Other Offense Equivalent to an Adult Class	
4		B Felony	C
5	C	Other Offense Equivalent to an Adult Class	
6		C Felony	D
7	D	Other Offense Equivalent to an Adult Gross	
8		Misdemeanor	E
9	E	Other Offense Equivalent to an Adult	
10		Misdemeanor	E
11	V	Violation of Order of Restitution,	
12		Community Supervision, or Confinement	
13		(13.40.200) ²	V

14 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 4 weeks
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
21 period - 12 weeks confinement

22 ²If the court finds that a respondent has violated terms of an order,
23 it may impose a penalty of up to 30 days of confinement.

24 **JUVENILE SENTENCING STANDARDS**

25 This schedule must be used for juvenile offenders. The court may
26 select sentencing option A, B, C, D, E, or RCW 13.40.167.

27	OPTION A	
28	JUVENILE OFFENDER SENTENCING GRID	
29	STANDARD RANGE	
30	<hr/>	
	A+	180 WEEKS TO AGE 21 YEARS
31	<hr/>	
32	A	103 WEEKS TO 129 WEEKS
33	<hr/>	

1	A-	15-36	52-65	80-100	103-129	
2		WEEKS	WEEKS	WEEKS	WEEKS	
3		EXCEPT				
4		30-40				
5		WEEKS FOR				
6		15-17				
7		YEAR OLDS				
8	<hr/>					
9	Current	B+	15-36	52-65	80-100	103-129
10	Offense		WEEKS	WEEKS	WEEKS	WEEKS
11	Category					
12		B	LOCAL			52-65
13			SANCTIONS (LS)	15-36 WEEKS		WEEKS
14						
15		C+	LS			
16				15-36 WEEKS		
17						
18		C	LS			15-36 WEEKS
19			Local Sanctions:			
20			0 to 30 Days			
21		D+	LS	0 to 12 Months Community Supervision		
22				0 to 150 Hours Community Restitution		
23		D	LS	\$0 to \$500 Fine		
24						
25		E	LS			
26						
27				0	1	2
28						3
29						4
						or more
				PRIOR ADJUDICATIONS		

30 NOTE: References in the grid to days or weeks mean periods of
31 confinement.

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

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

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

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

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

6 OR

7 **OPTION B**

8 **SUSPENDED DISPOSITION ALTERNATIVE**

9 (1) If the offender is subject to a standard range disposition
10 involving confinement by the department, the court may impose the
11 standard range and suspend the disposition on condition that the
12 offender comply with one or more local sanctions and any educational or
13 treatment requirement. The treatment programs provided to the offender
14 must be either research-based best practice programs as identified by
15 the Washington state institute for public policy or the joint
16 legislative audit and review committee, or for chemical dependency
17 treatment programs or services, they must be evidence-based or
18 research-based best practice programs. For the purposes of this
19 subsection:

20 (a) "Evidence-based" means a program or practice that has had
21 multiple site random controlled trials across heterogeneous populations
22 demonstrating that the program or practice is effective for the
23 population; and

24 (b) "Research-based" means a program or practice that has some
25 research demonstrating effectiveness, but that does not yet meet the
26 standard of evidence-based practices.

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

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

32 (a) Adjudicated of an A+ offense;

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

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

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

1 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
2 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
3 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
4 burglary (RCW 9A.52.025), burglary in the second degree (RCW
5 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
6 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
7 witness (RCW 9A.72.110), violation of the uniform controlled substances
8 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
9 when the offense includes infliction of bodily harm upon another or
10 when during the commission or immediate withdrawal from the offense the
11 respondent was armed with a deadly weapon;

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

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

15 **OR**

16 **OPTION C**

17 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

22 **OR**

23 **OPTION D**

24 **MANIFEST INJUSTICE**

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

28 **OR**

29 **OPTION E**

30 **SENTENCE FOR TREATMENT**

31 If the juvenile offender is subject to a disposition of more than 15
32 weeks and is not deemed to require confinement in a close security
33 facility by the department, the court may impose a sentence for

1 treatment as established in section 2 of this act.

--- END ---