
HOUSE BILL 1433

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Takko, Sawyer, Farrell, Haigh, Walsh, Sequist, Haler, Fey, and Santos

Read first time 01/28/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to creating a sentence for treatment program for
2 juvenile offenders; amending RCW 13.40.0357; adding a new section to
3 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, Mission Creek youth camp in 2001, and
9 Maple Lane school in 2011.

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

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

1 (4) Furthermore, it would not be in the interest of the state to
2 place youth who are appropriate for youth camp placement in an
3 unnecessarily restrictive setting, such as an institution.

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

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

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

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

24 (1) The department shall maintain a medium security forestry camp
25 at the Naselle youth camp to fulfill the department's obligation to
26 provide education, treatment, and job training to juvenile offenders
27 who are assessed per RCW 72.05.420 as posing more than a minimum risk
28 to public safety in the least restrictive continuum of care. Juvenile
29 offenders sentenced for treatment shall be placed at the Naselle youth
30 camp, which shall offer a program that includes education; treatment
31 options to include sex offender, aggression reduction, and chemical
32 dependency; job training; and community-based work experience. This
33 program for juvenile offenders serving a term of confinement under the
34 supervision of the department is exempt from the licensing requirements
35 of chapter 74.15 RCW.

36 (2) The medium security youth camp for juvenile offenders shall be
37 a structured and regimented model emphasizing the building up of an

1 offender's self-esteem, confidence, and discipline. The sentence for
2 treatment program shall provide participants with basic education,
3 vocational training, work-based learning, work experience, work ethic
4 skills, conflict resolution counseling, substance abuse intervention as
5 assessed, including chemical dependency treatment, anger management
6 counseling, and victim awareness.

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

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

29 (5) If the activities of the juvenile offender while in the
30 juvenile offender youth camp are so disruptive to the sentence for
31 treatment program, as determined by the secretary according to
32 standards developed by the department, which results in the removal of
33 the juvenile offender from the youth camp, the secretary shall require
34 that the offender serve the entire remainder of his or her disposition,
35 less the amount of time already served in the sentence for treatment
36 program.

37 (6) If the offender cannot complete the sentence for treatment

1 program due to medical problems the court may amend the sentence for
2 treatment or the original disposition shall be imposed.

3 (7) All offenders who successfully complete the sentence for
4 treatment program shall spend the remainder of his or her disposition
5 on parole in a juvenile rehabilitation administration intensive
6 aftercare program in the local community. Violations of the conditions
7 of parole are subject to sanctions specified in RCW 13.40.210. The
8 aftercare program shall provide for the needs of the offender based on
9 his or her progress in the aftercare program as indicated by ongoing
10 assessment of those needs and progress. The aftercare program shall
11 monitor postprogram juvenile offenders and assist them to successfully
12 reintegrate into the community. In addition, the aftercare program
13 shall develop a process for closely monitoring and assessing public
14 safety risks, and be designed and funded by the department.

15 (8) For the purposes of this section:

16 (a) "Naselle youth camp" or "youth camp" means the medium security
17 forestry camp that accepts juvenile offenders of a minimum or medium
18 security risk.

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

29 **Sec. 3.** RCW 13.40.0357 and 2012 c 177 s 4 are each amended to read
30 as follows:

31
32 **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	
	Arson and Malicious Mischief	
8	A	Arson 1 (9A.48.020) B+
9	B	Arson 2 (9A.48.030) C
10	C	Reckless Burning 1 (9A.48.040) D
11	D	Reckless Burning 2 (9A.48.050) E
12	B	Malicious Mischief 1 (9A.48.070) C
13	C	Malicious Mischief 2 (9A.48.080) D
14	D	Malicious Mischief 3 (9A.48.090) E
15		
16	E	Tampering with Fire Alarm Apparatus
17		(9.40.100) E
18	E	Tampering with Fire Alarm Apparatus with
19		Intent to Commit Arson (9.40.105) E
20	A	Possession of Incendiary Device (9.40.120) B+
21	Assault and Other Crimes Involving	
22	Physical Harm	
23	A	Assault 1 (9A.36.011) B+
24	B+	Assault 2 (9A.36.021) C+
25	C+	Assault 3 (9A.36.031) D+
26	D+	Assault 4 (9A.36.041) E
27	B+	Drive-By Shooting (9A.36.045) C+
28	D+	Reckless Endangerment (9A.36.050) E
29	C+	Promoting Suicide Attempt (9A.36.060) D+
30	D+	Coercion (9A.36.070) E
31	C+	Custodial Assault (9A.36.100) D+
32	Burglary and Trespass	
33	B+	Burglary 1 (9A.52.020) C+
34	B	Residential Burglary (9A.52.025) C
35	B	Burglary 2 (9A.52.030) C
36	D	Burglary Tools (Possession of) (9A.52.060) E
37	D	Criminal Trespass 1 (9A.52.070) E

1	E	Criminal Trespass 2 (9A.52.080)	E
2	C	Mineral Trespass (78.44.330)	C
3	C	Vehicle Prowling 1 (9A.52.095)	D
4	D	Vehicle Prowling 2 (9A.52.100)	E
5		Drugs	
6	E	Possession/Consumption of Alcohol	
7		(66.44.270)	E
8	C	Illegally Obtaining Legend Drug	
9		(69.41.020)	D
10	C+	Sale, Delivery, Possession of Legend Drug	
11		with Intent to Sell (69.41.030(2)(a))	D+
12	E	Possession of Legend Drug	
13		(69.41.030(2)(b))	E
14	B+	Violation of Uniform Controlled Substances	
15		Act - Narcotic, Methamphetamine, or	
16		Flunitrazepam Sale (69.50.401(2) (a) or	
17		(b))	B+
18	C	Violation of Uniform Controlled Substances	
19		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
20	E	Possession of Marihuana <40 grams	
21		(69.50.4014)	E
22	C	Fraudulently Obtaining Controlled	
23		Substance (69.50.403)	C
24	C+	Sale of Controlled Substance for Profit	
25		(69.50.410)	C+
26	E	Unlawful Inhalation (9.47A.020)	E
27	B	Violation of Uniform Controlled Substances	
28		Act - Narcotic, Methamphetamine, or	
29		Flunitrazepam Counterfeit Substances	
30		(69.50.4011(2) (a) or (b))	B
31	C	Violation of Uniform Controlled Substances	
32		Act - Nonnarcotic Counterfeit Substances	
33		(69.50.4011(2) (c), (d), or (e))	C
34	C	Violation of Uniform Controlled Substances	
35		Act - Possession of a Controlled Substance	
36		(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.44.132)	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

A+	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A-	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	Except 30-40 weeks for 15 to 17 year olds				

1	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
2	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
3	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
4		C	LS	LS	LS	LS	15-36 weeks
5		D+	LS	LS	LS	LS	LS
6		D	LS	LS	LS	LS	LS
7		E	LS	LS	LS	LS	LS
8							
9	PRIOR		0	1	2	3	4 or more
10	ADJUDICATIONS						

11 NOTE: References in the grid to days or weeks mean periods of
12 confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

13 (1) The vertical axis of the grid is the current offense category.
14 The current offense category is determined by the offense of
15 adjudication.

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

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

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

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

29 **OR**
30 **OPTION B**
31 **SUSPENDED DISPOSITION ALTERNATIVE**

32 (1) If the offender is subject to a standard range disposition
33 involving confinement by the department, the court may impose the
34 standard range and suspend the disposition on condition that the
35 offender comply with one or more local sanctions and any educational or

1 treatment requirement. The treatment programs provided to the offender
2 must be either research-based best practice programs as identified by
3 the Washington state institute for public policy or the joint
4 legislative audit and review committee, or for chemical dependency
5 treatment programs or services, they must be evidence-based or
6 research-based best practice programs. For the purposes of this
7 subsection:

8 (a) "Evidence-based" means a program or practice that has had
9 multiple site random controlled trials across heterogeneous populations
10 demonstrating that the program or practice is effective for the
11 population; and

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

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 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
34 when the offense includes infliction of bodily harm upon another or
35 when during the commission or immediate withdrawal from the offense the
36 respondent was armed with a deadly weapon;

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

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

2 OR

3 **OPTION C**

4 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

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

9 OR

10 **OPTION D**

11 **MANIFEST INJUSTICE**

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

15 OR

16 **OPTION E**

17 **SENTENCE FOR TREATMENT**

18 If the juvenile offender is subject to a disposition of more than
19 15 weeks and is not deemed to require confinement in a close security
20 facility by the department, the court may impose a sentence for
21 treatment as established in section 2 of this act.

--- END ---