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SENATE BILL 6327

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Darneille and Chase

Read first time 01/21/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to expanding the categories of offenses eligible  
2 for the parenting program with the department of corrections; and  
3 amending RCW 9.94A.655.

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

5 **Sec. 1.** RCW 9.94A.655 and 2010 c 224 s 2 are each amended to read  
6 as follows:

7 (1) An offender is eligible for the parenting sentencing  
8 alternative if:

9 (a) The high end of the standard sentence range for the current  
10 offense is greater than one year;

11 (b) The offender has no prior or current conviction for a felony  
12 that is a sex offense or a serious violent offense;

13 (c) The offender has not been found by the United States attorney  
14 general to be subject to a deportation detainer or order and does not  
15 become subject to a deportation order during the period of the  
16 sentence;

17 (d) The offender signs any release of information waivers required  
18 to allow information regarding current or prior child welfare cases to  
19 be shared with the department and the court; and

1 (e) The offender has physical custody of his or her minor child or  
2 is a legal guardian or custodian with physical custody of a child under  
3 the age of eighteen at the time of the current offense.

4 (2) To assist the court in making its determination, the court may  
5 order the department to complete either a risk assessment report or a  
6 chemical dependency screening report as provided in RCW 9.94A.500, or  
7 both reports prior to sentencing.

8 (3) If the court is considering this alternative, the court shall  
9 request that the department contact the children's administration of  
10 the Washington state department of social and health services to  
11 determine if the agency has an open child welfare case or prior  
12 substantiated referral of abuse or neglect involving the offender or if  
13 the agency is aware of any substantiated case of abuse or neglect with  
14 a tribal child welfare agency involving the offender.

15 (a) If the offender has an open child welfare case, the department  
16 will provide the release of information waiver and request that the  
17 children's administration or the tribal child welfare agency provide a  
18 report to the court. The children's administration shall provide a  
19 report within seven business days of the request that includes, at the  
20 minimum, the following:

21 (i) Legal status of the child welfare case;

22 (ii) Length of time the children's administration has been involved  
23 with the offender;

24 (iii) Legal status of the case and permanent plan;

25 (iv) Any special needs of the child;

26 (v) Whether or not the offender has been cooperative with services  
27 ordered by a juvenile court under a child welfare case; and

28 (vi) If the offender has been convicted of a crime against a child.

29 (b) If a report is required from a tribal child welfare agency, the  
30 department shall attempt to obtain information that is similar to what  
31 is required for the report provided by the children's administration in  
32 a timely manner.

33 (c) If the offender does not have an open child welfare case with  
34 the children's administration or with a tribal child welfare agency but  
35 has prior involvement, the department will obtain information from the  
36 children's administration on the number and type of past substantiated  
37 referrals of abuse or neglect and report that information to the court.

1 If the children's administration has never had any substantiated  
2 referrals or an open case with the offender, the department will inform  
3 the court.

4 (4) If the sentencing court determines that the offender is  
5 eligible for a sentencing alternative under this section and that the  
6 sentencing alternative is appropriate and should be imposed, the court  
7 shall waive imposition of a sentence within the standard sentence range  
8 and impose a sentence consisting of twelve months of community custody.  
9 The court shall consider the offender's criminal history when  
10 determining if the alternative is appropriate.

11 (5) When a court imposes a sentence of community custody under this  
12 section:

13 (a) The court may impose conditions as provided in RCW 9.94A.703  
14 and may impose other affirmative conditions as the court considers  
15 appropriate.

16 (b) The department may impose conditions as authorized in RCW  
17 9.94A.704 that may include, but are not limited to:

- 18 (i) Parenting classes;
- 19 (ii) Chemical dependency treatment;
- 20 (iii) Mental health treatment;
- 21 (iv) Vocational training;
- 22 (v) Offender change programs;
- 23 (vi) Life skills classes.

24 (c) The department shall report to the court if the offender  
25 commits any violations of his or her sentence conditions.

26 (6) The department shall provide the court with quarterly progress  
27 reports regarding the offender's progress in required programming,  
28 treatment, and other supervision conditions. When an offender has an  
29 open child welfare case, the department will seek to coordinate  
30 services with the children's administration.

31 (7)(a) The court may bring any offender sentenced under this  
32 section back into court at any time during the period of community  
33 custody on its own initiative to evaluate the offender's progress in  
34 treatment, or to determine if any violations of the conditions of the  
35 sentence have occurred.

36 (b) If the offender is brought back to court, the court may modify  
37 the conditions of community custody or impose sanctions under (c) of  
38 this subsection.

1           (c) The court may order the offender to serve a term of total  
2 confinement within the standard range of the offender's current offense  
3 at any time during the period of community custody, if the offender  
4 violates the conditions or requirements of the sentence or if the  
5 offender is failing to make satisfactory progress in treatment.

6           (d) An offender ordered to serve a term of total confinement under  
7 (c) of this subsection shall receive credit for any time previously  
8 served in confinement under this section.

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