

2SHB 1743 - H AMD 409

By Representative Kagi

1 On page 4, after line 12, insert the following:

2 "Sec. 3. RCW 72.01.410 and 2015 c 156 s 2 are each amended to
3 read as follows:

4 (1) Whenever any child under the age of eighteen is convicted as
5 an adult in the courts of this state of a crime amounting to a
6 felony, and is committed for a term of confinement, that child shall
7 be ~~((initially))~~ placed in a facility operated by the department of
8 ~~((corrections))~~ children, youth, and families to determine the
9 child's earned release date.

10 ~~((a))~~ ~~((If the earned release date is prior to the child's twenty-~~
11 ~~first birthday, the department of corrections shall transfer the~~
12 ~~child to the custody of the department of social and health services,~~
13 ~~or to such other institution as is now, or may hereafter be~~
14 ~~authorized by law to receive such child, until such time as the child~~
15 ~~completes the ordered term of confinement or arrives at the age of~~
16 ~~twenty-one years.~~

17 ~~((i))~~ While in the custody of the department of ~~((social and~~
18 ~~health services))~~ children, youth, and families, the ~~((child))~~
19 individual must have the same treatment, housing options, transfer,
20 and access to program resources as any other ~~((child))~~ individual
21 committed directly to that juvenile correctional facility or
22 institution pursuant to chapter 13.40 RCW. Treatment, placement, and
23 program decisions shall be at the sole discretion of the department
24 of ~~((social and health services))~~ children, youth, and families. The
25 ~~((youth))~~ individual shall only be transferred ~~((back))~~ to the
26 custody of the department of corrections with the approval of the
27 department of ~~((social and health services))~~ children, youth, and
28 families or when the ~~((child))~~ individual reaches the age of
29 ~~((twenty-one))~~ twenty-five.

30 ~~((ii))~~ (b) If the ~~((child's))~~ individual's sentence includes a
31 term of community custody, the department of ~~((social and health~~
32 ~~services shall not))~~ children, youth, and families is required to

1 consult the department of corrections prior to the individual's
2 release ((the child)) to community custody ((until the department of
3 corrections has approved the child's release plan)) pursuant to RCW
4 9.94A.729(5)(b). If ((a child)) an individual is held past his or her
5 earned release date pending release plan approval, the department of
6 ((social and health services)) children, youth, and families shall
7 retain custody until a plan is approved or the ((child)) individual
8 completes the ordered term of confinement prior to age ((twenty-one))
9 twenty-five.

10 ((~~(iii)~~)) (c) If the department of ((social and health services))
11 children, youth, and families determines that retaining custody of
12 the ((child)) individual presents a significant safety risk to the
13 individual himself or herself or to other individuals in the juvenile
14 facility, the ((child)) individual may be ((returned)) transferred to
15 the custody of the department of corrections.

16 ((~~(b)~~)) (d) If the ((child's)) individual's earned release date
17 is on or after the ((child's twenty-first)) individual's twenty-fifth
18 birthday, the ((department of corrections shall, with the consent of
19 the)) secretary of ((social and health services, transfer)) the
20 department of children, youth, and families shall retain the ((child
21 to)) individual in a facility or institution operated by the
22 department of ((social and health services)) children, youth, and
23 families with the consent of the department of corrections. ((Despite
24 the transfer, the department of corrections retains authority over
25 eustody decisions and must approve any leave from the facility.))
26 When the ((child)) individual turns age ((twenty-one)) twenty-five,
27 he or she must be transferred ((back)) to the department of
28 corrections unless there are six months or less remaining on the
29 individual's term of confinement, in which case the individual may
30 remain at a department of children, youth, and families facility to
31 serve the remaining term of confinement. The department of ((social
32 and health services)) children, youth, and families has all routine
33 and day-to-day operations authority for the ((child)) individual
34 while in its custody.

35 (2)(a) Except as provided in (b) and (c) of this subsection, an
36 offender under the age of eighteen who is ((convicted in adult
37 criminal court and who is committed to a term of confinement at)
38 transferred to the custody of the department of corrections must be
39 placed in a housing unit, or a portion of a housing unit, that is

1 separated from offenders eighteen years of age or older, until the
2 offender reaches the age of eighteen.

3 (b) An offender who is transferred to the custody of the
4 department of corrections and reaches eighteen years of age may
5 remain in a housing unit for offenders under the age of eighteen if
6 the secretary of corrections determines that: (i) The offender's
7 needs and the ((~~correctional~~)) rehabilitation goals for the offender
8 could continue to be better met by the programs and housing
9 environment that is separate from offenders eighteen years of age and
10 older; and (ii) the programs or housing environment for offenders
11 under the age of eighteen will not be substantially affected by the
12 continued placement of the offender in that environment. The offender
13 may remain placed in a housing unit for offenders under the age of
14 eighteen until such time as the secretary of corrections determines
15 that the offender's needs and ((~~correctional~~)) rehabilitation goals
16 are no longer better met in that environment but in no case past the
17 offender's ((~~twenty-first~~)) twenty-fifth birthday.

18 (c) An offender transferred to the custody of the department of
19 corrections who is under the age of eighteen may be housed in an
20 intensive management unit or administrative segregation unit
21 containing offenders eighteen years of age or older if it is
22 necessary for the safety or security of the offender or staff. In
23 these cases, the offender must be kept physically separate from other
24 offenders at all times."

25 Renumber the remaining sections consecutively and correct any
26 internal references accordingly.

27 On page 4, after line 23, insert the following:

28 "NEW SECTION. Sec. 5. Section 2 of this act takes effect only
29 if neither Second Substitute House Bill No. 1661 (including any later
30 amendments or substitutes) nor Substitute Senate Bill No. 5498
31 (including any later amendments or substitutes) is signed into law by
32 the governor by August 1, 2017.

33 NEW SECTION. Sec. 6. Section 3 of this act takes effect July 1,
34 2019, only if Second Substitute House Bill No. 1661 (including any
35 later amendments or substitutes) or Substitute Senate Bill No. 5498

1 (including any later amendments or substitutes) is signed into law by
2 the governor by August 1, 2017."

3 Renumber the remaining section consecutively and correct the
4 title.

EFFECT: Provides for consistent designations of the department responsible for juvenile confinement facilities in the event that House Bill 1661 or Senate Bill 5498, relating to the creation of the Department of Children, Youth, and Families, is signed into law by the Governor.

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