

E2SSB 5290 - H AMD TO H AMD (H-3195.2/19) **924**

By Representative Griffey

NOT ADOPTED 04/27/2019

1 On page 2, at the beginning of line 9 of the striking amendment,
2 strike "(1)"

3
4 On page 2, beginning on line 28 of the striking amendment,
5 strike all of subsection (2)

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7 On page 9, beginning on line 16 of the striking amendment, after
8 "to" strike all material through "~~(iv)~~" on page 10, line 9 and
9 insert "juvenile detention for a period of time not to exceed
10 seventy-two hours, excluding Saturdays, Sundays, and holidays. The
11 seventy-two hour period shall commence upon the next nonholiday
12 weekday following the court order and shall run to the end of the
13 last nonholiday weekday within the seventy-two hour period. The
14 court may only order detention as a sanction for contempt of court
15 in at-risk youth proceedings if no secure crisis residential center
16 beds are available for the child. This sanction may be imposed in
17 addition to, or as an alternative to, any other remedial sanction
18 authorized by this chapter. This remedy is specifically determined
19 to be a remedial sanction.

20 (ii) Prior to committing any youth to juvenile detention as a
21 sanction for contempt in at-risk youth petition cases only under
22 chapter 13.32A RCW, or for failure to appear at a court hearing in
23 at-risk youth petition cases only under chapter 13.32A RCW, the
24 court must:

25 (A) Consider, on the record, the mitigating and aggravating factors
26 used to determine the appropriateness of detention for enforcement
27 of its order;

1 (B) Enter written findings affirming that it considered all less
2 restrictive options, that no secure crisis residential center beds
3 are available, and that detention is the only appropriate
4 alternative, including its rationale and the clear, cogent, and
5 convincing evidence used to enforce the order;

6 (C) Afford the same due process considerations that it affords all
7 youth in criminal contempt proceedings; and

8 (D) Seek input from all relevant parties, including the youth.

9 (iii) Detention periods for youth sanctioned to juvenile detention
10 for contempt in at-risk youth petition cases only under chapter
11 13.32A RCW, or for failure to appear at a court hearing in at-risk
12 youth petition cases only under chapter 13.32A RCW, shall be:

13 (A) No more than seventy-two hours, regardless of the number of
14 violations being considered at the hearing; and

15 (B) Limited to no more than two sanctions, up to seventy-two
16 hours each, in any thirty-day period.

17 (iv)"

18
19 On page 14, beginning on line 31 of the striking amendment,
20 after "confinement" strike all material through "only" on page 15,
21 line 12 and insert "for up to seventy-two hours, or both for
22 contempt of court under this section if (A) one of the less
23 restrictive alternatives under (a) of this subsection has been
24 attempted and another violation of the order has occurred, or (B)
25 the court issues a formal finding that none of the less restrictive
26 alternatives is available. The seventy-two hour period excludes
27 Saturdays, Sundays, and holidays and shall commence upon the next
28 nonholiday weekday following the court order and shall run to the
29 end of the last nonholiday weekday within the seventy-two hour period.

30 (ii) A child placed in confinement for contempt under this
31 section shall be placed in confinement only in a secure juvenile
32 detention facility operated by or pursuant to a contract with a
33 county.

34

1 (iii) The court may only order detention as a sanction for
2 contempt of court in at-risk youth proceedings if no secure crisis
3 residential center beds are available for the child"

EFFECT: Makes the following changes to the underlying striking amendment:

(1) Maintains (instead of eliminating) the 72 hour maximum detention period that can be imposed as a sanction for contempt of an at-risk youth court proceeding beginning July 1, 2023, but on that date courts may only order detention as a sanction for contempt of court in at-risk youth proceedings if no secure crisis residential center beds are available for the child.

(2) Removes intent language and makes technical corrections consistent with the above change.

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