

---

**SENATE BILL 5700**

---

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Nguyen, Darneille, Wellman, Rolfes, Kuderer, Das, Cleveland, Hasegawa, and Wilson, C.

Read first time 01/28/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to the release of juveniles in the custody of  
2 juvenile rehabilitation; and amending RCW 13.40.210.

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

4 **Sec. 1.** RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each  
5 amended to read as follows:

6 (1) (a) The secretary shall set a release date for each juvenile  
7 committed to its custody. The release date shall be within the  
8 prescribed range to which a juvenile has been committed under RCW  
9 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320  
10 concerning offenders the department determines are eligible for the  
11 juvenile offender basic training camp program. Such dates shall be  
12 determined prior to the expiration of sixty percent of a juvenile's  
13 minimum term of confinement included within the prescribed range to  
14 which the juvenile has been committed. The secretary shall release  
15 any juvenile committed to the custody of the department within four  
16 calendar days prior to the juvenile's release date or on the release  
17 date set under this chapter. Days spent in the custody of the  
18 department shall be tolled by any period of time during which a  
19 juvenile has absented himself or herself from the department's  
20 supervision without the prior approval of the secretary or the  
21 secretary's designee.

1       (b) The secretary shall work with each person in its custody, and  
2 the family of any juvenile under the age of eighteen, to establish a  
3 safe release plan into safe and stable housing, in accordance with  
4 state policy established by RCW 43.330.720.

5       (c)(i) If the secretary is unable to establish a safe release  
6 plan, the secretary may provide rental vouchers to the person in  
7 custody for a period not to exceed six months if rental assistance  
8 will result in a safe release plan.

9       (ii) A voucher must be provided in conjunction with additional  
10 transition support programming or services that enable the person to  
11 participate in the services including, but not limited to, substance  
12 use disorder treatment, mental health treatment, sex offender  
13 treatment, educational programming, or employment programming.

14       (2) The secretary shall monitor the average daily population of  
15 the state's juvenile residential facilities. When the secretary  
16 concludes that in-residence population of residential facilities  
17 exceeds one hundred five percent of the rated bed capacity specified  
18 in statute, or in absence of such specification, as specified by the  
19 department in rule, the secretary may recommend reductions to the  
20 governor. On certification by the governor that the recommended  
21 reductions are necessary, the secretary has authority to  
22 administratively release a sufficient number of offenders to reduce  
23 in-residence population to one hundred percent of rated bed capacity.  
24 The secretary shall release those offenders who have served the  
25 greatest proportion of their sentence. However, the secretary may  
26 deny release in a particular case at the request of an offender, or  
27 if the secretary finds that there is no responsible custodian, as  
28 determined by the department, to whom to release the offender, or if  
29 the release of the offender would pose a clear danger to society. The  
30 department shall notify the committing court of the release at the  
31 time of release if any such early releases have occurred as a result  
32 of excessive in-residence population. In no event shall an offender  
33 adjudicated of a violent offense be granted release under the  
34 provisions of this subsection.

35       (3)(a) Following the release of any juvenile under subsection (1)  
36 of this section, the secretary may require the juvenile to comply  
37 with a program of parole to be administered by the department in his  
38 or her community which shall last no longer than eighteen months,  
39 except that in the case of a juvenile sentenced for rape in the first  
40 or second degree, rape of a child in the first or second degree,

1 child molestation in the first degree, or indecent liberties with  
2 forcible compulsion, the period of parole shall be twenty-four months  
3 and, in the discretion of the secretary, may be up to thirty-six  
4 months when the secretary finds that an additional period of parole  
5 is necessary and appropriate in the interests of public safety or to  
6 meet the ongoing needs of the juvenile. A parole program is mandatory  
7 for offenders released under subsection (2) of this section and for  
8 offenders who receive a juvenile residential commitment sentence for  
9 theft of a motor vehicle, possession of a stolen motor vehicle, or  
10 taking a motor vehicle without permission 1. A juvenile adjudicated  
11 for unlawful possession of a firearm, possession of a stolen firearm,  
12 theft of a firearm, or drive-by shooting may participate in  
13 aggression replacement training, functional family therapy, or  
14 functional family parole aftercare if the juvenile meets eligibility  
15 requirements for these services. The decision to place an offender in  
16 an evidence-based parole program shall be based on an assessment by  
17 the department of the offender's risk for reoffending upon release  
18 and an assessment of the ongoing treatment needs of the juvenile. The  
19 department shall prioritize available parole resources to provide  
20 supervision and services to offenders at moderate to high risk for  
21 reoffending.

22 (b) The secretary shall, for the period of parole, facilitate the  
23 juvenile's reintegration into his or her community and to further  
24 this goal shall require the juvenile to refrain from possessing a  
25 firearm or using a deadly weapon and refrain from committing new  
26 offenses and may require the juvenile to: (i) Undergo available  
27 medical, psychiatric, drug and alcohol, sex offender, mental health,  
28 and other offense-related treatment services; (ii) report as directed  
29 to a parole officer and/or designee; (iii) pursue a course of study,  
30 vocational training, or employment; (iv) notify the parole officer of  
31 the current address where he or she resides; (v) be present at a  
32 particular address during specified hours; (vi) remain within  
33 prescribed geographical boundaries; (vii) submit to electronic  
34 monitoring; (viii) refrain from using illegal drugs and alcohol, and  
35 submit to random urinalysis when requested by the assigned parole  
36 officer; (ix) refrain from contact with specific individuals or a  
37 specified class of individuals; (x) meet other conditions determined  
38 by the parole officer to further enhance the juvenile's reintegration  
39 into the community; (xi) pay any court-ordered fines or restitution;  
40 and (xii) perform community restitution. Community restitution for

1 the purpose of this section means compulsory service, without  
2 compensation, performed for the benefit of the community by the  
3 offender. Community restitution may be performed through public or  
4 private organizations or through work crews.

5 (c) The secretary may further require up to twenty-five percent  
6 of the highest risk juvenile offenders who are placed on parole to  
7 participate in an intensive supervision program. Offenders  
8 participating in an intensive supervision program shall be required  
9 to comply with all terms and conditions listed in (b) of this  
10 subsection and shall also be required to comply with the following  
11 additional terms and conditions: (i) Obey all laws and refrain from  
12 any conduct that threatens public safety; (ii) report at least once a  
13 week to an assigned community case manager; and (iii) meet all other  
14 requirements imposed by the community case manager related to  
15 participating in the intensive supervision program. As a part of the  
16 intensive supervision program, the secretary may require day  
17 reporting.

18 (d) After termination of the parole period, the juvenile shall be  
19 discharged from the department's supervision.

20 (4) (a) The department may also modify parole for violation  
21 thereof. If, after affording a juvenile all of the due process rights  
22 to which he or she would be entitled if the juvenile were an adult,  
23 the secretary finds that a juvenile has violated a condition of his  
24 or her parole, the secretary shall order one of the following which  
25 is reasonably likely to effectuate the purpose of the parole and to  
26 protect the public: (i) Continued supervision under the same  
27 conditions previously imposed; (ii) intensified supervision with  
28 increased reporting requirements; (iii) additional conditions of  
29 supervision authorized by this chapter; (iv) except as provided in  
30 (a) (v) and (vi) of this subsection, imposition of a period of  
31 confinement not to exceed thirty days in a facility operated by or  
32 pursuant to a contract with the state of Washington or any city or  
33 county for a portion of each day or for a certain number of days each  
34 week with the balance of the days or weeks spent under supervision;  
35 (v) the secretary may order any of the conditions or may return the  
36 offender to confinement for the remainder of the sentence range if  
37 the offense for which the offender was sentenced is rape in the first  
38 or second degree, rape of a child in the first or second degree,  
39 child molestation in the first degree, indecent liberties with  
40 forcible compulsion, or a sex offense that is also a serious violent

1 offense as defined by RCW 9.94A.030; and (vi) the secretary may order  
2 any of the conditions or may return the offender to confinement for  
3 the remainder of the sentence range if the youth has completed the  
4 basic training camp program as described in RCW 13.40.320.

5 (b) The secretary may modify parole and order any of the  
6 conditions or may return the offender to confinement for up to  
7 twenty-four weeks if the offender was sentenced for a sex offense as  
8 defined under RCW 9A.44.128 and is known to have violated the terms  
9 of parole. Confinement beyond thirty days is intended to only be used  
10 for a small and limited number of sex offenders. It shall only be  
11 used when other graduated sanctions or interventions have not been  
12 effective or the behavior is so egregious it warrants the use of the  
13 higher level intervention and the violation: (i) Is a known pattern  
14 of behavior consistent with a previous sex offense that puts the  
15 youth at high risk for reoffending sexually; (ii) consists of sexual  
16 behavior that is determined to be predatory as defined in RCW  
17 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to  
18 a recent overt act. The total number of days of confinement for  
19 violations of parole conditions during the parole period shall not  
20 exceed the number of days provided by the maximum sentence imposed by  
21 the disposition for the underlying offense pursuant to RCW  
22 13.40.0357. The department shall not aggregate multiple parole  
23 violations that occur prior to the parole revocation hearing and  
24 impose consecutive twenty-four week periods of confinement for each  
25 parole violation. The department is authorized to engage in rule  
26 making pursuant to chapter 34.05 RCW, to implement this subsection,  
27 including narrowly defining the behaviors that could lead to this  
28 higher level intervention.

29 (c) If the department finds that any juvenile in a program of  
30 parole has possessed a firearm or used a deadly weapon during the  
31 program of parole, the department shall modify the parole under (a)  
32 of this subsection and confine the juvenile for at least thirty days.  
33 Confinement shall be in a facility operated by or pursuant to a  
34 contract with the state or any county.

35 (5) A parole officer of the department of children, youth, and  
36 families shall have the power to arrest a juvenile under his or her  
37 supervision on the same grounds as a law enforcement officer would be  
38 authorized to arrest the person.

1           (6) If so requested and approved under chapter 13.06 RCW, the  
2 secretary shall permit a county or group of counties to perform  
3 functions under subsections (3) through (5) of this section.

--- **END** ---