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**SUBSTITUTE SENATE BILL 5815**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Nguyen, Darneille, Wilson, C., Saldaña, Das, Keiser, and Kuderer)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to individuals placed in minimum security status  
2 by the department of children, youth, and families; amending RCW  
3 13.40.205 and 72.05.405; adding a new section to chapter 72.05 RCW;  
4 and providing an expiration date.

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

6 **Sec. 1.** RCW 13.40.205 and 2002 c 175 s 26 are each amended to  
7 read as follows:

8 (1) A juvenile sentenced to a term of confinement to be served  
9 under the supervision of the department shall not be released from  
10 the physical custody of the department prior to the release date  
11 established under RCW 13.40.210 except as otherwise provided in this  
12 section.

13 (2) A juvenile serving a term of confinement under the  
14 supervision of the department may be released on authorized leave  
15 from the physical custody of the department only if consistent with  
16 public safety and if:

17 (a) Sixty percent of the minimum term of confinement has been  
18 served; and

19 (b) The purpose of the leave is to enable the juvenile:

20 (i) To visit the juvenile's family for the purpose of  
21 strengthening or preserving family relationships;

1 (ii) To make plans for parole or release which require the  
2 juvenile's personal appearance in the community and which will  
3 facilitate the juvenile's reintegration into the community; or

4 (iii) To make plans for a residential placement out of the  
5 juvenile's home which requires the juvenile's personal appearance in  
6 the community.

7 (3) No authorized leave may exceed seven consecutive days. The  
8 total of all pre-minimum term authorized leaves granted to a juvenile  
9 prior to final discharge from confinement shall not exceed thirty  
10 days.

11 (4) Prior to authorizing a leave, the secretary shall require a  
12 written leave plan, which shall detail the purpose of the leave and  
13 how it is to be achieved, the address at which the juvenile shall  
14 reside, the identity of the person responsible for supervising the  
15 juvenile during the leave, and a statement by such person  
16 acknowledging familiarity with the leave plan and agreeing to  
17 supervise the juvenile and to notify the secretary immediately if the  
18 juvenile violates any terms or conditions of the leave. The leave  
19 plan shall include such terms and conditions as the secretary deems  
20 appropriate and shall be signed by the juvenile.

21 (5) Upon authorizing a leave, the secretary shall issue to the  
22 juvenile an authorized leave order which shall contain the name of  
23 the juvenile, the fact that the juvenile is on leave from a  
24 designated facility, the time period of the leave, and the identity  
25 of an appropriate official of the department to contact when  
26 necessary. The authorized leave order shall be carried by the  
27 juvenile at all times while on leave.

28 (6) Prior to the commencement of any authorized leave, the  
29 secretary shall give notice of the leave to the appropriate law  
30 enforcement agency in the jurisdiction in which the juvenile will  
31 reside during the leave period. The notice shall include the identity  
32 of the juvenile, the time period of the leave, the residence of the  
33 juvenile during the leave, and the identity of the person responsible  
34 for supervising the juvenile during the leave.

35 (7) The secretary may authorize a leave, which shall not exceed  
36 forty-eight hours plus travel time, to meet an emergency situation  
37 such as a death or critical illness of a member of the juvenile's  
38 family. The secretary may authorize a leave, which shall not exceed  
39 the period of time medically necessary, to obtain medical care not  
40 available in a juvenile facility maintained by the department. In

1 cases of emergency or medical leave the secretary may waive all or  
2 any portions of subsections (2)(a), (3), (4), (5), and (6) of this  
3 section.

4 (8) If requested by the juvenile's victim or the victim's  
5 immediate family, the secretary shall give notice of any leave to the  
6 victim or the victim's immediate family.

7 (9) A juvenile who violates any condition of an authorized leave  
8 plan may be taken into custody and returned to the department in the  
9 same manner as an adult in identical circumstances.

10 (10) Notwithstanding the provisions of this section, a juvenile  
11 placed in minimum security status may participate in work,  
12 educational, community restitution, or treatment programs in the  
13 community up to twelve hours a day if approved by the secretary. Such  
14 a release shall not be deemed a leave of absence. This authorization  
15 may be increased to more than twelve hours a day up to sixteen hours  
16 a day if approved by the secretary and operated within the  
17 department's appropriations.

18 (11) Subsections (6), (7), and (8) of this section do not apply  
19 to juveniles covered by RCW 13.40.215.

20 **Sec. 2.** RCW 72.05.405 and 1998 c 269 s 6 are each amended to  
21 read as follows:

22 The department shall adopt an infraction policy for juveniles  
23 placed in community facilities. The policy shall require written  
24 documentation by the department and service providers of all  
25 infractions and violations by juveniles of conditions set by the  
26 department. Any juvenile who commits a serious infraction or a  
27 serious violation of conditions set by the department (~~shall~~) must  
28 be returned to an institution. The secretary shall not return a  
29 juvenile to a community facility until a new risk assessment has been  
30 completed and the secretary reasonably believes that the juvenile can  
31 adhere to the conditions set by the department. The department  
32 (~~shall~~) must define the terms "serious infraction" and "serious  
33 violation" in rule (~~and shall include but not necessarily [be]~~  
34 ~~limited to~~), which must include the commission of any criminal  
35 offense(~~, any~~) excluding unlawful use or possession of a controlled  
36 substance(~~, and any~~) or use or possession of an alcoholic beverage.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.05  
38 RCW to read as follows:

1           (1) The department shall consult empirically validated best  
2 practices and evidence concerning most effective interventions before  
3 adopting an amended policy to appropriately address infractions  
4 involving unlawful use or possession of a controlled substance or  
5 alcohol under section 2, chapter . . ., Laws of 2019 (section 2 of  
6 this act).

7           (2) This section expires June 30, 2020.

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