

**E2SHB 1186** - S COMM AMD  
By Committee on Ways & Means

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) The department of children, youth, and families seeks to  
5 expand trauma-informed, culturally relevant, racial equity-based, and  
6 developmentally appropriate therapeutic placement supports in less  
7 restrictive community settings. Under current law, these supports are  
8 limited to placement in community facilities—which are only available  
9 for about 25 percent of juvenile rehabilitation's population—and  
10 electronic home monitoring for persons serving adult sentences in the  
11 custody of the department of children, youth, and families' juvenile  
12 rehabilitation who have an earned release date between the ages of 25  
13 and 26.

14 (2) To help reduce the bottleneck of youth and young adults  
15 placed in the department's juvenile rehabilitation institutions and  
16 enhance community-based, less restrictive options, this act creates a  
17 community transition services program, which utilizes electronic home  
18 monitoring as a tool embedded in a progressively supportive  
19 community-based approach with therapeutic supports for young people  
20 reentering the community. This approach considers developmentally  
21 appropriate programs for successful reentry by increasing access to  
22 community transition services, including housing assistance,  
23 behavioral health treatment, independent living, employment,  
24 education, and family and community connections.

25 **Sec. 2.** RCW 72.01.412 and 2019 c 322 s 6 are each amended to  
26 read as follows:

27 (1) A person in the custody of the department of children, youth,  
28 and families under RCW 72.01.410 (~~who has an earned release date~~  
29 ~~that is after the person's twenty-fifth birthday but on or before the~~  
30 ~~person's twenty-sixth birthday may, after turning twenty-five, serve~~  
31 ~~the remainder of the person's term of confinement in partial~~

1 ~~confinement on electronic home monitoring))~~ is eligible for community  
2 transition services under the authority and supervision of the  
3 department of children, youth, and families (~~(, provided that the)~~):

4 (a) After the person's 25th birthday:

5 (i) If the person's earned release date is after the person's  
6 25th birthday but on or before the person's 26th birthday; and

7 (ii) The department of children, youth, and families determines  
8 that placement in community transition services is in the best  
9 interests of the person and the community; or

10 (b) After 60 percent of their term of confinement has been  
11 served, and no less than 15 weeks of total confinement served  
12 including time spent in detention prior to sentencing or the entry of  
13 a dispositional order if:

14 (i) The person has an earned release date that is before their  
15 26th birthday; and

16 (ii) The department of children, youth, and families determines  
17 that such placement and retention by the department of children,  
18 youth, and families is in the best interests of the person and the  
19 community.

20 (2) "Term of confinement" as used in subsection (1)(a) of this  
21 section means the term of confinement ordered, reduced by the total  
22 amount of earned time eligible for the offense.

23 (3) The department's determination under subsection (1)(a)(ii)  
24 and (b)(ii) of this section must include consideration of the  
25 person's behavior while in confinement and any disciplinary  
26 considerations.

27 (4) The department of children, youth, and families retains the  
28 authority to transfer the person to the custody of the department of  
29 corrections under RCW 72.01.410.

30 ~~((2))~~ (5) A person may only be placed in community transition  
31 services under this section for the remaining 18 months of their term  
32 of confinement.

33 (6) A person placed (~~on electronic home monitoring~~) in  
34 community transition services under this section must (~~otherwise~~  
35 ~~continue to be subject to similar treatment, options, access to~~  
36 ~~programs and resources, conditions, and restrictions applicable to~~  
37 ~~other similarly situated persons under the jurisdiction of the~~  
38 ~~department of children, youth, and families)) have access to~~

39 appropriate treatment and programming as determined by the department  
40 of children, youth, and families, including but not limited to:

- 1 (a) Behavioral health treatment;
- 2 (b) Independent living;
- 3 (c) Employment;
- 4 (d) Education;
- 5 (e) Connections to family and natural supports; and
- 6 (f) Community connections.

7 (7) If the person has a sentence that includes a term of  
8 community custody, this term of community custody must begin after  
9 the current term of confinement has ended.

10 ~~((3))~~ (8) If a person placed on ((electronic home monitoring))  
11 community transition services under this section commits a violation  
12 requiring the return of the person to total confinement after the  
13 person's 25th birthday, the person must be transferred to the custody  
14 and supervision of the department of corrections for the remainder of  
15 the sentence.

16 (9) The following persons are not eligible for community  
17 transition services under this section:

- 18 (a) Persons with pending charges or warrants;
- 19 (b) Persons who will be transferred to the department of  
20 corrections, who are in the custody of the department of corrections,  
21 or who are under the supervision of the department of corrections;
- 22 (c) Persons who were adjudicated or convicted of the crime of  
23 murder in the first or second degree;
- 24 (d) Persons who meet the definition of a "persistent offender" as  
25 defined under RCW 9.94A.030;
- 26 (e) Level III sex offenders; and
- 27 (f) Persons requiring out-of-state placement.

28 (10) As used in this section, "community transition services"  
29 means a therapeutic and supportive community-based custody option in  
30 which:

- 31 (a) A person serves a portion of his or her term of confinement  
32 residing in the community, outside of the department of children,  
33 youth, and families institutions and community facilities;
- 34 (b) The department of children, youth, and families supervises  
35 the person in part through the use of technology that is capable of  
36 determining or identifying the monitored person's presence or absence  
37 at a particular location;
- 38 (c) The department of children, youth, and families provides  
39 access to developmentally appropriate, trauma-informed, racial

1 equity-based, and culturally relevant programs to promote successful  
2 reentry; and

3 (d) The department of children, youth, and families prioritizes  
4 the delivery of available programming from individuals who share  
5 characteristics with the individual being served related to: Race;  
6 ethnicity; sexual identity; and gender identity.

7 **Sec. 3.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to  
8 read as follows:

9 For the purposes of this chapter:

10 (1) "Assessment" means an individualized examination of a child  
11 to determine the child's psychosocial needs and problems, including  
12 the type and extent of any mental health, substance abuse, or co-  
13 occurring mental health and substance abuse disorders, and  
14 recommendations for treatment. "Assessment" includes, but is not  
15 limited to, drug and alcohol evaluations, psychological and  
16 psychiatric evaluations, records review, clinical interview, and  
17 administration of a formal test or instrument;

18 (2) "Community-based rehabilitation" means one or more of the  
19 following: Employment; attendance of information classes; literacy  
20 classes; counseling, outpatient substance abuse treatment programs,  
21 outpatient mental health programs, anger management classes,  
22 education or outpatient treatment programs to prevent animal cruelty,  
23 or other services including, when appropriate, restorative justice  
24 programs; or attendance at school or other educational programs  
25 appropriate for the juvenile as determined by the school district.  
26 Placement in community-based rehabilitation programs is subject to  
27 available funds;

28 (3) "Community-based sanctions" may include one or more of the  
29 following:

30 (a) A fine, not to exceed five hundred dollars;

31 (b) Community restitution not to exceed one hundred fifty hours  
32 of community restitution;

33 (4) "Community restitution" means compulsory service, without  
34 compensation, performed for the benefit of the community by the  
35 offender as punishment for committing an offense. Community  
36 restitution may be performed through public or private organizations  
37 or through work crews;

38 (5) "Community supervision" means an order of disposition by the  
39 court of an adjudicated youth not committed to the department or an

1 order granting a deferred disposition. A community supervision order  
2 for a single offense may be for a period of up to two years for a sex  
3 offense as defined by RCW 9.94A.030 and up to one year for other  
4 offenses. As a mandatory condition of any term of community  
5 supervision, the court shall order the juvenile to refrain from  
6 committing new offenses. As a mandatory condition of community  
7 supervision, the court shall order the juvenile to comply with the  
8 mandatory school attendance provisions of chapter 28A.225 RCW and to  
9 inform the school of the existence of this requirement. Community  
10 supervision is an individualized program comprised of one or more of  
11 the following:

- 12 (a) Community-based sanctions;
- 13 (b) Community-based rehabilitation;
- 14 (c) Monitoring and reporting requirements;
- 15 (d) Posting of a probation bond;
- 16 (e) Residential treatment, where substance abuse, mental health,  
17 and/or co-occurring disorders have been identified in an assessment  
18 by a qualified mental health professional, psychologist,  
19 psychiatrist, co-occurring disorder specialist, or substance use  
20 disorder professional and a funded bed is available. If a child  
21 agrees to voluntary placement in a state-funded long-term evaluation  
22 and treatment facility, the case must follow the existing placement  
23 procedure including consideration of less restrictive treatment  
24 options and medical necessity.

25 (i) A court may order residential treatment after consideration  
26 and findings regarding whether:

- 27 (A) The referral is necessary to rehabilitate the child;
- 28 (B) The referral is necessary to protect the public or the child;
- 29 (C) The referral is in the child's best interest;
- 30 (D) The child has been given the opportunity to engage in less  
31 restrictive treatment and has been unable or unwilling to comply; and
- 32 (E) Inpatient treatment is the least restrictive action  
33 consistent with the child's needs and circumstances.

34 (ii) In any case where a court orders a child to inpatient  
35 treatment under this section, the court must hold a review hearing no  
36 later than sixty days after the youth begins inpatient treatment, and  
37 every thirty days thereafter, as long as the youth is in inpatient  
38 treatment;

39 (6) "Community transition services" means a therapeutic and  
40 supportive community-based custody option in which:

1 (a) A person serves a portion of their term of confinement  
2 residing in the community, outside of department institutions and  
3 community facilities;

4 (b) The department supervises the person in part through the use  
5 of technology that is capable of determining or identifying the  
6 monitored person's presence or absence at a particular location;

7 (c) The department provides access to developmentally  
8 appropriate, trauma-informed, racial equity-based, and culturally  
9 relevant programs to promote successful reentry; and

10 (d) The department prioritizes the delivery of available  
11 programming from individuals who share characteristics with the  
12 individual being served related to: Race, ethnicity, sexual identity,  
13 and gender identity;

14 (7) "Confinement" means physical custody by the department of  
15 children, youth, and families in a facility operated by or pursuant  
16 to a contract with the state, or physical custody in a detention  
17 facility operated by or pursuant to a contract with any county. The  
18 county may operate or contract with vendors to operate county  
19 detention facilities. The department may operate or contract to  
20 operate detention facilities for juveniles committed to the  
21 department. Pretrial confinement or confinement of less than thirty-  
22 one days imposed as part of a disposition or modification order may  
23 be served consecutively or intermittently, in the discretion of the  
24 court;

25 ~~((7))~~ (8) "Court," when used without further qualification,  
26 means the juvenile court judge(s) or commissioner(s);

27 ~~((8))~~ (9) "Criminal history" includes all criminal complaints  
28 against the respondent for which, prior to the commission of a  
29 current offense:

30 (a) The allegations were found correct by a court. If a  
31 respondent is convicted of two or more charges arising out of the  
32 same course of conduct, only the highest charge from among these  
33 shall count as an offense for the purposes of this chapter; or

34 (b) The criminal complaint was diverted by a prosecutor pursuant  
35 to the provisions of this chapter on agreement of the respondent and  
36 after an advisement to the respondent that the criminal complaint  
37 would be considered as part of the respondent's criminal history. A  
38 successfully completed deferred adjudication that was entered before  
39 July 1, 1998, or a deferred disposition shall not be considered part  
40 of the respondent's criminal history;

1       (~~(9)~~) (10) "Department" means the department of children,  
2 youth, and families;

3       (~~(10)~~) (11) "Detention facility" means a county facility, paid  
4 for by the county, for the physical confinement of a juvenile alleged  
5 to have committed an offense or an adjudicated offender subject to a  
6 disposition or modification order. "Detention facility" includes  
7 county group homes, inpatient substance abuse programs, juvenile  
8 basic training camps, and electronic monitoring;

9       (~~(11)~~) (12) "Diversion unit" means any probation counselor who  
10 enters into a diversion agreement with an alleged youthful offender,  
11 or any other person, community accountability board, youth court  
12 under the supervision of the juvenile court, or other entity with  
13 whom the juvenile court administrator has contracted to arrange and  
14 supervise such agreements pursuant to RCW 13.40.080, or any person,  
15 community accountability board, or other entity specially funded by  
16 the legislature to arrange and supervise diversion agreements in  
17 accordance with the requirements of this chapter. For purposes of  
18 this subsection, "community accountability board" means a board  
19 comprised of members of the local community in which the juvenile  
20 offender resides. The superior court shall appoint the members. The  
21 boards shall consist of at least three and not more than seven  
22 members. If possible, the board should include a variety of  
23 representatives from the community, such as a law enforcement  
24 officer, teacher or school administrator, high school student,  
25 parent, and business owner, and should represent the cultural  
26 diversity of the local community;

27       (~~(12)~~) (13) "Foster care" means temporary physical care in a  
28 foster family home or group care facility as defined in RCW 74.15.020  
29 and licensed by the department, or other legally authorized care;

30       (~~(13)~~) (14) "Institution" means a juvenile facility established  
31 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

32       (~~(14)~~) (15) "Intensive supervision program" means a parole  
33 program that requires intensive supervision and monitoring, offers an  
34 array of individualized treatment and transitional services, and  
35 emphasizes community involvement and support in order to reduce the  
36 likelihood a juvenile offender will commit further offenses;

37       (~~(15)~~) (16) "Juvenile," "youth," and "child" mean any  
38 individual who is under the chronological age of eighteen years and  
39 who has not been previously transferred to adult court pursuant to  
40 RCW 13.40.110, unless the individual was convicted of a lesser charge

1 or acquitted of the charge for which he or she was previously  
2 transferred pursuant to RCW 13.40.110 or who is not otherwise under  
3 adult court jurisdiction;

4 ~~((16))~~ (17) "Juvenile offender" means any juvenile who has been  
5 found by the juvenile court to have committed an offense, including a  
6 person eighteen years of age or older over whom jurisdiction has been  
7 extended under RCW 13.40.300;

8 ~~((17))~~ (18) "Labor" means the period of time before a birth  
9 during which contractions are of sufficient frequency, intensity, and  
10 duration to bring about effacement and progressive dilation of the  
11 cervix;

12 ~~((18))~~ (19) "Local sanctions" means one or more of the  
13 following: (a) 0-30 days of confinement; (b) 0-12 months of community  
14 supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500  
15 fine;

16 ~~((19))~~ (20) "Manifest injustice" means a disposition that would  
17 either impose an excessive penalty on the juvenile or would impose a  
18 serious, and clear danger to society in light of the purposes of this  
19 chapter;

20 ~~((20))~~ (21) "Monitoring and reporting requirements" means one  
21 or more of the following: Curfews; requirements to remain at home,  
22 school, work, or court-ordered treatment programs during specified  
23 hours; restrictions from leaving or entering specified geographical  
24 areas; requirements to report to the probation officer as directed  
25 and to remain under the probation officer's supervision; and other  
26 conditions or limitations as the court may require which may not  
27 include confinement;

28 ~~((21))~~ (22) "Offense" means an act designated a violation or a  
29 crime if committed by an adult under the law of this state, under any  
30 ordinance of any city or county of this state, under any federal law,  
31 or under the law of another state if the act occurred in that state;

32 ~~((22))~~ (23) "Physical restraint" means the use of any bodily  
33 force or physical intervention to control a juvenile offender or  
34 limit a juvenile offender's freedom of movement in a way that does  
35 not involve a mechanical restraint. Physical restraint does not  
36 include momentary periods of minimal physical restriction by direct  
37 person-to-person contact, without the aid of mechanical restraint,  
38 accomplished with limited force and designed to:

39 (a) Prevent a juvenile offender from completing an act that would  
40 result in potential bodily harm to self or others or damage property;



1 (b) Remove a disruptive juvenile offender who is unwilling to  
2 leave the area voluntarily; or

3 (c) Guide a juvenile offender from one location to another;

4 ~~((23))~~ (24) "Postpartum recovery" means (a) the entire period a  
5 woman or youth is in the hospital, birthing center, or clinic after  
6 giving birth and (b) an additional time period, if any, a treating  
7 physician determines is necessary for healing after the youth leaves  
8 the hospital, birthing center, or clinic;

9 ~~((24))~~ (25) "Probation bond" means a bond, posted with  
10 sufficient security by a surety justified and approved by the court,  
11 to secure the offender's appearance at required court proceedings and  
12 compliance with court-ordered community supervision or conditions of  
13 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
14 a deposit of cash or posting of other collateral in lieu of a bond if  
15 approved by the court;

16 ~~((25))~~ (26) "Respondent" means a juvenile who is alleged or  
17 proven to have committed an offense;

18 ~~((26))~~ (27) "Restitution" means financial reimbursement by the  
19 offender to the victim, and shall be limited to easily ascertainable  
20 damages for injury to or loss of property, actual expenses incurred  
21 for medical treatment for physical injury to persons, lost wages  
22 resulting from physical injury, and costs of the victim's counseling  
23 reasonably related to the offense. Restitution shall not include  
24 reimbursement for damages for mental anguish, pain and suffering, or  
25 other intangible losses. Nothing in this chapter shall limit or  
26 replace civil remedies or defenses available to the victim or  
27 offender;

28 ~~((27))~~ (28) "Restorative justice" means practices, policies,  
29 and programs informed by and sensitive to the needs of crime victims  
30 that are designed to encourage offenders to accept responsibility for  
31 repairing the harm caused by their offense by providing safe and  
32 supportive opportunities for voluntary participation and  
33 communication between the victim, the offender, their families, and  
34 relevant community members;

35 ~~((28))~~ (29) "Restraints" means anything used to control the  
36 movement of a person's body or limbs and includes:

37 (a) Physical restraint; or

38 (b) Mechanical device including but not limited to: Metal  
39 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
40 hospital-type restraints, tasers, or batons;

1       ~~((29))~~ (30) "Risk assessment tool" means the statistically  
2 valid tool used by the department to inform release or placement  
3 decisions related to security level, release within the sentencing  
4 range, community facility eligibility, community transition services  
5 eligibility, and parole. The "risk assessment tool" is used by the  
6 department to predict the likelihood of successful reentry and future  
7 criminal behavior;

8       (31) "Screening" means a process that is designed to identify a  
9 child who is at risk of having mental health, substance abuse, or co-  
10 occurring mental health and substance abuse disorders that warrant  
11 immediate attention, intervention, or more comprehensive assessment.  
12 A screening may be undertaken with or without the administration of a  
13 formal instrument;

14       ~~((30))~~ (32) "Secretary" means the secretary of the department;

15       ~~((31))~~ (33) "Services" means services which provide  
16 alternatives to incarceration for those juveniles who have pleaded or  
17 been adjudicated guilty of an offense or have signed a diversion  
18 agreement pursuant to this chapter;

19       ~~((32))~~ (34) "Sex offense" means an offense defined as a sex  
20 offense in RCW 9.94A.030;

21       ~~((33))~~ (35) "Sexual motivation" means that one of the purposes  
22 for which the respondent committed the offense was for the purpose of  
23 his or her sexual gratification;

24       ~~((34))~~ (36) "Surety" means an entity licensed under state  
25 insurance laws or by the state department of licensing, to write  
26 corporate, property, or probation bonds within the state, and  
27 justified and approved by the superior court of the county having  
28 jurisdiction of the case;

29       ~~((35))~~ (37) "Transportation" means the conveying, by any means,  
30 of an incarcerated pregnant youth from the institution or detention  
31 facility to another location from the moment she leaves the  
32 institution or detention facility to the time of arrival at the other  
33 location, and includes the escorting of the pregnant incarcerated  
34 youth from the institution or detention facility to a transport  
35 vehicle and from the vehicle to the other location;

36       ~~((36))~~ (38) "Violation" means an act or omission, which if  
37 committed by an adult, must be proven beyond a reasonable doubt, and  
38 is punishable by sanctions which do not include incarceration;

39       ~~((37))~~ (39) "Violent offense" means a violent offense as  
40 defined in RCW 9.94A.030;

1       (~~(38)~~) (40) "Youth court" means a diversion unit under the  
2 supervision of the juvenile court.

3       **Sec. 4.** RCW 13.40.205 and 2019 c 468 s 1 are each amended to  
4 read as follows:

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

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

14       (a) Sixty percent of the minimum term of confinement has been  
15 served; and

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

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

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

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

25       (3) No authorized leave may exceed seven consecutive days. The  
26 total of all preminimum term authorized leaves granted to a juvenile  
27 prior to final discharge from confinement shall not exceed thirty  
28 days.

29       (4) Prior to authorizing a leave, the secretary shall require a  
30 written leave plan, which shall detail the purpose of the leave and  
31 how it is to be achieved, the address at which the juvenile shall  
32 reside, the identity of the person responsible for supervising the  
33 juvenile during the leave, and a statement by such person  
34 acknowledging familiarity with the leave plan and agreeing to  
35 supervise the juvenile and to notify the secretary immediately if the  
36 juvenile violates any terms or conditions of the leave. The leave  
37 plan shall include such terms and conditions as the secretary deems  
38 appropriate and shall be signed by the juvenile.

1 (5) Upon authorizing a leave, the secretary shall issue to the  
2 juvenile an authorized leave order which shall contain the name of  
3 the juvenile, the fact that the juvenile is on leave from a  
4 designated facility, the time period of the leave, and the identity  
5 of an appropriate official of the department to contact when  
6 necessary. The authorized leave order shall be carried by the  
7 juvenile at all times while on leave.

8 (6) Prior to the commencement of any authorized leave, the  
9 secretary shall give notice of the leave to the appropriate law  
10 enforcement agency in the jurisdiction in which the juvenile will  
11 reside during the leave period. The notice shall include the identity  
12 of the juvenile, the time period of the leave, the residence of the  
13 juvenile during the leave, and the identity of the person responsible  
14 for supervising the juvenile during the leave.

15 (7) The secretary may authorize a leave, which shall not exceed  
16 forty-eight hours plus travel time, to meet an emergency situation  
17 such as a death or critical illness of a member of the juvenile's  
18 family. The secretary may authorize a leave, which shall not exceed  
19 the period of time medically necessary, to obtain medical care not  
20 available in a juvenile facility maintained by the department. In  
21 cases of emergency or medical leave the secretary may waive all or  
22 any portions of subsections (2)(a), (3), (4), (5), and (6) of this  
23 section.

24 (8) If requested by the juvenile's victim or the victim's  
25 immediate family, the secretary shall give notice of any leave or  
26 community transition services under subsection (13) of this section  
27 to the victim or the victim's immediate family.

28 (9) A juvenile who violates any condition of an authorized leave  
29 plan or community transition services under subsection (13) of this  
30 section may be taken into custody and returned to the department in  
31 the same manner as an adult in identical circumstances.

32 (10) Community transition services is an electronic monitoring  
33 program as that term is used in RCW 9A.76.130.

34 (11) Notwithstanding the provisions of this section, a juvenile  
35 placed in minimum security status or in community transition services  
36 under subsection (13) of this section may participate in work,  
37 educational, community restitution, or treatment programs in the  
38 community up to twelve hours a day if approved by the secretary. Such  
39 a release shall not be deemed a leave of absence. This authorization  
40 may be increased to more than twelve hours a day up to sixteen hours

1 a day if approved by the secretary and operated within the  
2 department's appropriations.

3 ~~((11))~~ (12) Subsections (6), (7), and (8) of this section do  
4 not apply to juveniles covered by RCW 13.40.215.

5 (13)(a) The department may require a person in its custody to  
6 serve the remainder of the person's sentence in community transition  
7 services if the department determines that such placement is in the  
8 best interest of the person and the community using the risk  
9 assessment tool and considering the availability of appropriate  
10 placements, treatment, and programming. The department's  
11 determination described under this subsection must include  
12 consideration of the person's behavior while in confinement and any  
13 disciplinary considerations. The department shall establish  
14 appropriate conditions the person must comply with to remain in  
15 community transition services. A person must have served 60 percent  
16 of their minimum term of confinement and no less than 15 weeks of  
17 total confinement including time spent in detention prior to  
18 sentencing or the entry of a dispositional order before becoming  
19 eligible for community transition services under the authority and  
20 supervision of the department.

21 (b) A person placed in community transition services under this  
22 section must have access to appropriate treatment and programming as  
23 determined by the department, including but not limited to:

24 (i) Behavioral health treatment;

25 (ii) Independent living;

26 (iii) Employment;

27 (iv) Education;

28 (v) Connections to family and natural supports; and

29 (vi) Community connections.

30 (c) Community transition services under this section is in lieu  
31 of confinement in an institution or community facility operated by  
32 the department, and will not fulfill any period of parole required  
33 under RCW 13.40.210.

34 (d) If a person placed in community transition services under  
35 this section violates a condition of participation in the community  
36 transition services program, or if the department determines that  
37 placement in the program is no longer in the best interests of the  
38 person or community, the person may be returned to an institution  
39 operated by the department at the department's discretion.

1 (e) The following persons are not eligible for community  
2 transition services under this section:

3 (i) Persons with pending charges or warrants;

4 (ii) Persons who will be transferred to the department of  
5 corrections, who are in the custody of the department of corrections,  
6 or who are under the supervision of the department of corrections;

7 (iii) Persons who were adjudicated or convicted of the crime of  
8 murder in the first or second degree;

9 (iv) Persons who meet the definition of a "persistent offender"  
10 as defined under RCW 9.94A.030;

11 (v) Level III sex offenders; and

12 (vi) Persons requiring out-of-state placement.

13 (14) The department shall design, or contract for the design, and  
14 implement a risk assessment tool. The tool must be designed to limit  
15 bias related to race, ethnicity, gender, and age. The risk assessment  
16 tool must be certified at least every three years based on current  
17 academic standards for assessment validation, and can be certified by  
18 the office of innovation, alignment, and accountability or an outside  
19 researcher.

20 **Sec. 5.** RCW 13.40.215 and 2020 c 167 s 7 are each amended to  
21 read as follows:

22 (1)(a) Except as provided in subsection (2) of this section, at  
23 the earliest practicable date, and in no event later than thirty days  
24 before discharge, parole, or any other authorized leave or release,  
25 or before transfer to a community residential facility or community  
26 transition services program, the secretary shall send written notice  
27 of the discharge, parole, authorized leave or release, or transfer of  
28 a juvenile found to have committed a violent offense, a sex offense,  
29 or stalking, to the following:

30 (i) The chief of police of the city, if any, in which the  
31 juvenile will reside; and

32 (ii) The sheriff of the county in which the juvenile will reside.

33 (b)(i) Except as provided in subsection (2) of this section, at  
34 the earliest practicable date, and in no event later than thirty days  
35 before discharge, parole, or any other authorized leave or release,  
36 or before transfer to a community residential facility or community  
37 transition services program, the secretary shall send written notice  
38 of the discharge, parole, authorized leave or release, or transfer of  
39 an individual who is found to have committed a violent offense or a

1 sex offense, is twenty-one years of age or younger, and has not  
2 received a high school diploma or its equivalent, to the designated  
3 recipient of the school where the juvenile either: (A) Was enrolled  
4 prior to incarceration or detention; or (B) has expressed an  
5 intention to enroll following his or her release. This notice must  
6 also include the restrictions described in subsection (5) of this  
7 section.

8 (ii) The community residential facility shall provide written  
9 notice of the offender's criminal history to the designated recipient  
10 of any school that the offender attends while residing at the  
11 community residential facility and to any employer that employs the  
12 offender while residing at the community residential facility.

13 (iii) As used in this subsection, "designated recipient" means:  
14 (A) The superintendent of the school district, or his or her  
15 designee, of a common school as defined in RCW 28A.150.020 or a  
16 school that is the subject of a state-tribal education compact under  
17 chapter 28A.715 RCW; (B) the administrator of a charter public school  
18 governed by chapter 28A.710 RCW; or (C) the administrator of a  
19 private school approved under chapter 28A.195 RCW.

20 (c) The same notice as required by (a) of this subsection shall  
21 be sent to the following, if such notice has been requested in  
22 writing about a specific juvenile:

23 (i) The victim of the offense for which the juvenile was found to  
24 have committed or the victim's next of kin if the crime was a  
25 homicide;

26 (ii) Any witnesses who testified against the juvenile in any  
27 court proceedings involving the offense; and

28 (iii) Any person specified in writing by the prosecuting  
29 attorney.

30 Information regarding victims, next of kin, or witnesses requesting  
31 the notice, information regarding any other person specified in  
32 writing by the prosecuting attorney to receive the notice, and the  
33 notice are confidential and shall not be available to the juvenile.  
34 The notice to the chief of police or the sheriff shall include the  
35 identity of the juvenile, the residence where the juvenile will  
36 reside, the identity of the person, if any, responsible for  
37 supervising the juvenile, and the time period of any authorized  
38 leave.

39 (d) The thirty-day notice requirements contained in this  
40 subsection shall not apply to emergency medical furloughs.

1 (e) The existence of the notice requirements in this subsection  
2 will not require any extension of the release date in the event the  
3 release plan changes after notification.

4 (2) (a) If a juvenile found to have committed a violent offense, a  
5 sex offense, or stalking escapes from a facility of the department,  
6 the secretary shall immediately notify, by the most reasonable and  
7 expedient means available, the chief of police of the city and the  
8 sheriff of the county in which the juvenile resided immediately  
9 before the juvenile's arrest. If previously requested, the secretary  
10 shall also notify the witnesses and the victim of the offense which  
11 the juvenile was found to have committed or the victim's next of kin  
12 if the crime was a homicide. If the juvenile is recaptured, the  
13 secretary shall send notice to the persons designated in this  
14 subsection as soon as possible but in no event later than two working  
15 days after the department learns of such recapture.

16 (b) The secretary may authorize a leave, for a juvenile found to  
17 have committed a violent offense, a sex offense, or stalking, which  
18 shall not exceed forty-eight hours plus travel time, to meet an  
19 emergency situation such as a death or critical illness of a member  
20 of the juvenile's family. The secretary may authorize a leave, which  
21 shall not exceed the time medically necessary, to obtain medical care  
22 not available in a juvenile facility maintained by the department.  
23 Prior to the commencement of an emergency or medical leave, the  
24 secretary shall give notice of the leave to the appropriate law  
25 enforcement agency in the jurisdiction in which the juvenile will be  
26 during the leave period. The notice shall include the identity of the  
27 juvenile, the time period of the leave, the residence of the juvenile  
28 during the leave, and the identity of the person responsible for  
29 supervising the juvenile during the leave. If previously requested,  
30 the department shall also notify the witnesses and victim of the  
31 offense which the juvenile was found to have committed or the  
32 victim's next of kin if the offense was a homicide.

33 In case of an emergency or medical leave the secretary may waive  
34 all or any portion of the requirements for leaves pursuant to RCW  
35 13.40.205 (2) (a), (3), (4), and (5).

36 (3) If the victim, the victim's next of kin, or any witness is  
37 under the age of sixteen, the notice required by this section shall  
38 be sent to the parents or legal guardian of the child.

39 (4) The secretary shall send the notices required by this chapter  
40 to the last address provided to the department by the requesting



1 party. The requesting party shall furnish the department with a  
2 current address.

3 (5) Upon discharge, parole, transfer to a community residential  
4 facility, or other authorized leave or release, a convicted juvenile  
5 sex offender shall not attend a public or approved private  
6 elementary, middle, or high school that is attended by a victim or a  
7 sibling of a victim of the sex offender. The parents or legal  
8 guardians of the convicted juvenile sex offender shall be responsible  
9 for transportation or other costs associated with or required by the  
10 sex offender's change in school that otherwise would be paid by a  
11 school district.

12 (6) For purposes of this section the following terms have the  
13 following meanings:

14 (a) "Violent offense" means a violent offense under RCW  
15 9.94A.030;

16 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

17 (c) "Stalking" means the crime of stalking as defined in RCW  
18 9A.46.110;

19 (d) "Next of kin" means a person's spouse, parents, siblings, and  
20 children.

21 **Sec. 6.** RCW 13.40.220 and 2017 3rd sp.s. c 6 s 610 are each  
22 amended to read as follows:

23 (1) Whenever legal custody of a child is vested in someone other  
24 than his or her parents, under this chapter, and not vested in the  
25 department, after due notice to the parents or other persons legally  
26 obligated to care for and support the child, and after a hearing, the  
27 court may order and decree that the parent or other legally obligated  
28 person shall pay in such a manner as the court may direct a  
29 reasonable sum representing in whole or in part the costs of support,  
30 treatment, and confinement of the child after the decree is entered.

31 (2) If the parent or other legally obligated person willfully  
32 fails or refuses to pay such sum, the court may proceed against such  
33 person for contempt.

34 (3) Whenever legal custody of a child is vested in the department  
35 under this chapter, the parents or other persons legally obligated to  
36 care for and support the child shall be liable for the costs of  
37 support, treatment, and confinement of the child, in accordance with  
38 the department's reimbursement of cost schedule. The department shall  
39 adopt a reimbursement of cost schedule based on the costs of

1 providing such services, and shall determine an obligation based on  
2 the responsible parents' or other legally obligated person's ability  
3 to pay. The department is authorized to adopt additional rules as  
4 appropriate to enforce this section.

5 (4) To enforce subsection (3) of this section, the department  
6 shall serve on the parents or other person legally obligated to care  
7 for and support the child a notice and finding of financial  
8 responsibility requiring the parents or other legally obligated  
9 person to appear and show cause in an adjudicative proceeding why the  
10 finding of responsibility and/or the amount thereof is incorrect and  
11 should not be ordered. This notice and finding shall relate to the  
12 costs of support, treatment, and confinement of the child in  
13 accordance with the department's reimbursement of cost schedule  
14 adopted under this section, including periodic payments to be made in  
15 the future. The hearing shall be held pursuant to chapter 34.05 RCW,  
16 the administrative procedure act, and the rules of the department.

17 (5) The notice and finding of financial responsibility shall be  
18 served in the same manner prescribed for the service of a summons in  
19 a civil action or may be served on the parent or legally obligated  
20 person by certified mail, return receipt requested. The receipt shall  
21 be prima facie evidence of service.

22 (6) If the parents or other legally obligated person objects to  
23 the notice and finding of financial responsibility, then an  
24 application for an adjudicative hearing may be filed within twenty  
25 days of the date of service of the notice. If an application for an  
26 adjudicative proceeding is filed, the presiding or reviewing officer  
27 shall determine the past liability and responsibility, if any, of the  
28 parents or other legally obligated person and shall also determine  
29 the amount of periodic payments to be made in the future. If the  
30 parents or other legally responsible person fails to file an  
31 application within twenty days, the notice and finding of financial  
32 responsibility shall become a final administrative order.

33 (7) Debts determined pursuant to this section are subject to  
34 collection action without further necessity of action by a presiding  
35 or reviewing officer. The department may collect the debt in  
36 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and  
37 74.20A.070. The department shall exempt from payment parents  
38 receiving adoption support under RCW 74.13A.005 through 74.13A.080,  
39 parents eligible to receive adoption support under RCW 74.13A.085,  
40 and a parent or other legally obligated person when the parent or

1 other legally obligated person, or such person's child, spouse, or  
2 spouse's child, was the victim of the offense for which the child was  
3 committed.

4 (8) An administrative order entered pursuant to this section  
5 shall supersede any court order entered prior to June 13, 1994.

6 (9) The department shall be subrogated to the right of the child  
7 and his or her parents or other legally responsible person to receive  
8 support payments for the benefit of the child from any parent or  
9 legally obligated person pursuant to a support order established by a  
10 superior court or pursuant to RCW 74.20A.055. The department's right  
11 of subrogation under this section is limited to the liability  
12 established in accordance with its cost schedule for support,  
13 treatment, and confinement, except as addressed in subsection (10) of  
14 this section.

15 (10) Nothing in this section precludes the department from  
16 recouping such additional support payments from the child's parents  
17 or other legally obligated person as required to qualify for receipt  
18 of federal funds. The department may adopt such rules dealing with  
19 liability for recoupment of support, treatment, or confinement costs  
20 as may become necessary to entitle the state to participate in  
21 federal funds unless such rules would be expressly prohibited by law.  
22 If any law dealing with liability for recoupment of support,  
23 treatment, or confinement costs is ruled to be in conflict with  
24 federal requirements which are a prescribed condition of the  
25 allocation of federal funds, such conflicting law is declared to be  
26 inoperative solely to the extent of the conflict.

27 (11) This section does not apply to juveniles or young adults in  
28 a community transition services program.

29 NEW SECTION. **Sec. 7.** The department of children, youth, and  
30 families shall adopt rules, policies, and procedures as may be needed  
31 to implement a community transition services program required by this  
32 act, to include the following:

33 (1) Identification and regular monitoring of metrics of quality  
34 implementation for the community transition program, and regularly  
35 publishing outcome analyses for program participants; and

36 (2) Allowing for the use of new electronic home monitoring  
37 equipment and technologies as they become available that eliminate or  
38 minimize trauma, social stigma, and racial injustice, and imposing

1 penalties for the knowing or intentional tampering, damaging, or  
2 destruction of equipment that renders it not fully functional.

3 NEW SECTION. **Sec. 8.** Subject to the availability of amounts  
4 appropriated for this specific purpose, the department of children,  
5 youth, and families may issue rental vouchers for a period not to  
6 exceed six months for those transferring to community transition  
7 services under this act if an approved address cannot be obtained  
8 without the assistance of a voucher.

9 **Sec. 9.** RCW 13.04.800 and 2019 c 322 s 5 are each amended to  
10 read as follows:

- 11 (1) The Washington state institute for public policy must:
- 12 (a) Assess the impact of chapter 162, Laws of 2018, ~~((and))~~  
13 sections 2 through 6, chapter 322, Laws of 2019, and sections 2 and  
14 3, chapter . . ., Laws of 2021 (sections 2 and 3 of this act) on  
15 community safety, racial disproportionality, recidivism, state  
16 expenditures, and youth rehabilitation, to the extent possible; and
- 17 (b) Conduct a cost-benefit analysis, including health impacts and  
18 recidivism effects, of extending RCW 72.01.410 to include all  
19 offenses committed under the age of twenty-one.
- 20 (2) The institute shall submit, in compliance with RCW 43.01.036,  
21 a preliminary report on the requirements listed in subsection (1) of  
22 this section to the governor and the appropriate committees of the  
23 legislature by December 1, 2023, and a final report to the governor  
24 and the appropriate committees of the legislature by December 1,  
25 2031.

26 NEW SECTION. **Sec. 10.** (1) The secretary of the department of  
27 children, youth, and families, or the secretary's designee, shall  
28 convene a stakeholder group to develop recommendations regarding  
29 improving outcomes for individuals exiting juvenile rehabilitation  
30 with a focus on:

- 31 (a) Increasing community involvement before and after the  
32 individual's exit from a juvenile rehabilitation facility;
- 33 (b) A landscape analysis of community-based, reentry-related  
34 services available to individuals exiting a juvenile rehabilitation  
35 facility by geographic region and service type;

1 (c) Community-based, reentry-related service gaps that should be  
2 addressed to ensure a successful community transition services  
3 program across the state.

4 (2) The secretary of the department of children, youth, and  
5 families, or the secretary's designee shall include, at a minimum,  
6 the following stakeholders in the requirements included in this  
7 section:

8 (a) Two individuals who were or are currently confined in a  
9 juvenile rehabilitation facility;

10 (b) A family member of an individual who was or is currently  
11 confined in a juvenile rehabilitation facility;

12 (c) A representative of the Washington partnership council on  
13 juvenile justice;

14 (d) A representative of the Washington association of prosecuting  
15 attorneys;

16 (e) A representative of the Washington association of sheriffs  
17 and police chiefs;

18 (f) A representative of a statewide organization representing  
19 criminal defense attorneys;

20 (g) A representative of a statewide organization representing  
21 public defenders;

22 (h) A representative of a statewide organization providing legal  
23 services to youth;

24 (i) A representative from the office of the superintendent of  
25 public instruction;

26 (j) A representative from the state board for community and  
27 technical colleges;

28 (k) A representative from the health care authority;

29 (l) A representative from the Washington student achievement  
30 council;

31 (m) A representative from the Washington association of juvenile  
32 court administrators; and

33 (n) Two representatives from service providers that assist  
34 individuals when exiting from a juvenile rehabilitation facility by  
35 providing mentoring or other community involvement opportunities to  
36 that individual.

37 (3) The department of children, youth, and families shall provide  
38 administrative and staff support to the stakeholder group.

39 (4) Nonlegislative members of the stakeholder group who  
40 demonstrate financial hardship must be reimbursed for travel expenses

1 as provided in RCW 43.03.050 and 43.03.060, as well as other expenses  
2 as needed for each day a nonlegislative stakeholder group member  
3 attends a stakeholder group meeting to provide consultative  
4 assistance.

5 (5) (a) By November 1, 2021, and in compliance with RCW 43.01.036,  
6 an initial report shall be submitted to the appropriate committees of  
7 the legislature and the governor related to improving outcomes for  
8 individuals exiting juvenile rehabilitation facilities.

9 (b) By June 1, 2022, the department of children, youth, and  
10 families shall submit a report to the appropriate committees of the  
11 legislature and the governor that describes recommendations related  
12 to improving outcomes for individuals exiting a juvenile  
13 rehabilitation facility as provided in this section.

14 (6) This section expires January 1, 2023.

15 NEW SECTION. **Sec. 11.** (1) Sections 1 through 6, 8, and 9 of  
16 this act take effect six months after the department of children,  
17 youth, and families designs and implements a risk assessment tool as  
18 defined in RCW 13.40.020 used to determine eligibility for "community  
19 transition services" as provided under RCW 13.40.205(13) and provides  
20 notice as required under subsection (2) of this section.

21 (2) The department of children, youth, and families must provide  
22 notice of the implementation of a risk assessment tool described  
23 under subsection (1) of this section to affected parties, the chief  
24 clerk of the house of representatives, the secretary of the senate,  
25 the office of the code reviser, and others as deemed appropriate by  
26 the department of children, youth, and families.

27 NEW SECTION. **Sec. 12.** If specific funding for the purposes of  
28 this act, referencing this act by bill or chapter number, is not  
29 provided by June 30, 2021, in the omnibus appropriations act, this  
30 act is null and void."

**E2SHB 1186** - S COMM AMD  
By Committee on Ways & Means

31 On page 1, line 1 of the title, after "rehabilitation;" strike  
32 the remainder of the title and insert "amending RCW 72.01.412,

1 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800; creating  
2 new sections; providing a contingent effective date; and providing an  
3 expiration date."

EFFECT: Limits placement in the community transition services to the remaining 18 months of the person's term of confinement.

--- END ---