

# FINAL BILL REPORT

## E2SHB 1186

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Synopsis as Enacted

**Brief Description:** Concerning juvenile rehabilitation.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley and Hackney; by request of Department of Children, Youth, and Families).

**House Committee on Children, Youth & Families**  
**House Committee on Appropriations**  
**Senate Committee on Human Services, Reentry & Rehabilitation**  
**Senate Committee on Ways & Means**

**Background:**

*Juvenile Offender Sentencing.*

Juvenile court dispositions are subject to statutory sentencing guidelines. Juvenile offenses are categorized using letters E through A++ to indicate the seriousness level of the offense with E being the least serious and A++ being the most serious offense category. A statutory grid establishes the standard sentencing range for a particular offense based on the offense category and an individual's prior adjudications. Each prior felony adjudication counts as one point, and each prior violation, misdemeanor, or gross misdemeanor counts as one-fourth point. Fractional points are rounded down.

The sentencing category called "local sanctions" is the least serious category for juvenile disposition (sentencing) purposes. Local sanctions include a range of up to 30 days in confinement, up to 12 months of community supervision, up to 150 hours of community service, and up to a \$500 fine. When a juvenile court imposes a disposition based on local sanctions, the court must impose a determinate disposition within the standard range.

Up to 30 days of confinement imposed by a juvenile court is served in a county juvenile detention facility. Any confinement imposed that is greater than 30 days is served through

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

commitment at a Department of Children, Youth, and Families (DCYF) juvenile rehabilitation facility.

If the court concludes that disposition within the standard range would effectuate a manifest injustice, the court must impose a disposition outside the standard range. A court's finding of manifest injustice must be supported by clear and convincing evidence.

Generally, juvenile offenders cannot be committed by the juvenile court beyond the offender's twenty-first birthday. Juvenile offenders adjudicated of an A++ offense, or found to be armed with a firearm and sentenced to an additional 12 months, may be committed by the juvenile court for placement in a juvenile rehabilitation institution up to the individual's twenty-fifth birthday.

#### *Juvenile Versus Adult Court Jurisdiction.*

Generally, juvenile court has jurisdiction over all alleged criminal offenses alleged to have been committed before an individual's eighteenth birthday. However, there are four circumstances where adult court has jurisdiction over offenses that occurred before an accused person's eighteenth birthday including:

- discretionary decline, where juvenile court declines jurisdiction for persons: (1) age 15 or older charged with a serious violent offense; (2) age 14 and younger charged with Murder in the first or second degree, or (3) any age charged with Custodial Assault;
- required decline hearing, where the juvenile court declines jurisdiction following a required decline hearing when the person is charged with escape while serving a minimum juvenile sentence to age 21;
- exclusive adult court jurisdiction, where the individual is age 16 or 17 on the date of the offense and the offense is: (1) a serious violent offense; (2) a violent offense with certain criminal history; or (3) Rape of a Child in the first degree; and
- offenses charged after an individual turns age 18.

#### *Persons With an Adult Court Sentence for Offenses Committed While Under Age 18.*

Persons convicted in adult court of felony offenses committed while under age 18 are initially placed in a DCYF juvenile rehabilitation institution and are only transferred to a Department of Corrections (DOC) facility with the approval of the DCYF. For these individuals, the DOC determines the person's earned release date. Unless an individual in this category is transferred to the DOC facility earlier, the DCYF may retain custody until the individual completes a term of confinement or turns age 25.

At age 25, the individual must either:

- be transferred to the DOC facility to complete the remaining term of confinement; or
- for individuals with earned release dates after the person's twenty-fifth birthday but before the person's twenty-sixth birthday, serve the remainder of the term of confinement in partial confinement on electronic home monitoring if the DCYF determines that this placement is in the best interest of the person and the community.

### *Juvenile Rehabilitation Institutions.*

The DCYF operates three juvenile institutions for individuals serving more than 30 days of confinement for an offense that occurred when the individual was under age 18. Echo Glen Children's Center in Snoqualmie serves younger male offenders and female offenders. Green Hill School in Chehalis serves older male offenders. Naselle Youth Camp in Naselle provides services to male offenders and offers a forestry work program.

### *Juvenile Rehabilitation Community Facilities.*

Community facilities allow youth to begin transitioning back to the community. These facilities provide treatment, education, and vocational services. To be eligible for community facility placement, a youth must be placed on minimum security status. Minimum security status is based on risk and behavior assessments and requires that the individual served 10 percent of his or her aggregate minimum disposition or 30 days, whichever is greater, and all placement assessment requirements have been met. Individuals who attempt to escape or escape, individuals who are eligible for civil commitment, and individuals who meet other criteria are not eligible for minimum security status.

There are eight community facilities across the state including:

- Canyon View (Wenatchee);
- Oakridge (Lakewood);
- Parke Creek (Ellensburg);
- Ridgeview (Yakima);
- Sunrise (Ephrata);
- Touchstone (Olympia);
- Twin Rivers (Richland); and
- Woodinville (Kirkland).

### **Summary:**

Community transition services are established within the Department of Children, Youth, and Families (DCYF). "Community transition services" means therapeutic and supportive community-based custody where:

- a person serves a portion of their term of confinement residing in the community outside of the DCYF institutions or community facilities;
- the DCYF supervises the person through technology capable of determining the person's presence at a particular location;
- the DCYF provides access to programs to promote successful reentry; and
- the DCYF prioritizes the delivery of available programming with the individual being served related to race, ethnicity, sexual identity, and gender identity.

A person is eligible for community transition services if the DCYF determines that such placement is in the best interest of the person and the community and the placement is

either:

- after the person's twenty-fifth birthday if the person's earned release date is before the person's twenty-sixth birthday; or
- the person has served 60 percent of their minimum term of confinement and no less than 15 weeks of total confinement and;
  - has an earned release date before the person's twenty-sixth birthday; and
  - has been reviewed by the DCYF and determined that such placement is in the best interest of the person and the community using a risk assessment tool, and considered the availability of placement, treatment, and programming. This determination must include consideration of the person's behavior while in confinement and any disciplinary considerations.

A person may only be placed in community transition services for the remaining 18 months of their term of confinement.

A "risk assessment tool" is defined as a statistically valid tool used by the DCYF to inform release or placement decisions related to security level, release within the sentencing range, community facility eligibility, community transition services eligibility, and parole. The risk assessment tool is used by the DCYF to predict the likelihood of successful reentry and future criminal behavior.

The following persons are not eligible for community transition services:

- persons with pending charges or warrants;
- level III sex offenders;
- persons who will be transferred to the Department of Corrections (DOC), who are in the custody of the DOC, or who are under the supervision of the DOC;
- persons who were adjudicated or convicted of the crime of murder in the first or second degree;
- persons who meet the definition of "persistent offender;" and
- persons requiring out-of-state placement.

Persons receiving community transition services must have access to appropriate treatment and programming as determined by the DCYF, including:

- behavioral health treatment;
- independent living;
- employment;
- education;
- connections to family and natural resources; and
- community connections.

If a person receiving community transition services commits a violation requiring the person to return to total confinement after the person's twenty-fifth birthday, the person must be transferred to the custody and supervision of the DOC for the remainder of the sentence.

If requested by the victim of the person, the DCYF must give notice to the victim that community transition services are being provided.

A person who violates any condition of community transition services may be taken into custody and returned to the DCYF. A person who knowingly violates the terms of community transition services is guilty of Escape in the third degree, a misdemeanor. A person receiving community transition services may participate in work, educational, community restitution, or treatment programs in the community up to 12 hours a day if approved by the DCYF.

The DCYF may require a person to serve the remainder of a person's sentence in community transition services if the DCYF determines that such placement is in the best interest of the person and the community.

The DCYF must provide the same notice as required for an individual's release or transfer to a community residential facility when an individual is transferred to community transition services.

The DCYF may issue rental vouchers, subject to amounts appropriated for that purpose, for a period not to exceed six months for those transferring to community transition services if an approved address cannot be obtained without the use of a voucher.

The DCYF must convene stakeholders to develop recommendations regarding improving outcomes for individuals exiting a juvenile detention facility or institution and provide a report to the Legislature and Governor that includes these recommendations by September 1, 2022, with an initial set of recommendations due by November 1, 2021.

The Washington State Institute for Public Policy must assess the community transition services program to determine its impact on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible. A preliminary report on this impact must be provided to the Governor and the Legislature by December 1, 2023, and a final report provided by December 1, 2031.

**Votes on Final Passage:**

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|--------|----|----|-------------------|
| House  | 61 | 36 |                   |
| Senate | 27 | 21 | (Senate amended)  |
| House  | 60 | 36 | (House concurred) |

**Effective:** July 25, 2021