
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1186

State of Washington

67th Legislature

2021 Regular Session

By House 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)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to juvenile rehabilitation; amending RCW
2 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800;
3 creating new sections; providing a contingent effective date; and
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

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

17 (2) To help reduce the bottleneck of youth and young adults
18 placed in the department's juvenile rehabilitation institutions and
19 enhance community-based, less restrictive options, this act creates a
20 community transition services program, which utilizes electronic home
21 monitoring as a tool embedded in a progressively supportive

1 community-based approach with therapeutic supports for young people
2 reentering the community. This approach considers developmentally
3 appropriate programs for successful reentry by increasing access to
4 community transition services, including housing assistance,
5 behavioral health treatment, independent living, employment,
6 education, and family and community connections.

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

9 (1) A person in the custody of the department of children, youth,
10 and families under RCW 72.01.410 (~~who has an earned release date~~
11 ~~that is after the person's twenty-fifth birthday but on or before the~~
12 ~~person's twenty-sixth birthday may, after turning twenty-five, serve~~
13 ~~the remainder of the person's term of confinement in partial~~
14 ~~confinement on electronic home monitoring)) is eligible for community
15 transition services under the authority and supervision of the
16 department of children, youth, and families (~~(, provided that)~~):~~

17 (a) After 60 percent of their minimum term of confinement has
18 been served, and no less than 15 weeks of total confinement served
19 including time spent in detention prior to sentencing or the entry of
20 a dispositional order;

21 (b) If the person has an earned release date that is before their
22 26th birthday; and

23 (c) Provided the department of children, youth, and families
24 determines that such placement and retention by the department of
25 children, youth, and families is in the best interests of the person
26 and the community. The department's determination described under
27 this subsection must include consideration of the person's behavior
28 while in confinement and any disciplinary considerations.

29 (2) The department of children, youth, and families retains the
30 authority to transfer the person to the custody of the department of
31 corrections under RCW 72.01.410.

32 (~~((2))~~) (3) A person placed (~~(on electronic home monitoring)~~) in
33 community transition services under this section must (~~(otherwise~~
34 ~~continue to be subject to similar treatment, options, access to~~
35 ~~programs and resources, conditions, and restrictions applicable to~~
36 ~~other similarly situated persons under the jurisdiction of the~~
37 ~~department of children, youth, and families)) have access to
38 appropriate treatment and programming as determined by the department
39 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 (4) 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))~~ (5) 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 (6) 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 (7) 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; and

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

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

21 ~~((+7))~~ (8) "Court," when used without further qualification,
22 means the juvenile court judge(s) or commissioner(s);

23 ~~((+8))~~ (9) "Criminal history" includes all criminal complaints
24 against the respondent for which, prior to the commission of a
25 current offense:

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

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

37 ~~((+9))~~ (10) "Department" means the department of children,
38 youth, and families;

39 ~~((+10))~~ (11) "Detention facility" means a county facility, paid
40 for by the county, for the physical confinement of a juvenile alleged

1 to have committed an offense or an adjudicated offender subject to a
2 disposition or modification order. "Detention facility" includes
3 county group homes, inpatient substance abuse programs, juvenile
4 basic training camps, and electronic monitoring;

5 ~~((11))~~ (12) "Diversion unit" means any probation counselor who
6 enters into a diversion agreement with an alleged youthful offender,
7 or any other person, community accountability board, youth court
8 under the supervision of the juvenile court, or other entity with
9 whom the juvenile court administrator has contracted to arrange and
10 supervise such agreements pursuant to RCW 13.40.080, or any person,
11 community accountability board, or other entity specially funded by
12 the legislature to arrange and supervise diversion agreements in
13 accordance with the requirements of this chapter. For purposes of
14 this subsection, "community accountability board" means a board
15 comprised of members of the local community in which the juvenile
16 offender resides. The superior court shall appoint the members. The
17 boards shall consist of at least three and not more than seven
18 members. If possible, the board should include a variety of
19 representatives from the community, such as a law enforcement
20 officer, teacher or school administrator, high school student,
21 parent, and business owner, and should represent the cultural
22 diversity of the local community;

23 ~~((12))~~ (13) "Foster care" means temporary physical care in a
24 foster family home or group care facility as defined in RCW 74.15.020
25 and licensed by the department, or other legally authorized care;

26 ~~((13))~~ (14) "Institution" means a juvenile facility established
27 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

28 ~~((14))~~ (15) "Intensive supervision program" means a parole
29 program that requires intensive supervision and monitoring, offers an
30 array of individualized treatment and transitional services, and
31 emphasizes community involvement and support in order to reduce the
32 likelihood a juvenile offender will commit further offenses;

33 ~~((15))~~ (16) "Juvenile," "youth," and "child" mean any
34 individual who is under the chronological age of eighteen years and
35 who has not been previously transferred to adult court pursuant to
36 RCW 13.40.110, unless the individual was convicted of a lesser charge
37 or acquitted of the charge for which he or she was previously
38 transferred pursuant to RCW 13.40.110 or who is not otherwise under
39 adult court jurisdiction;

1 (~~(16)~~) (17) "Juvenile offender" means any juvenile who has been
2 found by the juvenile court to have committed an offense, including a
3 person eighteen years of age or older over whom jurisdiction has been
4 extended under RCW 13.40.300;

5 (~~(17)~~) (18) "Labor" means the period of time before a birth
6 during which contractions are of sufficient frequency, intensity, and
7 duration to bring about effacement and progressive dilation of the
8 cervix;

9 (~~(18)~~) (19) "Local sanctions" means one or more of the
10 following: (a) 0-30 days of confinement; (b) 0-12 months of community
11 supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500
12 fine;

13 (~~(19)~~) (20) "Manifest injustice" means a disposition that would
14 either impose an excessive penalty on the juvenile or would impose a
15 serious, and clear danger to society in light of the purposes of this
16 chapter;

17 (~~(20)~~) (21) "Monitoring and reporting requirements" means one
18 or more of the following: Curfews; requirements to remain at home,
19 school, work, or court-ordered treatment programs during specified
20 hours; restrictions from leaving or entering specified geographical
21 areas; requirements to report to the probation officer as directed
22 and to remain under the probation officer's supervision; and other
23 conditions or limitations as the court may require which may not
24 include confinement;

25 (~~(21)~~) (22) "Offense" means an act designated a violation or a
26 crime if committed by an adult under the law of this state, under any
27 ordinance of any city or county of this state, under any federal law,
28 or under the law of another state if the act occurred in that state;

29 (~~(22)~~) (23) "Physical restraint" means the use of any bodily
30 force or physical intervention to control a juvenile offender or
31 limit a juvenile offender's freedom of movement in a way that does
32 not involve a mechanical restraint. Physical restraint does not
33 include momentary periods of minimal physical restriction by direct
34 person-to-person contact, without the aid of mechanical restraint,
35 accomplished with limited force and designed to:

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

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

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

1 ~~((23))~~ (24) "Postpartum recovery" means (a) the entire period a
2 woman or youth is in the hospital, birthing center, or clinic after
3 giving birth and (b) an additional time period, if any, a treating
4 physician determines is necessary for healing after the youth leaves
5 the hospital, birthing center, or clinic;

6 ~~((24))~~ (25) "Probation bond" means a bond, posted with
7 sufficient security by a surety justified and approved by the court,
8 to secure the offender's appearance at required court proceedings and
9 compliance with court-ordered community supervision or conditions of
10 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
11 a deposit of cash or posting of other collateral in lieu of a bond if
12 approved by the court;

13 ~~((25))~~ (26) "Respondent" means a juvenile who is alleged or
14 proven to have committed an offense;

15 ~~((26))~~ (27) "Restitution" means financial reimbursement by the
16 offender to the victim, and shall be limited to easily ascertainable
17 damages for injury to or loss of property, actual expenses incurred
18 for medical treatment for physical injury to persons, lost wages
19 resulting from physical injury, and costs of the victim's counseling
20 reasonably related to the offense. Restitution shall not include
21 reimbursement for damages for mental anguish, pain and suffering, or
22 other intangible losses. Nothing in this chapter shall limit or
23 replace civil remedies or defenses available to the victim or
24 offender;

25 ~~((27))~~ (28) "Restorative justice" means practices, policies,
26 and programs informed by and sensitive to the needs of crime victims
27 that are designed to encourage offenders to accept responsibility for
28 repairing the harm caused by their offense by providing safe and
29 supportive opportunities for voluntary participation and
30 communication between the victim, the offender, their families, and
31 relevant community members;

32 ~~((28))~~ (29) "Restraints" means anything used to control the
33 movement of a person's body or limbs and includes:

34 (a) Physical restraint; or

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

38 ~~((29))~~ (30) "Risk assessment tool" means the statistically
39 valid tool used by the department to inform release or placement
40 decisions related to security level, release within the sentencing

1 range, community facility eligibility, community transition services
2 eligibility, and parole. The "risk assessment tool" is used by the
3 department to predict the likelihood of successful reentry and future
4 criminal behavior;

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

11 ~~((30))~~ (32) "Secretary" means the secretary of the department;

12 ~~((31))~~ (33) "Services" means services which provide
13 alternatives to incarceration for those juveniles who have pleaded or
14 been adjudicated guilty of an offense or have signed a diversion
15 agreement pursuant to this chapter;

16 ~~((32))~~ (34) "Sex offense" means an offense defined as a sex
17 offense in RCW 9.94A.030;

18 ~~((33))~~ (35) "Sexual motivation" means that one of the purposes
19 for which the respondent committed the offense was for the purpose of
20 his or her sexual gratification;

21 ~~((34))~~ (36) "Surety" means an entity licensed under state
22 insurance laws or by the state department of licensing, to write
23 corporate, property, or probation bonds within the state, and
24 justified and approved by the superior court of the county having
25 jurisdiction of the case;

26 ~~((35))~~ (37) "Transportation" means the conveying, by any means,
27 of an incarcerated pregnant youth from the institution or detention
28 facility to another location from the moment she leaves the
29 institution or detention facility to the time of arrival at the other
30 location, and includes the escorting of the pregnant incarcerated
31 youth from the institution or detention facility to a transport
32 vehicle and from the vehicle to the other location;

33 ~~((36))~~ (38) "Violation" means an act or omission, which if
34 committed by an adult, must be proven beyond a reasonable doubt, and
35 is punishable by sanctions which do not include incarceration;

36 ~~((37))~~ (39) "Violent offense" means a violent offense as
37 defined in RCW 9.94A.030;

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

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

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

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

12 (a) Sixty percent of the minimum term of confinement has been
13 served; and

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

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

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

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

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

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

37 (5) Upon authorizing a leave, the secretary shall issue to the
38 juvenile an authorized leave order which shall contain the name of
39 the juvenile, the fact that the juvenile is on leave from a
40 designated facility, the time period of the leave, and the identity

1 of an appropriate official of the department to contact when
2 necessary. The authorized leave order shall be carried by the
3 juvenile at all times while on leave.

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

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

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

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

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

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

39 (~~(11)~~) (12) Subsections (6), (7), and (8) of this section do
40 not apply to juveniles covered by RCW 13.40.215.

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

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

20 (i) Behavioral health treatment;

21 (ii) Independent living;

22 (iii) Employment;

23 (iv) Education;

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

25 (vi) Community connections.

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

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

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

38 (i) Persons with pending charges or warrants;

1 (ii) Persons who will be transferred to the department of
2 corrections, who are in the custody of the department of corrections,
3 or who are under the supervision of the department of corrections;

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

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

8 (v) Level III sex offenders; and

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

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

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

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

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

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

30 (b)(i) Except as provided in subsection (2) of this section, at
31 the earliest practicable date, and in no event later than thirty days
32 before discharge, parole, or any other authorized leave or release,
33 or before transfer to a community residential facility or community
34 transition services program, the secretary shall send written notice
35 of the discharge, parole, authorized leave or release, or transfer of
36 an individual who is found to have committed a violent offense or a
37 sex offense, is twenty-one years of age or younger, and has not
38 received a high school diploma or its equivalent, to the designated
39 recipient of the school where the juvenile either: (A) Was enrolled

1 prior to incarceration or detention; or (B) has expressed an
2 intention to enroll following his or her release. This notice must
3 also include the restrictions described in subsection (5) of this
4 section.

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

10 (iii) As used in this subsection, "designated recipient" means:

11 (A) The superintendent of the school district, or his or her
12 designee, of a common school as defined in RCW 28A.150.020 or a
13 school that is the subject of a state-tribal education compact under
14 chapter 28A.715 RCW; (B) the administrator of a charter public school
15 governed by chapter 28A.710 RCW; or (C) the administrator of a
16 private school approved under chapter 28A.195 RCW.

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

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

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

25 (iii) Any person specified in writing by the prosecuting
26 attorney.

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

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

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

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

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

30 In case of an emergency or medical leave the secretary may waive
31 all or any portion of the requirements for leaves pursuant to RCW
32 13.40.205 (2) (a), (3), (4), and (5).

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

36 (4) The secretary shall send the notices required by this chapter
37 to the last address provided to the department by the requesting
38 party. The requesting party shall furnish the department with a
39 current address.

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

10 (6) For purposes of this section the following terms have the
11 following meanings:

12 (a) "Violent offense" means a violent offense under RCW
13 9.94A.030;

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

15 (c) "Stalking" means the crime of stalking as defined in RCW
16 9A.46.110;

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

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

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

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

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

1 to pay. The department is authorized to adopt additional rules as
2 appropriate to enforce this section.

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

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

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

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

1 spouse's child, was the victim of the offense for which the child was
2 committed.

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

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

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

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

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

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

35 (2) Allowing for the use of new electronic home monitoring
36 equipment and technologies as they become available that eliminate or
37 minimize trauma, social stigma, and racial injustice, and imposing
38 penalties for the knowing or intentional tampering, damaging, or
39 destruction of equipment that renders it not fully functional.

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

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

9 (1) The Washington state institute for public policy must:

10 (a) Assess the impact of chapter 162, Laws of 2018, ~~((and))~~
11 sections 2 through 6, chapter 322, Laws of 2019, and sections 2 and
12 3, chapter . . . , Laws of 2021 (sections 2 and 3 of this act) on
13 community safety, racial disproportionality, recidivism, state
14 expenditures, and youth rehabilitation, to the extent possible; and

15 (b) Conduct a cost-benefit analysis, including health impacts and
16 recidivism effects, of extending RCW 72.01.410 to include all
17 offenses committed under the age of twenty-one.

18 (2) The institute shall submit, in compliance with RCW 43.01.036,
19 a preliminary report on the requirements listed in subsection (1) of
20 this section to the governor and the appropriate committees of the
21 legislature by December 1, 2023, and a final report to the governor
22 and the appropriate committees of the legislature by December 1,
23 2031.

24 NEW SECTION. **Sec. 10.** (1) The Washington partnership council on
25 juvenile justice shall convene stakeholders to develop
26 recommendations regarding improving outcomes for individuals exiting
27 a juvenile detention facility or institution, with a focus on:

28 (a) Increasing community involvement before and after the
29 individual's exit from a juvenile detention facility or institution;

30 (b) Geographic barriers or inequities in reentry related
31 services; and

32 (c) Reentry related service gaps that should be addressed.

33 (2) The Washington partnership council on juvenile justice shall
34 include, at a minimum, the following stakeholders in the requirements
35 included in this section:

36 (a) Two individuals who were confined in a juvenile detention
37 facility or institution;

1 (b) A family member of an individual who was confined in a
2 juvenile detention facility or institution;

3 (c) A representative of the department of children, youth, and
4 families;

5 (d) A representative of the Washington association of prosecuting
6 attorneys;

7 (e) A representative of the Washington association of sheriffs
8 and police chiefs;

9 (f) A representative of a statewide organization representing
10 criminal defense attorneys;

11 (g) A representative of a statewide organization representing
12 public defenders;

13 (h) A representative of a statewide organization providing legal
14 services to youth;

15 (i) A representative from the office of the superintendent of
16 public instruction;

17 (j) A representative from the state board for community and
18 technical colleges;

19 (k) A representative from the Washington student achievement
20 council; and

21 (l) Two representatives from service providers that assist
22 individuals when exiting from a juvenile detention facility or
23 institution by providing mentoring or other community involvement
24 opportunities to that individual.

25 (3) (a) By November 1, 2021, and in compliance with RCW 43.01.036,
26 the Washington partnership council on juvenile justice shall submit
27 an initial set of recommendations to the appropriate committees of
28 the legislature and the governor related to improving outcomes for
29 individuals exiting a juvenile detention facility or institution as
30 required under this section.

31 (b) By September 1, 2022, the Washington partnership council on
32 juvenile justice shall submit a final report to the appropriate
33 committees of the legislature and the governor that describes the
34 recommendations related to improving outcomes for individuals exiting
35 a juvenile detention facility or institution as required under this
36 section.

37 (4) The following definitions apply to this section:

38 (a) "Detention facility" means:

39 (i) Any detention facility as defined under RCW 13.40.020; and

1 (ii) Any juvenile correctional facility under alternative
2 administration operated under a consortium of counties under RCW
3 13.04.035.

4 (b) "Institution" has the same meaning as in RCW 13.40.020.

5 (5) This section expires on January 1, 2023.

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

12 (2) The department of children, youth, and families must provide
13 notice of the implementation of a risk assessment tool described
14 under subsection (1) of this section to affected parties, the chief
15 clerk of the house of representatives, the secretary of the senate,
16 the office of the code reviser, and others as deemed appropriate by
17 the department of children, youth, and families.

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

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