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HOUSE BILL 1186

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State of Washington

67th Legislature

2021 Regular Session

**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 01/14/21. Referred to Committee on Children, Youth & Families.

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; and providing a contingent effective date.

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

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

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

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

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

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

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

16 (a) After 60 percent of their minimum term of confinement has  
17 been served;

18 (b) If the person has an earned release date that is before their  
19 26th birthday; and

20 (c) Provided the department of children, youth, and families  
21 determines that such placement and retention by the department of  
22 children, youth, and families is in the best interests of the person  
23 and the community.

24 (2) The department of children, youth, and families retains the  
25 authority to transfer the person to the custody of the department of  
26 corrections under RCW 72.01.410.

27 (~~(2)~~) (3) A person placed (~~(on electronic home monitoring)~~) in  
28 community transition services under this section must (~~(otherwise~~  
29 ~~continue to be subject to similar treatment, options, access to~~  
30 ~~programs and resources, conditions, and restrictions applicable to~~  
31 ~~other similarly situated persons under the jurisdiction of the~~  
32 ~~department of children, youth, and families)) have access to  
33 appropriate treatment and programming as determined by the department  
34 of children, youth, and families, including but not limited to:~~

35 (a) Behavioral health treatment;

36 (b) Independent living;

37 (c) Employment;

38 (d) Education;

39 (e) Connections to family and natural supports; and

1 (f) Community connections.

2 (4) If the person has a sentence that includes a term of  
3 community custody, this term of community custody must begin after  
4 the current term of confinement has ended.

5 ((3)) (5) If a person placed on ((electronic home monitoring))  
6 community transition services under this section commits a violation  
7 requiring the return of the person to total confinement after the  
8 person's 25th birthday, the person must be transferred to the custody  
9 and supervision of the department of corrections for the remainder of  
10 the sentence.

11 (6) The following persons are not eligible for community  
12 transition services under this section:

13 (a) Persons with pending charges or warrants;

14 (b) Level III sex offenders; and

15 (c) Persons requiring out-of-state placement.

16 (7) As used in this section, "community transition services"  
17 means a therapeutic and supportive community-based custody option in  
18 which:

19 (a) A person serves a portion of his or her term of confinement  
20 residing in the community, outside of the department of children,  
21 youth, and families institutions and community facilities;

22 (b) The department of children, youth, and families supervises  
23 the person in part through the use of technology that is capable of  
24 determining or identifying the monitored person's presence or absence  
25 at a particular location; and

26 (c) The department of children, youth, and families provides  
27 access to developmentally appropriate, trauma-informed, racial  
28 equity-based, and culturally relevant programs to promote successful  
29 reentry.

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

32 For the purposes of this chapter:

33 (1) "Assessment" means an individualized examination of a child  
34 to determine the child's psychosocial needs and problems, including  
35 the type and extent of any mental health, substance abuse, or co-  
36 occurring mental health and substance abuse disorders, and  
37 recommendations for treatment. "Assessment" includes, but is not  
38 limited to, drug and alcohol evaluations, psychological and

1 psychiatric evaluations, records review, clinical interview, and  
2 administration of a formal test or instrument;

3 (2) "Community-based rehabilitation" means one or more of the  
4 following: Employment; attendance of information classes; literacy  
5 classes; counseling, outpatient substance abuse treatment programs,  
6 outpatient mental health programs, anger management classes,  
7 education or outpatient treatment programs to prevent animal cruelty,  
8 or other services including, when appropriate, restorative justice  
9 programs; or attendance at school or other educational programs  
10 appropriate for the juvenile as determined by the school district.  
11 Placement in community-based rehabilitation programs is subject to  
12 available funds;

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

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

16 (b) Community restitution not to exceed one hundred fifty hours  
17 of community restitution;

18 (4) "Community restitution" means compulsory service, without  
19 compensation, performed for the benefit of the community by the  
20 offender as punishment for committing an offense. Community  
21 restitution may be performed through public or private organizations  
22 or through work crews;

23 (5) "Community supervision" means an order of disposition by the  
24 court of an adjudicated youth not committed to the department or an  
25 order granting a deferred disposition. A community supervision order  
26 for a single offense may be for a period of up to two years for a sex  
27 offense as defined by RCW 9.94A.030 and up to one year for other  
28 offenses. As a mandatory condition of any term of community  
29 supervision, the court shall order the juvenile to refrain from  
30 committing new offenses. As a mandatory condition of community  
31 supervision, the court shall order the juvenile to comply with the  
32 mandatory school attendance provisions of chapter 28A.225 RCW and to  
33 inform the school of the existence of this requirement. Community  
34 supervision is an individualized program comprised of one or more of  
35 the following:

36 (a) Community-based sanctions;

37 (b) Community-based rehabilitation;

38 (c) Monitoring and reporting requirements;

39 (d) Posting of a probation bond;

1 (e) Residential treatment, where substance abuse, mental health,  
2 and/or co-occurring disorders have been identified in an assessment  
3 by a qualified mental health professional, psychologist,  
4 psychiatrist, co-occurring disorder specialist, or substance use  
5 disorder professional and a funded bed is available. If a child  
6 agrees to voluntary placement in a state-funded long-term evaluation  
7 and treatment facility, the case must follow the existing placement  
8 procedure including consideration of less restrictive treatment  
9 options and medical necessity.

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

12 (A) The referral is necessary to rehabilitate the child;

13 (B) The referral is necessary to protect the public or the child;

14 (C) The referral is in the child's best interest;

15 (D) The child has been given the opportunity to engage in less  
16 restrictive treatment and has been unable or unwilling to comply; and

17 (E) Inpatient treatment is the least restrictive action  
18 consistent with the child's needs and circumstances.

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

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

26 (a) A person serves a portion of their term of confinement  
27 residing in the community, outside of department institutions and  
28 community facilities;

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

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

35 (7) "Confinement" means physical custody by the department of  
36 children, youth, and families in a facility operated by or pursuant  
37 to a contract with the state, or physical custody in a detention  
38 facility operated by or pursuant to a contract with any county. The  
39 county may operate or contract with vendors to operate county  
40 detention facilities. The department may operate or contract to

1 operate detention facilities for juveniles committed to the  
2 department. Pretrial confinement or confinement of less than thirty-  
3 one days imposed as part of a disposition or modification order may  
4 be served consecutively or intermittently, in the discretion of the  
5 court;

6 ~~((7))~~ (8) "Court," when used without further qualification,  
7 means the juvenile court judge(s) or commissioner(s);

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

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

15 (b) The criminal complaint was diverted by a prosecutor pursuant  
16 to the provisions of this chapter on agreement of the respondent and  
17 after an advisement to the respondent that the criminal complaint  
18 would be considered as part of the respondent's criminal history. A  
19 successfully completed deferred adjudication that was entered before  
20 July 1, 1998, or a deferred disposition shall not be considered part  
21 of the respondent's criminal history;

22 ~~((9))~~ (10) "Department" means the department of children,  
23 youth, and families;

24 ~~((10))~~ (11) "Detention facility" means a county facility, paid  
25 for by the county, for the physical confinement of a juvenile alleged  
26 to have committed an offense or an adjudicated offender subject to a  
27 disposition or modification order. "Detention facility" includes  
28 county group homes, inpatient substance abuse programs, juvenile  
29 basic training camps, and electronic monitoring;

30 ~~((11))~~ (12) "Diversion unit" means any probation counselor who  
31 enters into a diversion agreement with an alleged youthful offender,  
32 or any other person, community accountability board, youth court  
33 under the supervision of the juvenile court, or other entity with  
34 whom the juvenile court administrator has contracted to arrange and  
35 supervise such agreements pursuant to RCW 13.40.080, or any person,  
36 community accountability board, or other entity specially funded by  
37 the legislature to arrange and supervise diversion agreements in  
38 accordance with the requirements of this chapter. For purposes of  
39 this subsection, "community accountability board" means a board  
40 comprised of members of the local community in which the juvenile

1 offender resides. The superior court shall appoint the members. The  
2 boards shall consist of at least three and not more than seven  
3 members. If possible, the board should include a variety of  
4 representatives from the community, such as a law enforcement  
5 officer, teacher or school administrator, high school student,  
6 parent, and business owner, and should represent the cultural  
7 diversity of the local community;

8 ~~((12))~~ (13) "Foster care" means temporary physical care in a  
9 foster family home or group care facility as defined in RCW 74.15.020  
10 and licensed by the department, or other legally authorized care;

11 ~~((13))~~ (14) "Institution" means a juvenile facility established  
12 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

13 ~~((14))~~ (15) "Intensive supervision program" means a parole  
14 program that requires intensive supervision and monitoring, offers an  
15 array of individualized treatment and transitional services, and  
16 emphasizes community involvement and support in order to reduce the  
17 likelihood a juvenile offender will commit further offenses;

18 ~~((15))~~ (16) "Juvenile," "youth," and "child" mean any  
19 individual who is under the chronological age of eighteen years and  
20 who has not been previously transferred to adult court pursuant to  
21 RCW 13.40.110, unless the individual was convicted of a lesser charge  
22 or acquitted of the charge for which he or she was previously  
23 transferred pursuant to RCW 13.40.110 or who is not otherwise under  
24 adult court jurisdiction;

25 ~~((16))~~ (17) "Juvenile offender" means any juvenile who has been  
26 found by the juvenile court to have committed an offense, including a  
27 person eighteen years of age or older over whom jurisdiction has been  
28 extended under RCW 13.40.300;

29 ~~((17))~~ (18) "Labor" means the period of time before a birth  
30 during which contractions are of sufficient frequency, intensity, and  
31 duration to bring about effacement and progressive dilation of the  
32 cervix;

33 ~~((18))~~ (19) "Local sanctions" means one or more of the  
34 following: (a) 0-30 days of confinement; (b) 0-12 months of community  
35 supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500  
36 fine;

37 ~~((19))~~ (20) "Manifest injustice" means a disposition that would  
38 either impose an excessive penalty on the juvenile or would impose a  
39 serious, and clear danger to society in light of the purposes of this  
40 chapter;

1       (~~(20)~~) (21) "Monitoring and reporting requirements" means one  
2 or more of the following: Curfews; requirements to remain at home,  
3 school, work, or court-ordered treatment programs during specified  
4 hours; restrictions from leaving or entering specified geographical  
5 areas; requirements to report to the probation officer as directed  
6 and to remain under the probation officer's supervision; and other  
7 conditions or limitations as the court may require which may not  
8 include confinement;

9       (~~(21)~~) (22) "Offense" means an act designated a violation or a  
10 crime if committed by an adult under the law of this state, under any  
11 ordinance of any city or county of this state, under any federal law,  
12 or under the law of another state if the act occurred in that state;

13       (~~(22)~~) (23) "Physical restraint" means the use of any bodily  
14 force or physical intervention to control a juvenile offender or  
15 limit a juvenile offender's freedom of movement in a way that does  
16 not involve a mechanical restraint. Physical restraint does not  
17 include momentary periods of minimal physical restriction by direct  
18 person-to-person contact, without the aid of mechanical restraint,  
19 accomplished with limited force and designed to:

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

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

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

25       (~~(23)~~) (24) "Postpartum recovery" means (a) the entire period a  
26 woman or youth is in the hospital, birthing center, or clinic after  
27 giving birth and (b) an additional time period, if any, a treating  
28 physician determines is necessary for healing after the youth leaves  
29 the hospital, birthing center, or clinic;

30       (~~(24)~~) (25) "Probation bond" means a bond, posted with  
31 sufficient security by a surety justified and approved by the court,  
32 to secure the offender's appearance at required court proceedings and  
33 compliance with court-ordered community supervision or conditions of  
34 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
35 a deposit of cash or posting of other collateral in lieu of a bond if  
36 approved by the court;

37       (~~(25)~~) (26) "Respondent" means a juvenile who is alleged or  
38 proven to have committed an offense;

39       (~~(26)~~) (27) "Restitution" means financial reimbursement by the  
40 offender to the victim, and shall be limited to easily ascertainable



1 damages for injury to or loss of property, actual expenses incurred  
2 for medical treatment for physical injury to persons, lost wages  
3 resulting from physical injury, and costs of the victim's counseling  
4 reasonably related to the offense. Restitution shall not include  
5 reimbursement for damages for mental anguish, pain and suffering, or  
6 other intangible losses. Nothing in this chapter shall limit or  
7 replace civil remedies or defenses available to the victim or  
8 offender;

9 ~~((27))~~ (28) "Restorative justice" means practices, policies,  
10 and programs informed by and sensitive to the needs of crime victims  
11 that are designed to encourage offenders to accept responsibility for  
12 repairing the harm caused by their offense by providing safe and  
13 supportive opportunities for voluntary participation and  
14 communication between the victim, the offender, their families, and  
15 relevant community members;

16 ~~((28))~~ (29) "Restraints" means anything used to control the  
17 movement of a person's body or limbs and includes:

18 (a) Physical restraint; or

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

22 ~~((29))~~ (30) "Screening" means a process that is designed to  
23 identify a child who is at risk of having mental health, substance  
24 abuse, or co-occurring mental health and substance abuse disorders  
25 that warrant immediate attention, intervention, or more comprehensive  
26 assessment. A screening may be undertaken with or without the  
27 administration of a formal instrument;

28 ~~((30))~~ (31) "Secretary" means the secretary of the department;

29 ~~((31))~~ (32) "Services" means services which provide  
30 alternatives to incarceration for those juveniles who have pleaded or  
31 been adjudicated guilty of an offense or have signed a diversion  
32 agreement pursuant to this chapter;

33 ~~((32))~~ (33) "Sex offense" means an offense defined as a sex  
34 offense in RCW 9.94A.030;

35 ~~((33))~~ (34) "Sexual motivation" means that one of the purposes  
36 for which the respondent committed the offense was for the purpose of  
37 his or her sexual gratification;

38 ~~((34))~~ (35) "Surety" means an entity licensed under state  
39 insurance laws or by the state department of licensing, to write  
40 corporate, property, or probation bonds within the state, and

1 justified and approved by the superior court of the county having  
2 jurisdiction of the case;

3 ~~((35))~~ (36) "Transportation" means the conveying, by any means,  
4 of an incarcerated pregnant youth from the institution or detention  
5 facility to another location from the moment she leaves the  
6 institution or detention facility to the time of arrival at the other  
7 location, and includes the escorting of the pregnant incarcerated  
8 youth from the institution or detention facility to a transport  
9 vehicle and from the vehicle to the other location;

10 ~~((36))~~ (37) "Violation" means an act or omission, which if  
11 committed by an adult, must be proven beyond a reasonable doubt, and  
12 is punishable by sanctions which do not include incarceration;

13 ~~((37))~~ (38) "Violent offense" means a violent offense as  
14 defined in RCW 9.94A.030;

15 ~~((38))~~ (39) "Youth court" means a diversion unit under the  
16 supervision of the juvenile court.

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

19 (1) A juvenile sentenced to a term of confinement to be served  
20 under the supervision of the department shall not be released from  
21 the physical custody of the department prior to the release date  
22 established under RCW 13.40.210 except as otherwise provided in this  
23 section.

24 (2) A juvenile serving a term of confinement under the  
25 supervision of the department may be released on authorized leave  
26 from the physical custody of the department only if consistent with  
27 public safety and if:

28 (a) Sixty percent of the minimum term of confinement has been  
29 served; and

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

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

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

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

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

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

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

22 (6) Prior to the commencement of any authorized leave, the  
23 secretary shall give notice of the leave to the appropriate law  
24 enforcement agency in the jurisdiction in which the juvenile will  
25 reside during the leave period. The notice shall include the identity  
26 of the juvenile, the time period of the leave, the residence of the  
27 juvenile during the leave, and the identity of the person responsible  
28 for supervising the juvenile during the leave.

29 (7) The secretary may authorize a leave, which shall not exceed  
30 forty-eight hours plus travel time, to meet an emergency situation  
31 such as a death or critical illness of a member of the juvenile's  
32 family. The secretary may authorize a leave, which shall not exceed  
33 the period of time medically necessary, to obtain medical care not  
34 available in a juvenile facility maintained by the department. In  
35 cases of emergency or medical leave the secretary may waive all or  
36 any portions of subsections (2)(a), (3), (4), (5), and (6) of this  
37 section.

38 (8) If requested by the juvenile's victim or the victim's  
39 immediate family, the secretary shall give notice of any leave or

1 community transition services under subsection (13) of this section  
2 to the victim or the victim's immediate family.

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

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

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

18 (~~(11)~~) (12) Subsections (6), (7), and (8) of this section do  
19 not apply to juveniles covered by RCW 13.40.215.

20 (13)(a) The department may require a person in its custody to  
21 serve the remainder of the person's sentence in community transition  
22 services if the department determines that such placement is in the  
23 best interest of the person and the community. The department shall  
24 establish appropriate conditions the person must comply with to  
25 remain in community transition services. A person must have served 60  
26 percent of their minimum term of confinement before becoming eligible  
27 for community transition services under the authority and supervision  
28 of the department.

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

32 (i) Behavioral health treatment;

33 (ii) Independent living;

34 (iii) Employment;

35 (iv) Education;

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

37 (vi) Community connections.

38 (c) Community transition services under this section is in lieu  
39 of confinement in an institution or community facility operated by

1 the department, and will not fulfill any period of parole required  
2 under RCW 13.40.210.

3 (d) If a person placed in community transition services under  
4 this section violates a condition of participation in the community  
5 transition services program, or if the department determines that  
6 placement in the program is no longer in the best interests of the  
7 person or community, the person may be returned to an institution  
8 operated by the department at the department's discretion.

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

11 (i) Persons with pending charges or warrants;

12 (ii) Level III sex offenders; and

13 (iii) Persons requiring out-of-state placement.

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

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

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

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

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

1 also include the restrictions described in subsection (5) of this  
2 section.

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

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

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

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

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

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

23 (iii) Any person specified in writing by the prosecuting  
24 attorney.

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

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

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

39 (2) (a) If a juvenile found to have committed a violent offense, a  
40 sex offense, or stalking escapes from a facility of the department,

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

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

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

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

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

38 (5) Upon discharge, parole, transfer to a community residential  
39 facility, or other authorized leave or release, a convicted juvenile  
40 sex offender shall not attend a public or approved private

1 elementary, middle, or high school that is attended by a victim or a  
2 sibling of a victim of the sex offender. The parents or legal  
3 guardians of the convicted juvenile sex offender shall be responsible  
4 for transportation or other costs associated with or required by the  
5 sex offender's change in school that otherwise would be paid by a  
6 school district.

7 (6) For purposes of this section the following terms have the  
8 following meanings:

9 (a) "Violent offense" means a violent offense under RCW  
10 9.94A.030;

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

12 (c) "Stalking" means the crime of stalking as defined in RCW  
13 9A.46.110;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

33 (2) Allowing for the use of new electronic home monitoring  
34 equipment and technologies as they become available that eliminate or  
35 minimize trauma, social stigma, and racial injustice, and imposing  
36 penalties for the knowing or intentional tampering, damaging, or  
37 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) Sections 1 through 6, 8, and 9 of  
25 this act take effect on the earlier of the following:

26        (a) The date on which rules adopted by the department of  
27 children, youth, and families under section 7 of this act take  
28 effect; or

29        (b) July 1, 2022.

30        (2) The department of children, youth, and families must provide  
31 notice of the effective date of sections 1 through 6, 8, and 9 of  
32 this act to affected parties, the chief clerk of the house of  
33 representatives, the secretary of the senate, the office of the code  
34 reviser, and others as deemed appropriate by the department of  
35 children, youth, and families.

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