

---

HOUSE BILL 1247

---

State of Washington

69th Legislature

2025 Regular Session

By Representatives Couture and Caldier

Prefiled 01/10/25. Read first time 01/13/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to limiting the placement of individuals  
2 convicted as an adult of offenses committed under the age of 18 who  
3 are placed in a juvenile rehabilitation institution to only those  
4 under age 21; and amending RCW 72.01.410 and 72.01.412.

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

6 **Sec. 1.** RCW 72.01.410 and 2019 c 322 s 2 are each amended to  
7 read as follows:

8 (1) Whenever any person is convicted as an adult in the courts of  
9 this state of a felony offense committed under the age of  
10 ~~((eighteen))~~ 18, and is committed for a term of confinement, that  
11 person shall be initially placed in a facility operated by the  
12 department of ~~((children, youth, and families. The department of))~~  
13 corrections ~~((shall))~~ to determine the person's earned release date.

14 (a) If the earned release date is prior to the person's 21st  
15 birthday, the department of corrections shall transfer the person to  
16 the custody of the department of children, youth, and families until  
17 the person completes the ordered term of confinement or arrives at  
18 the age of 21.

19 (b) While in the custody of the department of children, youth,  
20 and families, the person must have the same treatment, housing  
21 options, transfer, and access to program resources as any other

1 person committed to that juvenile correctional facility or  
2 institution pursuant to chapter 13.40 RCW. Except as provided under  
3 ~~((d))~~ (e) of this subsection, treatment, placement, and program  
4 decisions shall be at the sole discretion of the department of  
5 children, youth, and families. The person shall not be transferred to  
6 the custody of the department of corrections without the approval of  
7 the department of children, youth, and families until the person  
8 reaches the age of ~~((twenty-five))~~ 21.

9 ~~((b))~~ (c) If the person's sentence includes a term of community  
10 custody, the department of children, youth, and families shall not  
11 release the person to community custody until the department of  
12 corrections has approved the person's release plan pursuant to RCW  
13 9.94A.729(5)(b). If a person is held past his or her earned release  
14 date pending release plan approval, the department of children,  
15 youth, and families shall retain custody until a plan is approved or  
16 the person completes the ordered term of confinement prior to age  
17 ~~((twenty-five))~~ 21.

18 ~~((e))~~ (d) If the department of children, youth, and families  
19 determines that retaining custody of the person in a facility of the  
20 department of children, youth, and families presents a significant  
21 safety risk, the department of children, youth, and families may  
22 transfer the person to the custody of the department of corrections.

23 ~~((d))~~ (e) The department of corrections must retain authority  
24 over custody decisions relating to a person whose earned release date  
25 is on or after the person's ~~((twenty-fifth))~~ 21st birthday and who is  
26 placed in a facility operated by the department of children, youth,  
27 and families under this section, unless the person qualifies for  
28 partial confinement under RCW 72.01.412, and must approve any leave  
29 from the facility. When the person turns age ~~((twenty-five))~~ 21, he  
30 or she must be transferred to the department of corrections, except  
31 as described under RCW 72.01.412. The department of children, youth,  
32 and families has all routine and day-to-day operations authority for  
33 the person while the person is in its custody.

34 (2)(a) Except as provided in (b) and (c) of this subsection, a  
35 person under the age of ~~((eighteen))~~ 18 who is transferred to the  
36 custody of the department of corrections must be placed in a housing  
37 unit, or a portion of a housing unit, that is separated from other  
38 persons in custody who are ~~((eighteen))~~ 18 years of age or older,  
39 until the person reaches the age of ~~((eighteen))~~ 18.

1 (b) A person who is transferred to the custody of the department  
2 of corrections and reaches ~~((eighteen))~~ 18 years of age may remain in  
3 a housing unit for persons under the age of ~~((eighteen))~~ 18 if the  
4 secretary of corrections determines that: (i) The person's needs and  
5 the rehabilitation goals for the person could continue to be better  
6 met by the programs and housing environment that is separate from  
7 other persons in custody who are ~~((eighteen))~~ 18 years of age and  
8 older; and (ii) the programs or housing environment for persons under  
9 the age of ~~((eighteen))~~ 18 will not be substantially affected by the  
10 continued placement of the person in that environment. The person may  
11 remain placed in a housing unit for persons under the age of  
12 ~~((eighteen))~~ 18 until such time as the secretary of corrections  
13 determines that the person's needs and goals are no longer better met  
14 in that environment but in no case past the person's ~~((twenty-fifth))~~  
15 21st birthday.

16 (c) A person transferred to the custody of the department of  
17 corrections who is under the age of ~~((eighteen))~~ 18 may be housed in  
18 an intensive management unit or administrative segregation unit  
19 containing offenders ~~((eighteen))~~ 18 years of age or older if it is  
20 necessary for the safety or security of the offender or staff. In  
21 these cases, the offender must be kept physically separate from other  
22 offenders at all times.

23 ~~((3) The department of children, youth, and families must review  
24 the placement of a person over age twenty-one in the custody of the  
25 department of children, youth, and families under this section to  
26 determine whether the person should be transferred to the custody of  
27 the department of corrections. The department of children, youth, and  
28 families may determine the frequency of the review required under  
29 this subsection, but the review must occur at least once before the  
30 person reaches age twenty-three if the person's commitment period in  
31 a juvenile institution extends beyond the person's twenty-third  
32 birthday.))~~

33 **Sec. 2.** RCW 72.01.412 and 2023 c 470 s 3018 are each amended to  
34 read as follows:

35 (1) A person in the custody of the department of children, youth,  
36 and families under RCW 72.01.410 is eligible for community transition  
37 services under the authority and supervision of the department of  
38 children, youth, and families:

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

1 ~~(i) If the person's earned release date is after the person's~~  
2 ~~25th birthday but on or before the person's 26th birthday; and~~

3 ~~(ii) The department of children, youth, and families determines~~  
4 ~~that placement in community transition services is in the best~~  
5 ~~interests of the person and the community; or~~

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

10 ~~(i) The person has an earned release date that is before their~~  
11 ~~26th birthday)); and~~

12 ~~((ii))~~ (b) The department of children, youth, and families  
13 determines that such placement and retention by the department of  
14 children, youth, and families is in the best interests of the person  
15 and the community.

16 (2) "Term of confinement" as used in subsection (1) ~~((b))~~ (a) of  
17 this section means the term of confinement ordered, reduced by the  
18 total amount of earned time eligible for the offense.

19 (3) The department's determination under subsection (1) ~~((a)(ii)~~  
20 ~~and)~~ (b) ~~((ii))~~ of this section must include consideration of the  
21 person's behavior while in confinement and any disciplinary  
22 considerations.

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

26 (5) A person may only be placed in community transition services  
27 under this section for the remaining 18 months of their term of  
28 confinement.

29 (6) 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 of children, youth, and families,  
32 including but not limited to:

33 (a) Behavioral health treatment;

34 (b) Independent living;

35 (c) Employment;

36 (d) Education;

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

38 (f) Community connections.

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

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

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

11 (a) Persons with pending charges or warrants;

12 (b) Persons who will be transferred to the department of  
13 corrections, who are in the custody of the department of corrections,  
14 or who are under the supervision of the department of corrections;

15 (c) Persons who were adjudicated or convicted of the crime of  
16 murder in the first or second degree;

17 (d) Persons who meet the definition of a "persistent offender" as  
18 defined under RCW 9.94A.030;

19 (e) Level III sex offenders; and

20 (f) Persons requiring out-of-state placement.

21 ~~((10))~~ (9) As used in this section, "community transition  
22 services" means a therapeutic and supportive community-based custody  
23 option in which:

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

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

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

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

--- END ---