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SECOND SUBSTITUTE HOUSE BILL 1322

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State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Cortes, Simmons, Reed, Ormsby, Salahuddin, Nance, and Doglio)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to improving outcomes for individuals adjudicated  
2 of juvenile offenses by increasing opportunities for community  
3 placement options and refining procedural requirements; amending RCW  
4 13.40.160, 13.40.165, 13.40.185, 13.40.0357, 72.05.420, 13.40.210,  
5 13.40.215, 13.40.230, 72.01.412, and 13.40.205; and creating a new  
6 section.

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

8 **Sec. 1.** RCW 13.40.160 and 2023 c 295 s 9 are each amended to  
9 read as follows:

10 (1) The standard range disposition for a juvenile adjudicated of  
11 an offense is determined according to RCW 13.40.0357 and this  
12 section.

13 (a) When the court sentences an offender to a local sanction as  
14 provided in RCW 13.40.0357 option A, the court shall impose a  
15 determinate disposition within the standard ranges, except as  
16 provided in subsections (2) (~~(3), (4),~~) through (5) (~~(6)~~) of  
17 this section. The disposition may be comprised of one or more local  
18 sanctions.

19 (b) When the court sentences an offender to a standard range as  
20 provided in RCW 13.40.0357 option A that includes a term of  
21 confinement exceeding (~~thirty~~) 30 days, commitment shall be to the

1 department for the standard range of confinement, except as provided  
2 in subsections (2) (~~(3), (4),~~) through (5) (~~(6)~~) of this  
3 section for child molestation in the first degree offenses under RCW  
4 9A.44.083 and for hit and run resulting in death offenses under RCW  
5 46.52.020(4) (a) and for rape of a child in the second degree offenses  
6 under RCW 9A.44.076 and for rape in the second or third degree  
7 offenses under RCW 9A.44.050 and 9A.44.060 and for offenses listed in  
8 RCW 13.04.030(1) (e) (v).

9 (c) Except for child molestation in the first degree offenses  
10 under RCW 9A.44.083 and hit and run resulting in death offenses under  
11 RCW 46.52.020(4) (a) and rape of the child in the second degree  
12 offenses under RCW 9A.44.076 and rape in the second or third degree  
13 offenses under RCW 9A.44.050 and 9A.44.060 and offenses listed in RCW  
14 13.04.030(1) (e) (v), before the court sentences an offender to a  
15 standard range as provided in RCW 13.40.0357 option A that includes a  
16 term of confinement exceeding 30 days, the court shall make an  
17 independent finding, supported by clear and convincing evidence, that  
18 commitment to the department is needed because a community-based  
19 placement would not adequately protect the community. A stipulation  
20 by the parties alone is not sufficient to support an independent  
21 finding that commitment to the department is needed under this  
22 subsection. Commitment of a juvenile to confinement over 30 days must  
23 be to the department for the standard range of confinement, except as  
24 provided in this subsection and subsections (2) through (5) of this  
25 section.

26 (d) In making a finding under (c) of this subsection, the court  
27 shall consider the following factors:

28 (i) The severity of the offense or offenses for which the  
29 juvenile has most recently been adjudicated, including the juvenile's  
30 role in the offense, the juvenile's behavior, and harm done to  
31 victims;

32 (ii) The juvenile's criminal history, including the adequacy and  
33 success of previous attempts by the juvenile court to rehabilitate  
34 the juvenile;

35 (iii) Whether the programming, treatment, and education offered  
36 and provided in a juvenile rehabilitation facility is appropriate to  
37 meet the treatment and security needs of the juvenile;

38 (iv) Whether the goals of rehabilitation and community safety can  
39 be met by assigning the juvenile to a less restrictive disposition  
40 that is available to the court; and

1 (v) The juvenile's age, developmental maturity, mental and  
2 emotional health, sexual orientation, gender identity and expression,  
3 and any disabilities or special needs impacting the safety or  
4 suitability of committing the juvenile to a term of confinement in  
5 juvenile court.

6 (e) If the court does not make a finding under (c) of this  
7 subsection that commitment to the department is needed, the court may  
8 impose one or more local sanctions, in addition to a determinate  
9 sentence of electronic monitoring for up to the minimum of the  
10 juvenile's standard range while on community supervision. The court  
11 may also impose a suspended disposition.

12 (f) If the court does make a finding under (c) of this  
13 subsection, the court must maintain concurrent jurisdiction with the  
14 department over the juvenile, except the court's concurrent  
15 jurisdiction may be only for the purposes of conducting the review  
16 hearings described under RCW 13.40.185(3), and any community  
17 supervision that is ordered if a juvenile is released at the review  
18 hearing.

19 (g) If a juvenile is sentenced to a determinate sentence of  
20 electronic monitoring for up to the minimum of the juvenile's  
21 standard range under (e) of this subsection, and is found by the  
22 court to have violated any terms of an electronic monitoring  
23 agreement, the court may impose a sanction pursuant to RCW 13.40.200,  
24 or if the court makes a finding under RCW 13.40.160(1)(c), revoke the  
25 electronic monitoring and order confinement for up to the remainder  
26 of the determinate electronic monitoring sentence previously imposed.  
27 Upon completion of a sanction, the juvenile may resume electronic  
28 monitoring. Any time served in detention due to a violation of the  
29 terms of an electronic monitoring agreement shall be applied as  
30 credit for time served for the remaining time on electronic  
31 monitoring, or if revoked, confinement.

32 (2) If the court concludes, and enters reasons for its  
33 conclusion, that disposition within the standard range would  
34 effectuate a manifest injustice the court shall impose a disposition  
35 outside the standard range, as indicated in option D of RCW  
36 13.40.0357. The court's finding of manifest injustice shall be  
37 supported by clear and convincing evidence.

38 A disposition outside the standard range shall be determinate,  
39 subject to RCW 13.40.185(3), and shall be comprised of confinement or  
40 community supervision, or a combination thereof. When a judge finds a

1 manifest injustice and imposes a sentence of confinement exceeding  
2 (~~thirty~~) 30 days, the court shall sentence the juvenile to a  
3 maximum term, and the provisions of RCW 13.40.030(2) shall be used to  
4 determine the range. A disposition outside the standard range is  
5 appealable under RCW 13.40.230 by the state or the respondent. A  
6 disposition (~~within the standard range~~) with a term of confinement  
7 that is 30 days or less is not appealable under RCW 13.40.230. A  
8 disposition within the standard range for the offenses in subsection  
9 (1)(b) of this section is not appealable under RCW 13.40.230, but  
10 other dispositions, including revocations of suspended dispositions,  
11 with a term of confinement of more than 30 days are appealable under  
12 RCW 13.40.230.

13 (3) If a juvenile offender is found to have committed a sex  
14 offense, other than a sex offense that is also a serious violent  
15 offense as defined by RCW 9.94A.030, and has no history of a prior  
16 sex offense, the court may impose the special sex offender  
17 disposition alternative under RCW 13.40.162.

18 (~~If the juvenile offender is subject to a standard range~~  
19 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~  
20 ~~has not committed an A- or B+ offense, the~~) The court may impose the  
21 disposition alternative under RCW 13.40.165 unless a juvenile has  
22 been adjudicated of a child molestation in the first degree offense  
23 under RCW 9A.44.083 or a hit and run resulting in death offense under  
24 RCW 46.52.020(4)(a) or a rape of a child in the second degree offense  
25 under RCW 9A.44.076 or a rape in the second or third degree offense  
26 under RCW 9A.44.050 or 9A.44.060 or an offense listed in RCW  
27 13.04.030(1)(e)(v).

28 (~~If a juvenile is subject to a commitment of 15 to 65 weeks~~  
29 ~~of confinement, the court may impose the disposition alternative~~  
30 ~~under RCW 13.40.167.~~

31 (~~When the offender is subject to a standard range commitment~~  
32 ~~of 15 to 36 weeks and is ineligible for a suspended disposition~~  
33 ~~alternative, a manifest injustice disposition below the standard~~  
34 ~~range, special sex offender disposition alternative, chemical~~  
35 ~~dependency disposition alternative, or mental health disposition~~  
36 ~~alternative, the court in a county with a pilot program under RCW~~  
37 ~~13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

38 (~~7~~) RCW 13.40.193 shall govern the disposition of any juvenile  
39 adjudicated of possessing a firearm in violation of RCW

1 9.41.040(2)(a)(v) or any crime in which a special finding is entered  
2 that the juvenile was armed with a firearm.

3 ~~((+8))~~ (6) RCW 13.40.308 shall govern the disposition of any  
4 juvenile adjudicated of theft of a motor vehicle as defined under RCW  
5 9A.56.065, possession of a stolen motor vehicle as defined under RCW  
6 9A.56.068, taking a motor vehicle without permission in the first  
7 degree under RCW 9A.56.070, and taking a motor vehicle without  
8 permission in the second degree under RCW 9A.56.075.

9 ~~((+9))~~ (7) Whenever a juvenile offender is entitled to credit  
10 for time spent in detention prior to a dispositional order, the  
11 dispositional order shall specifically state the number of days of  
12 credit for time served.

13 ~~((+10))~~ (8) Except as provided under subsections (3) ~~((+4))~~  
14 through (5) ~~((+or+6))~~ of this section, or option B of RCW  
15 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer  
16 the imposition or the execution of the disposition.

17 ~~((+11))~~ (9) In no case shall the term of confinement imposed by  
18 the court at disposition exceed that to which an adult could be  
19 subjected for the same offense.

20 **Sec. 2.** RCW 13.40.165 and 2023 c 449 s 18 are each amended to  
21 read as follows:

22 (1) The purpose of this disposition alternative is to ensure that  
23 successful treatment options to reduce recidivism are available to  
24 eligible youth, pursuant to RCW 71.24.615. It is also the purpose of  
25 the disposition alternative to assure that minors in need of  
26 substance use disorder, mental health, and/or co-occurring disorder  
27 treatment receive an appropriate continuum of culturally relevant  
28 care and treatment, including prevention and early intervention,  
29 self-directed care, parent-directed care, and residential treatment.  
30 To facilitate the continuum of care and treatment to minors in out-  
31 of-home placements, all divisions of the department that provide  
32 these services to minors shall jointly plan and deliver these  
33 services. It is also the purpose of the disposition alternative to  
34 protect the rights of minors against needless hospitalization and  
35 deprivations of liberty and to enable treatment decisions to be made  
36 in response to clinical needs and in accordance with sound  
37 professional judgment. The mental health, substance abuse, and co-  
38 occurring disorder treatment providers shall, to the extent possible,  
39 offer services that involve minors' parents, guardians, and family.

1 (2) The court must consider eligibility for the substance use  
2 disorder or mental health disposition alternative when a juvenile  
3 offender is subject to a standard range disposition (~~(of local~~  
4 ~~sanctions or 15 to 36 weeks of confinement)~~) and has not committed a  
5 child molestation in the first degree offense under RCW 9A.44.083 or  
6 a hit and run resulting in death offense under RCW 46.52.020(4)(a) or  
7 a rape of a child in the second degree offense under RCW 9A.44.076 or  
8 a rape in the second or third degree offense under RCW 9A.44.050 or  
9 9A.44.060 or an ((A- or B+ offense, other than a first time B+  
10 offense under chapter 69.50 RCW)) offense under RCW  
11 13.04.030(1)(e)(v). The court, on its own motion or the motion of the  
12 state or the respondent if the evidence shows that the offender may  
13 be chemically dependent, substance abusing, or has significant mental  
14 health or co-occurring disorders may order an examination by a  
15 substance use disorder counselor from a substance use disorder  
16 treatment facility approved under chapter 70.96A RCW or a mental  
17 health professional as defined in chapter 71.34 RCW to determine if  
18 the youth is chemically dependent, substance abusing, or suffers from  
19 significant mental health or co-occurring disorders. The state shall  
20 pay the cost of any examination ordered under this subsection unless  
21 third-party insurance coverage is available.

22 (3) The report of the examination shall include at a minimum the  
23 following: The respondent's version of the facts and the official  
24 version of the facts, the respondent's offense history, an assessment  
25 of drug-alcohol problems, mental health diagnoses, previous treatment  
26 attempts, the respondent's social, educational, and employment  
27 situation, and other evaluation measures used. The report shall set  
28 forth the sources of the examiner's information.

29 (4) The examiner shall assess and report regarding the  
30 respondent's relative risk to the community. A proposed treatment  
31 plan shall be provided and shall include, at a minimum:

- 32 (a) Whether inpatient and/or outpatient treatment is recommended;  
33 (b) Availability of appropriate treatment;  
34 (c) Monitoring plans, including any requirements regarding living  
35 conditions, lifestyle requirements, and monitoring by family members,  
36 legal guardians, or others;

37 (d) Anticipated length of treatment; and

38 (e) Recommended crime-related prohibitions.

39 (5) The court on its own motion may order, or on a motion by the  
40 state or the respondent shall order, a second examination. The

1 evaluator shall be selected by the party making the motion. The  
2 requesting party shall pay the cost of any examination ordered under  
3 this subsection unless the requesting party is the offender, in which  
4 case the state shall pay the cost if no third-party insurance  
5 coverage is available.

6 (6) (a) After receipt of reports of the examination, the court  
7 shall then consider whether the offender and the community will  
8 benefit from use of this disposition alternative and consider the  
9 victim's opinion whether the offender should receive a treatment  
10 disposition under this section.

11 (b) If the court determines that this disposition alternative is  
12 appropriate, then the court shall impose the standard range for the  
13 offense, or if the court concludes, and enters reasons for its  
14 conclusion, that such disposition would effectuate a manifest  
15 injustice, the court shall impose a disposition above the standard  
16 range as indicated in option D of RCW 13.40.0357 if the disposition  
17 is an increase from the standard range and the confinement of the  
18 offender does not exceed a maximum of 52 weeks, suspend execution of  
19 the disposition, and place the offender on community supervision for  
20 up to one year. As a condition of the suspended disposition, the  
21 court shall require the offender to undergo available outpatient  
22 drug/alcohol, mental health, or co-occurring disorder treatment  
23 and/or inpatient mental health or drug/alcohol treatment. The court  
24 shall only order inpatient treatment under this section if a funded  
25 bed is available. If the inpatient treatment is longer than 90 days,  
26 the court shall hold a review hearing every 30 days beyond the  
27 initial 90 days. The respondent may appear telephonically at these  
28 review hearings if in compliance with treatment. As a condition of  
29 the suspended disposition, the court may impose conditions of  
30 community supervision and other sanctions, including up to 30 days of  
31 confinement, 150 hours of community restitution, and payment of  
32 restitution.

33 (7) The mental health/co-occurring disorder/drug/alcohol  
34 treatment provider shall submit monthly reports on the respondent's  
35 progress in treatment to the court and the parties. The reports shall  
36 reference the treatment plan and include at a minimum the following:  
37 Dates of attendance, respondent's compliance with requirements,  
38 treatment activities, the respondent's relative progress in  
39 treatment, and any other material specified by the court at the time  
40 of the disposition.

1 At the time of the disposition, the court may set treatment  
2 review hearings as the court considers appropriate.

3 If the offender violates any condition of the disposition or the  
4 court finds that the respondent is failing to make satisfactory  
5 progress in treatment, the court may impose sanctions pursuant to RCW  
6 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),  
7 revoke the suspension and order execution of the disposition. The  
8 court shall give credit for any confinement time previously served if  
9 that confinement was for the offense for which the suspension is  
10 being revoked.

11 (8) For purposes of this section, "victim" means any person who  
12 has sustained emotional, psychological, physical, or financial injury  
13 to person or property as a direct result of the offense charged.  
14 "Victim" may also include a known parent or guardian of a victim who  
15 is a minor child or is not a minor child but is incapacitated,  
16 incompetent, disabled, or deceased.

17 (9) Whenever a juvenile offender is entitled to credit for time  
18 spent in detention prior to a dispositional order, the dispositional  
19 order shall specifically state the number of days of credit for time  
20 served.

21 (10) In no case shall the term of confinement imposed by the  
22 court at disposition exceed that to which an adult could be subjected  
23 for the same offense.

24 (11) A disposition under this section is not appealable under RCW  
25 13.40.230, unless the court revokes the suspended disposition and  
26 makes a finding under RCW 13.40.160(1)(c).

27 (12) Subject to funds appropriated for this specific purpose, the  
28 costs incurred by the juvenile courts for the mental health,  
29 substance use disorder, and/or co-occurring disorder evaluations,  
30 treatment, and costs of supervision required under this section shall  
31 be paid by the health care authority.

32 (13) A juvenile, or the parent, guardian, or other person having  
33 custody of the juvenile shall not be required to pay the cost of any  
34 evaluation or treatment ordered under this section.

35 **Sec. 3.** RCW 13.40.185 and 2017 3rd sp.s. c 6 s 608 are each  
36 amended to read as follows:

37 (1) (~~Any~~) Except as provided under RCW 13.40.160(1)(e), any  
38 term of confinement imposed for an offense which exceeds (~~thirty~~)  
39 30 days shall be served under the supervision of the department.



1 although the juvenile court maintains concurrent jurisdiction with  
2 the department over the juvenile, only for the purposes of conducting  
3 review hearings described under this section and any community  
4 supervision that is ordered if a juvenile is released at the review  
5 hearing. If the period of confinement imposed for more than one  
6 offense exceeds (~~(thirty)~~) 30 days but the term imposed for each  
7 offense is less than (~~(thirty)~~) 30 days or if the court orders  
8 electronic monitoring up to the minimum of the standard range under  
9 RCW 13.40.160(1)(e), the confinement may, in the discretion of the  
10 court, be served in a juvenile facility operated by or pursuant to a  
11 contract with the state or a county.

12 (a) The juvenile court administrator and the secretary of the  
13 department, or the secretary's designee, in alignment with the  
14 definition of confinement in RCW 13.40.020(7), shall prioritize  
15 capacity-related concerns related to the physical custody of the  
16 juvenile when establishing contractual agreements in efforts to  
17 provide a humane, safe, and rehabilitative environment.

18 (b) Subject to the availability of funds appropriated for this  
19 specific purpose, the department shall establish contractual  
20 agreements with at least four juvenile court administrators,  
21 including at least one that is located east of the Cascade mountains,  
22 for the physical custody of young people with terms of confinement  
23 where there are less than 90 days before the release date set in  
24 accordance with RCW 13.40.210(1). The department must negotiate the  
25 contractual agreements required under this subsection with each  
26 county interested in providing for physical custody of young people  
27 as described under this subsection. Counties are not required to  
28 provide for the physical custody of young people as described under  
29 this subsection under existing contracts.

30 (2) Whenever a juvenile is confined in a detention facility or is  
31 committed to the department, the court may not directly order a  
32 juvenile into a particular county or state facility. The juvenile  
33 court administrator and the secretary or the secretary's designee, as  
34 appropriate, has the sole discretion to determine in which facility a  
35 juvenile should be confined or committed. The counties may operate a  
36 variety of detention facilities as determined by the county  
37 legislative authority subject to available funds.

38 (3) Excluding child molestation in the first degree offenses  
39 under RCW 9A.44.083 and hit and run resulting in death offenses under  
40 RCW 46.52.020(4)(a) and rape of a child in the second degree offenses

1 under RCW 9A.44.076 and rape in the second or third degree offenses  
2 under RCW 9A.44.050 and 9A.44.060 and the offenses listed in RCW  
3 13.04.030(1)(e)(v), the juvenile court maintains concurrent  
4 jurisdiction with the department over a juvenile who is committed to  
5 the department, except the court's concurrent jurisdiction may be  
6 only for the purposes of scheduling and conducting a review hearing  
7 at the mid-point of the minimum range, provided the review does not  
8 occur until after the juvenile has served at least four months in the  
9 custody of the department, and imposing any community supervision  
10 that is ordered if a juvenile is released at the review hearing. The  
11 court may schedule additional review hearings at its discretion.

12 (a) The department shall provide a report to the juvenile court  
13 at least 14 days before each review hearing detailing:

14 (i) The services received by the juvenile;

15 (ii) Any infractions committed by the juvenile;

16 (iii) How often the juvenile and the juvenile's family have had  
17 in-person visitation and video visits since the disposition hearing  
18 or the last review hearing, whichever is later; and

19 (iv) How often the juvenile has been under room confinement due  
20 to staffing issues or overpopulation and whether there have been any  
21 major disruptions to programming in the three months preceding the  
22 review hearing.

23 (b) During each review hearing the court shall consider the  
24 juvenile's progress and, unless the court makes a finding under RCW  
25 13.40.160(1)(c), shall release the juvenile from the custody of the  
26 department and place the juvenile on up to a year of community  
27 supervision administered by the county, unless the juvenile will be  
28 placed on mandatory parole, in which case the juvenile shall be  
29 released to parole rather than community supervision.

30 (c) The prosecutor shall provide notice to the victim at least  
31 two weeks before each review hearing described under subsection (3)  
32 of this section, if the victim requests such notice be provided.

33 (d) The respondent shall appear remotely for the hearing  
34 described under subsection (3) of this section, unless ordered by the  
35 court to appear in person.

36 **Sec. 4.** RCW 13.40.0357 and 2023 c 295 s 8 are each amended to  
37 read as follows:

38 **DESCRIPTION AND OFFENSE CATEGORY**

1		JUVENILE DISPOSITION
2	JUVENILE	CATEGORY FOR
3	DISPOSITION	ATTEMPT, BAILJUMP,
4	OFFENSE	CONSPIRACY, OR
5	CATEGORY	DESCRIPTION (RCW CITATION)
6		SOLICITATION
	<b>Arson and Malicious Mischief</b>	
7	A	Arson 1 (9A.48.020) B+
8	B	Arson 2 (9A.48.030) C
9	C	Reckless Burning 1 (9A.48.040) D
10	D	Reckless Burning 2 (9A.48.050) E
11	B	Malicious Mischief 1 (9A.48.070) C
12	C	Malicious Mischief 2 (9A.48.080) D
13	D	Malicious Mischief 3 (9A.48.090) E
14	E	Tampering with Fire Alarm Apparatus E
15		(9.40.100)
16	E	Tampering with Fire Alarm Apparatus E
17		with Intent to Commit Arson (9.40.105)
18	A	Possession of Incendiary Device B+
19		(9.40.120)
20	<b>Assault and Other Crimes Involving</b>	
21	<b>Physical Harm</b>	
22	A	Assault 1 (9A.36.011) B+
23	B+	Assault 2 (9A.36.021) C+
24	C+	Assault 3 (9A.36.031) D+
25	D+	Assault 4 (9A.36.041) E
26	B+	Drive-By Shooting (9A.36.045) C+
27		committed at age 15 or under
28	A++	Drive-By Shooting (9A.36.045) A
29		committed at age 16 or 17
30	D+	Reckless Endangerment (9A.36.050) E
31	C+	Promoting Suicide Attempt (9A.36.060) D+
32	D+	Coercion (9A.36.070) E
33	C+	Custodial Assault (9A.36.100) D+
34	<b>Burglary and Trespass</b>	
35	B+	Burglary 1 (9A.52.020) committed at C+
36		age 15 or under

1	A-	Burglary 1 (9A.52.020) committed at	B+
2		age 16 or 17	
3	B	Residential Burglary (9A.52.025)	C
4	B	Burglary 2 (9A.52.030)	C
5	D	Burglary Tools (Possession of)	E
6		(9A.52.060)	
7	D	Criminal Trespass 1 (9A.52.070)	E
8	E	Criminal Trespass 2 (9A.52.080)	E
9	C	Mineral Trespass (78.44.330)	C
10	C	Vehicle Prowling 1 (9A.52.095)	D
11	D	Vehicle Prowling 2 (9A.52.100)	E
12		<b>Drugs</b>	
13	E	Possession/Consumption of Alcohol	E
14		(66.44.270)	
15	C	Illegally Obtaining Legend Drug	D
16		(69.41.020)	
17	C+	Sale, Delivery, Possession of Legend	D+
18		Drug with Intent to Sell (69.41.030(2)(a))	
19	E	Possession of Legend	E
20		Drug (69.41.030(2)(b))	
21	B+	Violation of Uniform Controlled	B+
22		Substances Act - Narcotic,	
23		Methamphetamine, or Flunitrazepam	
24		Sale (69.50.401(2) (a) or (b))	
25	C	Violation of Uniform Controlled	C
26		Substances Act - Nonnarcotic Sale	
27		(69.50.401(2)(c))	
28	E	Possession of Cannabis <40 grams	E
29		(69.50.4014)	
30	C	Fraudulently Obtaining Controlled	C
31		Substance (69.50.403)	
32	C+	Sale of Controlled Substance for Profit	C+
33		(69.50.410)	
34	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	B
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.4011(2)	
5		(a) or (b))	
6	C	Violation of Uniform Controlled	C
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.4011(2) (c), (d), or (e))	
9	E	Violation of Uniform Controlled	E
10		Substances Act - Possession of a	
11		Controlled Substance (69.50.4013)	
12	C	Violation of Uniform Controlled	C
13		Substances Act - Possession of a	
14		Controlled Substance (69.50.4012)	
15		<b>Firearms and Weapons</b>	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm	C
18		(9A.56.310)	
19	E	Carrying Loaded Pistol Without Permit	E
20		(9.41.050)	
21	C	Possession of Firearms by Minor (<18)	C
22		(9.41.040(2)(a) (v))	
23	D+	Possession of Dangerous Weapon	E
24		(9.41.250)	
25	D	Intimidating Another Person by use of	E
26		Weapon (9.41.270)	
27		<b>Homicide</b>	
28	A+	Murder 1 (9A.32.030)	A
29	A+	Murder 2 (9A.32.050)	B+
30	B+	Manslaughter 1 (9A.32.060)	C+
31	C+	Manslaughter 2 (9A.32.070)	D+
32	B+	Vehicular Homicide (46.61.520)	C+
33		<b>Kidnapping</b>	
34	A	Kidnap 1 (9A.40.020)	B+
35	B+	Kidnap 2 (9A.40.030)	C+
36	C+	Unlawful Imprisonment (9A.40.040)	D+
37		<b>Obstructing Governmental Operation</b>	

1	D	Obstructing a Law Enforcement Officer	E
2		(9A.76.020)	
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant	C+
8		(9A.76.180)	
9	B+	Intimidating a Witness (9A.72.110)	C+
10		<b>Public Disturbance</b>	
11	C+	Criminal Mischief with Weapon	D+
12		(9A.84.010(2)(b))	
13	D+	Criminal Mischief Without Weapon	E
14		(9A.84.010(2)(a))	
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		<b>Sex Crimes</b>	
18	A	Rape 1 (9A.44.040)	B+
19	B++	Rape 2 (9A.44.050) committed at age 14	B+
20		or under	
21	A-	Rape 2 (9A.44.050) committed at age 15	B+
22		through age 17	
23	C+	Rape 3 (9A.44.060)	D+
24	B++	Rape of a Child 1 (9A.44.073)	B+
25		committed at age 14 or under	
26	A-	Rape of a Child 1 (9A.44.073)	B+
27		committed at age 15	
28	B+	Rape of a Child 2 (9A.44.076)	C+
29	B	Incest 1 (9A.64.020(1))	C
30	C	Incest 2 (9A.64.020(2))	D
31	D+	Indecent Exposure (Victim <14)	E
32		(9A.88.010)	
33	E	Indecent Exposure (Victim 14 or over)	E
34		(9A.88.010)	
35	B+	Promoting Prostitution 1 (9A.88.070)	C+
36	C+	Promoting Prostitution 2 (9A.88.080)	D+

1	E	O & A (Prostitution) (9A.88.030)	E
2	B+	Indecent Liberties (9A.44.100)	C+
3	B++	Child Molestation 1 (9A.44.083)	B+
4		committed at age 14 or under	
5	A-	Child Molestation 1 (9A.44.083)	B+
6		committed at age 15 through age 17	
7	B	Child Molestation 2 (9A.44.086)	C+
8	C	Failure to Register as a Sex Offender	D
9		(9A.44.132)	
10		<b>Theft, Robbery, Extortion, and</b>	
11		<b>Forgery</b>	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock 1 and 2 (9A.56.080	C
16		and 9A.56.083)	
17	C	Forgery (9A.60.020)	D
18	A	Robbery 1 (9A.56.200) committed at	B+
19		age 15 or under	
20	A++	Robbery 1 (9A.56.200) committed at	A
21		age 16 or 17	
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	C	Identity Theft 1 (9.35.020(2))	D
26	D	Identity Theft 2 (9.35.020(3))	E
27	D	Improperly Obtaining Financial	E
28		Information (9.35.010)	
29	B	Possession of a Stolen Vehicle	C
30		(9A.56.068)	
31	B	Possession of Stolen Property 1	C
32		(9A.56.150)	
33	C	Possession of Stolen Property 2	D
34		(9A.56.160)	
35	D	Possession of Stolen Property 3	E
36		(9A.56.170)	

1	B	Taking Motor Vehicle Without	C
2		Permission 1 (9A.56.070)	
3	C	Taking Motor Vehicle Without	D
4		Permission 2 (9A.56.075)	
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		<b>Motor Vehicle Related Crimes</b>	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	D
14		Vehicle (46.61.024)	
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	E
17		(46.61.502 and 46.61.504)	
18	B+	Felony Driving While Under the	B
19		Influence (46.61.502(6))	
20	B+	Felony Physical Control of a Vehicle	B
21		While Under the Influence (46.61.504(6))	
22		<b>Other</b>	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 <sup>1</sup> (9A.76.110)	C
26	C	Escape 2 <sup>1</sup> (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	E
29		(9.61.230)	
30	A	Other Offense Equivalent to an Adult	B+
31		Class A Felony	
32	B	Other Offense Equivalent to an Adult	C
33		Class B Felony	
34	C	Other Offense Equivalent to an Adult	D
35		Class C Felony	



- 1 D Other Offense Equivalent to an Adult E
- 2 Gross Misdemeanor
- 3 E Other Offense Equivalent to an Adult E
- 4 Misdemeanor
- 5 V Violation of Order of Restitution, V
- 6 Community Supervision, or Confinement
- 7 (13.40.200)<sup>2</sup>

8 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
 9 and the standard range is established as follows:

- 10 1st escape or attempted escape during 12-month period - 28 days
- 11 confinement
- 12 2nd escape or attempted escape during 12-month period - 8 weeks
- 13 confinement
- 14 3rd and subsequent escape or attempted escape during 12-month
- 15 period - 12 weeks confinement

16 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
 17 it may impose a penalty of up to 30 days of confinement.

18 **JUVENILE SENTENCING STANDARDS**

19 This schedule must be used for juvenile offenders. The court may  
 20 select sentencing option A, B, C, or D based on a court's finding  
 21 under RCW 13.40.160(1)(c).

22 **OPTION A**

23 **JUVENILE OFFENDER SENTENCING GRID**

24 **STANDARD RANGE**

25	A++	129 to 260 weeks for all category A++ offenses					
26	A+	180 weeks to age 21 for all category A+ offenses					
27	A	103-129 weeks for all category A offenses					
28	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
29	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
30	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
31	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
32	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
33		C	LS	LS	LS	LS	15-36 weeks

1	D+	LS	LS	LS	LS	LS
2	D	LS	LS	LS	LS	LS
3	E	LS	LS	LS	LS	LS
4	PRIOR	0	1	2	3	4 or more
5	ADJUDICATIONS					

6 NOTE: References in the grid to days or weeks mean periods of  
7 confinement. "LS" means "local sanctions" as defined in RCW  
8 13.40.020.

9 (1) The vertical axis of the grid is the current offense  
10 category. The current offense category is determined by the offense  
11 of adjudication.

12 (2) The horizontal axis of the grid is the number of prior  
13 adjudications included in the juvenile's criminal history. Each prior  
14 felony adjudication shall count as one point. Each prior violation,  
15 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
16 point. Fractional points shall be rounded down.

17 (3) The standard range disposition for each offense is determined  
18 by the intersection of the column defined by the prior adjudications  
19 and the row defined by the current offense category.

20 (4) RCW 13.40.180 applies if the offender is being sentenced for  
21 more than one offense.

22 (5) A current offense that is a violation is equivalent to an  
23 offense category of E. However, a disposition for a violation shall  
24 not include confinement.

25 **OR**

26 **OPTION B**

27 **SUSPENDED DISPOSITION ALTERNATIVE**

28 (1) If the offender is subject to a standard range disposition  
29 involving confinement by the department, the court may impose the  
30 standard range and suspend the disposition on condition that the  
31 offender comply with one or more local sanctions and any educational  
32 or treatment requirement. The treatment programs provided to the  
33 offender must be either research-based best practice programs as  
34 identified by the Washington state institute for public policy or the  
35 joint legislative audit and review committee, or for chemical  
36 dependency treatment programs or services, they must be evidence-

1 based or research-based best practice programs. For the purposes of  
2 this subsection:

3 (a) "Evidence-based" means a program or practice that has had  
4 multiple site random controlled trials across heterogeneous  
5 populations demonstrating that the program or practice is effective  
6 for the population; and

7 (b) "Research-based" means a program or practice that has some  
8 research demonstrating effectiveness, but that does not yet meet the  
9 standard of evidence-based practices.

10 (2) If the offender fails to comply with the suspended  
11 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
12 or may revoke the suspended disposition and order the disposition's  
13 execution.

14 (3) An offender is ineligible for the suspended disposition  
15 option under this section if the offender is adjudicated of(~~(~~

16 ~~(a) Is adjudicated of an A+ or A++ offense;~~

17 ~~(b) Is fourteen years of age or older and is adjudicated of one  
18 or more of the following offenses:~~

19 ~~(i) A class A offense, or an attempt, conspiracy, or solicitation  
20 to commit a class A offense;~~

21 ~~(ii) Manslaughter in the first degree (RCW 9A.32.060);~~

22 ~~(iii) Assault in the second degree (RCW 9A.36.021), extortion in  
23 the first degree (RCW 9A.56.120), kidnapping in the second degree  
24 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
25 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
26 manslaughter 2 (RCW 9A.32.070); or~~

27 ~~(iv) Violation of the uniform controlled substances act (RCW  
28 69.50.401(2) (a) and (b)), when the offense includes infliction of  
29 bodily harm upon another or when during the commission or immediate  
30 withdrawal from the offense the respondent was armed with a deadly  
31 weapon;~~

32 ~~(c) Is ordered to serve a disposition for a firearm violation  
33 under RCW 13.40.193;~~

34 ~~(d) Is adjudicated of a) an offense under RCW  
35 13.04.030(1)(e)(v), a child molestation in the first degree offense  
36 under RCW 9A.44.083, a hit and run resulting in death offense under  
37 RCW 46.52.020(4)(a), a rape of a child in the second degree offense  
38 under RCW 9A.44.076, a rape in the second or third degree offense  
39 under RCW 9A.44.050 or 9A.44.060, or a sex offense as defined in RCW  
40 9.94A.030(~~(;~~ or~~

1 ~~(e) Has a prior option B disposition)).~~

2 (4) The court may revoke a suspended disposition only if the  
3 court makes a finding under RCW 13.40.160(1)(c). A revocation of a  
4 suspended disposition is appealable under RCW 13.40.230.

5 OR

6 **OPTION C**

7 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

8 ~~((If the juvenile offender is subject to a standard range~~  
9 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~  
10 ~~has not committed a B++ or B+ offense)) Unless a juvenile has been~~

11 adjudicated of a child molestation in the first degree offense under  
12 RCW 9A.44.083 or a hit and run resulting in death offense under RCW  
13 46.52.020(4)(a) or a rape of a child in the second degree offense  
14 under RCW 9A.44.076 or a rape in the second or third degree offense  
15 under RCW 9A.44.050 or 9A.44.060 or an offense under RCW  
16 13.04.030(1)(e)(v), the court may impose a disposition under RCW  
17 13.40.160(4) and 13.40.165. The court may revoke this disposition  
18 alternative only if the court makes a finding under RCW  
19 13.40.160(1)(c).

20 OR

21 **OPTION D**

22 **MANIFEST INJUSTICE**

23 If the court determines that a disposition under option A, B, or C  
24 would effectuate a manifest injustice, the court shall impose a  
25 disposition outside the standard range under RCW 13.40.160(2).

26 **Sec. 5.** RCW 72.05.420 and 1998 c 269 s 10 are each amended to  
27 read as follows:

28 (1) The department shall not initially place an offender in a  
29 community facility unless(~~+~~

30 ~~(a) The~~) the department has conducted a risk assessment,  
31 including a determination of drug and alcohol abuse, and the results  
32 indicate the juvenile will pose not more than a minimum risk to  
33 public safety(~~;~~ and

34 ~~(b) The offender has spent at least ten percent of his or her~~  
35 ~~sentence, but in no event less than thirty days, in a secure~~  
36 ~~institution operated by, or under contract with, the department)).~~

1 The risk assessment must include consideration of all prior  
2 convictions and all available nonconviction data released upon  
3 request under RCW 10.97.050, and any serious infractions or serious  
4 violations while under the jurisdiction of the secretary or the  
5 courts.

6 ~~(2) ((No juvenile offender may be placed in a community facility  
7 until the juvenile's student records and information have been  
8 received and the department has reviewed them in conjunction with all  
9 other information used for risk assessment, security classification,  
10 and placement of the juvenile.~~

11 ~~(3))~~ A juvenile offender shall not be placed in a community  
12 facility until the department's risk assessment and security  
13 classification is complete ~~((and local law enforcement has been  
14 properly notified))~~.

15 **Sec. 6.** RCW 13.40.210 and 2024 c 297 s 16 are each amended to  
16 read as follows:

17 (1) The secretary shall set a release date for each juvenile  
18 committed to its custody and prioritize setting the release date as  
19 soon as possible for juveniles who would serve less than 90 days  
20 under the supervision of the department. The release date shall be  
21 within the prescribed range to which a juvenile has been committed  
22 under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320  
23 concerning offenders the department determines are eligible for the  
24 juvenile offender basic training camp program. Such dates shall be  
25 determined prior to the expiration of sixty percent of a juvenile's  
26 minimum term of confinement included within the prescribed range to  
27 which the juvenile has been committed. The secretary shall release  
28 any juvenile committed to the custody of the department within four  
29 calendar days prior to the juvenile's release date or on the release  
30 date set under this chapter. Days spent in the custody of the  
31 department shall be tolled by any period of time during which a  
32 juvenile has absented himself or herself from the department's  
33 supervision without the prior approval of the secretary or the  
34 secretary's designee.

35 (2) The secretary shall monitor the average daily population of  
36 the state's juvenile residential facilities. When the secretary  
37 concludes that in-residence population of residential facilities  
38 exceeds one hundred five percent of the rated bed capacity specified  
39 in statute, or in absence of such specification, as specified by the

1 department in rule, the secretary may recommend reductions to the  
2 governor. On certification by the governor that the recommended  
3 reductions are necessary, the secretary has authority to  
4 administratively release a sufficient number of offenders to reduce  
5 in-residence population to one hundred percent of rated bed capacity.  
6 The secretary shall release those offenders who have served the  
7 greatest proportion of their sentence. However, the secretary may  
8 deny release in a particular case at the request of an offender, or  
9 if the secretary finds that there is no responsible custodian, as  
10 determined by the department, to whom to release the offender, or if  
11 the release of the offender would pose a clear danger to society. The  
12 department shall notify the committing court of the release at the  
13 time of release if any such early releases have occurred as a result  
14 of excessive in-residence population. In no event shall an offender  
15 adjudicated of a violent offense be granted release under the  
16 provisions of this subsection.

17 (3) (a) Following the release of any juvenile under subsection (1)  
18 of this section, the secretary may require the juvenile to comply  
19 with a program of parole to be administered by the department in his  
20 or her community which shall last no longer than eighteen months,  
21 except that in the case of a juvenile sentenced for a sex offense as  
22 defined under RCW 9.94A.030 the period of parole shall be twenty-four  
23 months and, in the discretion of the secretary, may be up to thirty-  
24 six months when the secretary finds that an additional period of  
25 parole is necessary and appropriate in the interests of public safety  
26 or to meet the ongoing needs of the juvenile. A parole program is  
27 mandatory for offenders released under subsection (2) of this section  
28 and for offenders who receive a juvenile residential commitment  
29 sentence for theft of a motor vehicle, possession of a stolen motor  
30 vehicle, or taking a motor vehicle without permission 1. A juvenile  
31 adjudicated for unlawful possession of a firearm, possession of a  
32 stolen firearm, theft of a firearm, or drive-by shooting may  
33 participate in aggression replacement training, functional family  
34 therapy, or functional family parole aftercare if the juvenile meets  
35 eligibility requirements for these services. The decision to place an  
36 offender in an evidence-based parole program shall be based on an  
37 assessment by the department of the offender's risk for reoffending  
38 upon release and an assessment of the ongoing treatment needs of the  
39 juvenile. The department shall prioritize available parole resources

1 to provide supervision and services to offenders at moderate to high  
2 risk for reoffending.

3 (b) The secretary shall, for the period of parole, facilitate the  
4 juvenile's reintegration into his or her community and to further  
5 this goal shall require the juvenile to refrain from possessing a  
6 firearm or using a deadly weapon, and refrain from committing new  
7 offenses or violating any orders issued by the juvenile court  
8 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)  
9 Undergo available medical, psychiatric, drug and alcohol, sex  
10 offender, mental health, and other offense-related treatment  
11 services; (ii) report as directed to a parole officer and/or  
12 designee; (iii) pursue a course of study, vocational training, or  
13 employment; (iv) notify the parole officer of the current address  
14 where he or she resides; (v) be present at a particular address  
15 during specified hours; (vi) remain within prescribed geographical  
16 boundaries; (vii) submit to electronic monitoring; (viii) refrain  
17 from using illegal drugs and alcohol, and submit to random urinalysis  
18 when requested by the assigned parole officer; (ix) refrain from  
19 contact with specific individuals or a specified class of  
20 individuals; (x) meet other conditions determined by the parole  
21 officer to further enhance the juvenile's reintegration into the  
22 community; (xi) pay any court-ordered fines or restitution; and (xii)  
23 perform community restitution. Community restitution for the purpose  
24 of this section means compulsory service, without compensation,  
25 performed for the benefit of the community by the offender. Community  
26 restitution may be performed through public or private organizations  
27 or through work crews.

28 (c) The secretary may further require up to twenty-five percent  
29 of the highest risk juvenile offenders who are placed on parole to  
30 participate in an intensive supervision program. Offenders  
31 participating in an intensive supervision program shall be required  
32 to comply with all terms and conditions listed in (b) of this  
33 subsection and shall also be required to comply with the following  
34 additional terms and conditions: (i) Obey all laws and refrain from  
35 any conduct that threatens public safety; (ii) report at least once a  
36 week to an assigned community case manager; and (iii) meet all other  
37 requirements imposed by the community case manager related to  
38 participating in the intensive supervision program. As a part of the  
39 intensive supervision program, the secretary may require day  
40 reporting.

1 (d) After termination of the parole period, the juvenile shall be  
2 discharged from the department's supervision.

3 (4) (a) The department may also modify parole for violation  
4 thereof. If, after affording a juvenile all of the due process rights  
5 to which he or she would be entitled if the juvenile were an adult,  
6 the secretary finds that a juvenile has violated a condition of his  
7 or her parole, the secretary shall order one of the following which  
8 is reasonably likely to effectuate the purpose of the parole and to  
9 protect the public: (i) Continued supervision under the same  
10 conditions previously imposed; (ii) intensified supervision with  
11 increased reporting requirements; (iii) additional conditions of  
12 supervision authorized by this chapter; (iv) except as provided in  
13 (a) (v) and (vi) of this subsection, imposition of a period of  
14 confinement not to exceed thirty days in a facility operated by or  
15 pursuant to a contract with the state of Washington or any city or  
16 county for a portion of each day or for a certain number of days each  
17 week with the balance of the days or weeks spent under supervision;  
18 (v) the secretary may order any of the conditions or may return the  
19 offender to confinement for the remainder of the sentence range if  
20 the offense for which the offender was sentenced is rape in the first  
21 or second degree, rape of a child in the first or second degree,  
22 child molestation in the first degree, indecent liberties with  
23 forcible compulsion, or a sex offense that is also a serious violent  
24 offense as defined by RCW 9.94A.030; and (vi) the secretary may order  
25 any of the conditions or may return the offender to confinement for  
26 the remainder of the sentence range if the youth has completed the  
27 basic training camp program as described in RCW 13.40.320.

28 (b) The secretary may modify parole and order any of the  
29 conditions or may return the offender to confinement for up to  
30 twenty-four weeks if the offender was sentenced for a sex offense as  
31 defined under RCW 9A.44.128 and is known to have violated the terms  
32 of parole. Confinement beyond thirty days is intended to only be used  
33 for a small and limited number of sex offenders. It shall only be  
34 used when other graduated sanctions or interventions have not been  
35 effective or the behavior is so egregious it warrants the use of the  
36 higher level intervention and the violation: (i) Is a known pattern  
37 of behavior consistent with a previous sex offense that puts the  
38 youth at high risk for reoffending sexually; (ii) consists of sexual  
39 behavior that is determined to be predatory as defined in RCW  
40 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to



1 a recent overt act. The total number of days of confinement for  
2 violations of parole conditions during the parole period shall not  
3 exceed the number of days provided by the maximum sentence imposed by  
4 the disposition for the underlying offense pursuant to RCW  
5 13.40.0357. The department shall not aggregate multiple parole  
6 violations that occur prior to the parole revocation hearing and  
7 impose consecutive twenty-four week periods of confinement for each  
8 parole violation. The department is authorized to engage in rule  
9 making pursuant to chapter 34.05 RCW, to implement this subsection,  
10 including narrowly defining the behaviors that could lead to this  
11 higher level intervention.

12 (c) If the department finds that any juvenile in a program of  
13 parole has possessed a firearm or used a deadly weapon during the  
14 program of parole, the department shall modify the parole under (a)  
15 of this subsection and confine the juvenile for at least thirty days.  
16 Confinement shall be in a facility operated by or pursuant to a  
17 contract with the state or any county.

18 (5) A parole officer of the department of children, youth, and  
19 families shall have the power to arrest a juvenile under his or her  
20 supervision on the same grounds as a law enforcement officer would be  
21 authorized to arrest the person.

22 (6) If so requested and approved under chapter 13.06 RCW, the  
23 secretary shall permit a county or group of counties to perform  
24 functions under subsections (3) through (5) of this section.

25 **Sec. 7.** RCW 13.40.215 and 2021 c 206 s 5 are each amended to  
26 read as follows:

27 (1)(a) 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~~) after transfer to a community residential facility or  
31 community transition services program, the secretary shall send  
32 written notice of the discharge, parole, authorized leave or release,  
33 or transfer of a juvenile found to have committed a serious violent  
34 offense, a sex offense, or stalking, to the following:

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

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

38 (b) (~~(+i)~~) Except as provided in subsection (2) of this section,  
39 at the earliest practicable date, and in no event later than thirty

1 days before discharge, parole, or any other authorized leave or  
2 release, or ~~((before))~~ after transfer to a community residential  
3 facility or community transition services program, the secretary  
4 shall send written notice of the discharge, parole, authorized leave  
5 or release, or transfer of an individual who is found to have  
6 committed a serious violent offense or a sex offense, is twenty-one  
7 years of age or younger, and has not received a high school diploma  
8 or its equivalent, to the designated recipient of the school where  
9 the juvenile ~~((either: (A) Was enrolled prior to incarceration or  
10 detention; or (B))~~) has expressed an intention to enroll following  
11 ~~((his or her))~~ the juvenile's release. This notice must also include  
12 the restrictions described in subsection (5) of this section.

13 ~~((ii) The community residential facility shall provide written  
14 notice of the offender's criminal history to the designated recipient  
15 of any school that the offender attends while residing at the  
16 community residential facility and to any employer that employs the  
17 offender while residing at the community residential facility.~~

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

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

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

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

33 (iii) Any person specified in writing by the prosecuting  
34 attorney.

35 Information regarding victims, next of kin, or witnesses requesting  
36 the notice, information regarding any other person specified in  
37 writing by the prosecuting attorney to receive the notice, and the  
38 notice are confidential and shall not be available to the juvenile.  
39 The notice to the chief of police or the sheriff shall include the  
40 identity of the juvenile, the residence where the juvenile will

1 reside, the identity of the person, if any, responsible for  
2 supervising the juvenile, and the time period of any authorized  
3 leave.

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

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

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

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

38 In case of an emergency or medical leave the secretary may waive  
39 all or any portion of the requirements for leaves pursuant to RCW  
40 13.40.205 (2)(a), (3), (4), and (5).

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

4 (4) The secretary shall send the notices required by this chapter  
5 to the last address provided to the department by the requesting  
6 party. The requesting party shall furnish the department with a  
7 current address.

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

17 (6) For purposes of this section the following terms have the  
18 following meanings:

19 (a) "~~(Violent)~~ Serious violent offense" means a serious violent  
20 offense under RCW 9.94A.030;

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

22 (c) "Stalking" means the crime of stalking as defined in RCW  
23 9A.46.110;

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

26 **Sec. 8.** RCW 13.40.230 and 1997 c 338 s 35 are each amended to  
27 read as follows:

28 (1) Dispositions reviewed pursuant to RCW 13.40.160 shall be  
29 reviewed in the appropriate division of the court of appeals.

30 An appeal under this section shall be heard solely upon the  
31 record that was before the disposition court. No written briefs may  
32 be required, and the appeal shall be heard within thirty days  
33 following the date of sentencing and a decision rendered within  
34 fifteen days following the argument. The supreme court shall  
35 promulgate any necessary rules to effectuate the purposes of this  
36 section.

37 (2) To uphold a disposition outside the standard range, the court  
38 of appeals must find: (a) ~~(that)~~ That the reasons supplied by the  
39 disposition judge are supported by the record which was before the

1 judge and that those reasons clearly and convincingly support the  
2 conclusion that a disposition within the range would constitute a  
3 manifest injustice(~~(7)~~); and (b) that the sentence imposed was  
4 neither clearly excessive nor clearly too lenient.

5 (3) If the court does not find subsection (2)(a) of this section  
6 it shall remand the case for disposition within the standard range.

7 (4) If the court finds subsection (2)(a) of this section but not  
8 subsection (2)(b) of this section it shall remand the case with  
9 instructions for further proceedings consistent with the provisions  
10 of this chapter.

11 To uphold a finding under RCW 13.40.160(1)(c), the court of  
12 appeals must find: (a) That the reasons supplied by the disposition  
13 judge are supported by the record which was before the judge; and (b)  
14 that those reasons clearly and convincingly support the conclusion  
15 that commitment to the department is needed because a community-based  
16 placement would not adequately protect the community.

17 (6) The disposition court may impose conditions on release  
18 pending appeal as provided in RCW 13.40.040(~~((4))~~) (5) and  
19 13.40.050(6).

20 (~~((6))~~) (7) Appeal of a disposition under this section does not  
21 affect the finality or appeal of the underlying adjudication of  
22 guilt.

23 **Sec. 9.** RCW 72.01.412 and 2023 c 470 s 3018 are each amended to  
24 read as follows:

25 (1) A person in the custody of the department of children, youth,  
26 and families under RCW 72.01.410 is eligible for community transition  
27 services under the authority and supervision of the department of  
28 children, youth, and families:

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

30 (i) If the person's earned release date is after the person's  
31 25th birthday but on or before the person's 26th birthday; and

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

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

1 (i) The person has an earned release date that is before their  
2 26th birthday; and

3 (ii) The department of children, youth, and families determines  
4 that such placement and retention by the department of children,  
5 youth, and families is in the best interests of the person and the  
6 community.

7 (2) "Term of confinement" as used in subsection (1)(b) of this  
8 section means the term of confinement ordered, reduced by the total  
9 amount of earned time eligible for the offense.

10 (3) The department's determination under subsection (1)(a)(ii)  
11 and (b)(ii) of this section must include consideration of the  
12 person's behavior while in confinement and any disciplinary  
13 considerations.

14 (4) The department of children, youth, and families retains the  
15 authority to transfer the person to the custody of the department of  
16 corrections under RCW 72.01.410.

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

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

24 (a) Behavioral health treatment;  
25 (b) Independent living;  
26 (c) Employment;  
27 (d) Education;  
28 (e) Connections to family and natural supports; and  
29 (f) Community connections.

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

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

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

1 (a) Persons with pending charges or warrants, except those who  
2 are charged with an offense that allegedly occurred at a juvenile  
3 rehabilitation institution;

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

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

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

11 (e) Level III sex offenders; and

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

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

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

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

23 (c) The department of children, youth, and families provides  
24 access to developmentally appropriate, trauma-informed, racial  
25 equity-based, and culturally relevant programs to promote successful  
26 reentry; and

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

31 **Sec. 10.** RCW 13.40.205 and 2021 c 206 s 4 are each amended to  
32 read as follows:

33 (1) A juvenile sentenced to a term of confinement to be served  
34 under the supervision of the department shall not be released from  
35 the physical custody of the department prior to the release date  
36 established under RCW 13.40.210 except as otherwise provided in this  
37 section.

38 (2) A juvenile serving a term of confinement under the  
39 supervision of the department may be released on authorized leave

1 from the physical custody of the department only if consistent with  
2 public safety and if:

3 (a) Sixty percent of the minimum term of confinement has been  
4 served; and

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

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

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

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

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

18 (4) Prior to authorizing a leave, the secretary shall require a  
19 written leave plan, which shall detail the purpose of the leave and  
20 how it is to be achieved, the address at which the juvenile shall  
21 reside, the identity of the person responsible for supervising the  
22 juvenile during the leave, and a statement by such person  
23 acknowledging familiarity with the leave plan and agreeing to  
24 supervise the juvenile and to notify the secretary immediately if the  
25 juvenile violates any terms or conditions of the leave. The leave  
26 plan shall include such terms and conditions as the secretary deems  
27 appropriate and shall be signed by the juvenile.

28 (5) Upon authorizing a leave, the secretary shall issue to the  
29 juvenile an authorized leave order which shall contain the name of  
30 the juvenile, the fact that the juvenile is on leave from a  
31 designated facility, the time period of the leave, and the identity  
32 of an appropriate official of the department to contact when  
33 necessary. The authorized leave order shall be carried by the  
34 juvenile at all times while on leave.

35 (6) Prior to the commencement of any authorized leave, the  
36 secretary shall give notice of the leave to the appropriate law  
37 enforcement agency in the jurisdiction in which the juvenile will  
38 reside during the leave period. The notice shall include the identity  
39 of the juvenile, the time period of the leave, the residence of the



1 juvenile during the leave, and the identity of the person responsible  
2 for supervising the juvenile during the leave.

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

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

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

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

22 (11) Notwithstanding the provisions of this section, a juvenile  
23 placed in minimum security status or in community transition services  
24 under subsection (13) of this section may participate in work,  
25 educational, community restitution, or treatment programs in the  
26 community up to twelve hours a day if approved by the secretary. Such  
27 a release shall not be deemed a leave of absence. This authorization  
28 may be increased to more than twelve hours a day up to sixteen hours  
29 a day if approved by the secretary and operated within the  
30 department's appropriations.

31 (12) Subsections (6), (7), and (8) of this section do not apply  
32 to juveniles covered by RCW 13.40.215.

33 (13)(a) The department may require a person in its custody to  
34 serve the remainder of the person's sentence in community transition  
35 services if the department determines that such placement is in the  
36 best interest of the person and the community using the risk  
37 assessment tool and considering the availability of appropriate  
38 placements, treatment, and programming. The department's  
39 determination described under this subsection must include  
40 consideration of the person's behavior while in confinement and any

1 disciplinary considerations. The department shall establish  
2 appropriate conditions the person must comply with to remain in  
3 community transition services. A person must have served 60 percent  
4 of their minimum term of confinement and no less than 15 weeks of  
5 total confinement including time spent in detention prior to  
6 sentencing or the entry of a dispositional order before becoming  
7 eligible for community transition services under the authority and  
8 supervision of the department.

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

- 12 (i) Behavioral health treatment;
- 13 (ii) Independent living;
- 14 (iii) Employment;
- 15 (iv) Education;
- 16 (v) Connections to family and natural supports; and
- 17 (vi) Community connections.

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

22 (d) If a person placed in community transition services under  
23 this section violates a condition of participation in the community  
24 transition services program, or if the department determines that  
25 placement in the program is no longer in the best interests of the  
26 person or community, the person may be returned to an institution  
27 operated by the department at the department's discretion.

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

30 (i) Persons with pending charges or warrants, except those that  
31 are charged with an offense that allegedly occurred at a juvenile  
32 rehabilitation institution;

33 (ii) Persons who will be transferred to the department of  
34 corrections, who are in the custody of the department of corrections,  
35 or who are under the supervision of the department of corrections;

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

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

40 (v) Level III sex offenders; and

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

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

9 NEW SECTION. **Sec. 11.** If specific funding for the purposes of  
10 this act, referencing this act by bill or chapter number, is not  
11 provided by June 30, 2025, in the omnibus appropriations act, this  
12 act is null and void.

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