
SENATE BILL 5277

State of Washington

69th Legislature

2025 Regular Session

By Senators Braun, Christian, and Dozier

Read first time 01/15/25. Referred to Committee on Human Services.

1 AN ACT Relating to repeal of juvenile rehabilitation to 25
2 legislation; amending RCW 13.40.0357, 13.40.110, 13.40.193,
3 13.40.300, 72.01.410, 13.40.020, 13.40.205, 13.40.215, and 13.22.010;
4 reenacting and amending RCW 13.04.030; repealing RCW 13.40.301,
5 13.04.800, 72.01.412, and 43.216.180; repealing 2019 c 322 s 1
6 (uncodified); and repealing 2021 c 206 ss 1, 8, and 10 (uncodified).

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

8 **Sec. 1.** RCW 13.04.030 and 2024 c 232 s 2 and 2024 c 117 s 3 are
9 each reenacted and amended to read as follows:

10 (1) Except as provided in this section, the juvenile courts in
11 this state shall have exclusive original jurisdiction over all
12 proceedings:

13 (a) Under the interstate compact on placement of children as
14 provided in chapter 26.34 RCW;

15 (b) Relating to children alleged or found to be dependent as
16 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

17 (c) Relating to the termination of a parent and child
18 relationship as provided in RCW 13.34.180 through 13.34.210;

19 (d) To approve or disapprove out-of-home placement as provided in
20 RCW 13.32A.170;

1 (e) Relating to juveniles alleged or found to have committed
2 offenses, traffic or civil infractions, or violations as provided in
3 RCW 13.40.020 through 13.40.230, unless:

4 (i) The juvenile court transfers jurisdiction of a particular
5 juvenile to adult criminal court pursuant to RCW 13.40.110;

6 (ii) The statute of limitations applicable to adult prosecution
7 for the offense, traffic or civil infraction, or violation has
8 expired;

9 (iii) The alleged offense or infraction is a traffic, fish,
10 boating, or game offense, or traffic or civil infraction committed by
11 a juvenile 16 years of age or older and would, if committed by an
12 adult, be tried or heard in a court of limited jurisdiction, in which
13 instance the appropriate court of limited jurisdiction shall have
14 jurisdiction over the alleged offense or infraction, and no guardian
15 ad litem is required in any such proceeding due to the juvenile's
16 age. If such an alleged offense or infraction and an alleged offense
17 or infraction subject to juvenile court jurisdiction arise out of the
18 same event or incident, the juvenile court may have jurisdiction of
19 both matters. The jurisdiction under this subsection does not
20 constitute "transfer" or a "decline" for purposes of RCW 13.40.110
21 (1) or (2) or (e)(i) of this subsection. Courts of limited
22 jurisdiction which confine juveniles for an alleged offense or
23 infraction may place juveniles in juvenile detention facilities under
24 an agreement with the officials responsible for the administration of
25 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

26 (iv) The alleged offense is a traffic or civil infraction, a
27 violation of compulsory school attendance provisions under chapter
28 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
29 has assumed concurrent jurisdiction over those offenses as provided
30 in RCW 13.04.0301; or

31 (v) The juvenile is 16 or 17 years old on the date the alleged
32 offense is committed and the alleged offense is:

33 (A) A serious violent offense as defined in RCW 9.94A.030;

34 (B) A violent offense as defined in RCW 9.94A.030 and the
35 juvenile has a criminal history consisting of: (I) One or more prior
36 serious violent offenses; (II) two or more prior violent offenses; or
37 (III) three or more of any combination of the following offenses: Any
38 class A felony, any class B felony, vehicular assault, or
39 manslaughter in the second degree, all of which must have been

1 committed after the juvenile's 13th birthday and prosecuted
2 separately; (~~(e)~~)

3 (C) (~~(Rape of a child in the first degree)~~) Robbery in the first
4 degree, rape of a child in the first degree, or drive-by shooting,
5 committed on or after July 1, 1997;

6 (D) Burglary in the first degree committed on or after July 1,
7 1997, and the juvenile has a criminal history consisting of one or
8 more prior felony or misdemeanor offenses; or

9 (E) Any violent offense as defined in RCW 9.94A.030 committed on
10 or after July 1, 1997, and the juvenile is alleged to have been armed
11 with a firearm.

12 (I) In such a case the adult criminal court shall have exclusive
13 original jurisdiction, except as provided in (e)(v) (~~(C)~~) (E)(II)
14 and (III) of this subsection.

15 (II) The juvenile court shall have exclusive jurisdiction over
16 the disposition of any remaining charges in any case in which the
17 juvenile is found not guilty in the adult criminal court of the
18 charge or charges for which he or she was transferred, or is
19 convicted in the adult criminal court of an offense that is not also
20 an offense listed in (e)(v) of this subsection. The juvenile court
21 shall (~~maintain residual~~) enter an order extending juvenile court
22 jurisdiction (~~up to age 25~~) if the juvenile has turned 18 years of
23 age during the adult criminal court proceedings (~~but only for the~~
24 ~~purpose of returning a case to juvenile court for disposition~~)
25 pursuant to RCW 13.40.300(2)(a)(ii). However, once the case is
26 returned to juvenile court, the court may hold a decline hearing
27 pursuant to RCW 13.40.110 to determine whether to retain the case in
28 juvenile court for the purpose of disposition or return the case to
29 adult criminal court for sentencing.

30 (III) The prosecutor and respondent may agree to juvenile court
31 jurisdiction and waive application of exclusive adult criminal
32 jurisdiction in (e)(v)(A) through (~~(C)~~) (E) of this subsection and
33 remove the proceeding back to juvenile court with the court's
34 approval.

35 If the juvenile challenges the state's determination of the
36 juvenile's criminal history under (e)(v) of this subsection, the
37 state may establish the offender's criminal history by a
38 preponderance of the evidence. If the criminal history consists of
39 adjudications entered upon a plea of guilty, the state shall not bear
40 a burden of establishing the knowing and voluntariness of the plea;

1 (f) Under the interstate compact on juveniles as provided in
2 chapter 13.24 RCW;

3 (g) Relating to termination of a diversion agreement under RCW
4 13.40.080, including a proceeding in which the divertee has attained
5 18 years of age;

6 (h) Relating to court validation of a voluntary consent to an
7 out-of-home placement under chapter 13.34 RCW, by the parent or
8 Indian custodian of an Indian child, except if the parent or Indian
9 custodian and child are residents of or domiciled within the
10 boundaries of a federally recognized Indian reservation over which
11 the tribe exercises exclusive jurisdiction; and

12 (i) Relating to petitions to compel disclosure of information
13 filed by the department of social and health services pursuant to RCW
14 74.13.042.

15 (2) The family court shall have concurrent original jurisdiction
16 with the juvenile court over all proceedings under this section if
17 the superior court judges of a county authorize concurrent
18 jurisdiction as provided in RCW 26.12.010.

19 (3) The juvenile court shall have concurrent original
20 jurisdiction with the family or probate court over minor guardianship
21 proceedings under chapter 11.130 RCW and parenting plans or
22 residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as
23 provided for in RCW 13.34.155.

24 (4) A juvenile subject to adult superior court jurisdiction under
25 subsection (1)(e)(i) through (v) of this section, who is detained
26 pending trial, may be detained in a detention facility as defined in
27 RCW 13.40.020 pending sentencing or a dismissal.

28 (5) Nothing in subsection (1) of this section deprives the
29 superior courts in this state of original jurisdiction granted by the
30 Constitution or by other laws.

31 **Sec. 2.** RCW 13.40.0357 and 2023 c 295 s 8 are each amended to
32 read as follows:

33 **DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION	
JUVENILE DISPOSITION	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
CATEGORY	DESCRIPTION (RCW CITATION)

1		Arson and Malicious Mischief	
2	A	Arson 1 (9A.48.020)	B+
3	B	Arson 2 (9A.48.030)	C
4	C	Reckless Burning 1 (9A.48.040)	D
5	D	Reckless Burning 2 (9A.48.050)	E
6	B	Malicious Mischief 1 (9A.48.070)	C
7	C	Malicious Mischief 2 (9A.48.080)	D
8	D	Malicious Mischief 3 (9A.48.090)	E
9	E	Tampering with Fire Alarm Apparatus	E
10		(9.40.100)	
11	E	Tampering with Fire Alarm Apparatus	E
12		with Intent to Commit Arson (9.40.105)	
13	A	Possession of Incendiary Device	B+
14		(9.40.120)	
15		Assault and Other Crimes Involving	
16		Physical Harm	
17	A	Assault 1 (9A.36.011)	B+
18	B+	Assault 2 (9A.36.021)	C+
19	C+	Assault 3 (9A.36.031)	D+
20	D+	Assault 4 (9A.36.041)	E
21	B+	Drive-By Shooting (9A.36.045)	C+
22		((committed at age 15 or under))	
23	((A++	Drive-By Shooting (9A.36.045)	A))
24		committed at age 16 or 17	
25	D+	Reckless Endangerment (9A.36.050)	E
26	C+	Promoting Suicide Attempt (9A.36.060)	D+
27	D+	Coercion (9A.36.070)	E
28	C+	Custodial Assault (9A.36.100)	D+
29		Burglary and Trespass	
30	B+	Burglary 1 (9A.52.020) ((committed at	C+
31		age 15 or under))	
32	((A-	Burglary 1 (9A.52.020) committed at	B+))
33		age 16 or 17	
34	B	Residential Burglary (9A.52.025)	C
35	B	Burglary 2 (9A.52.030)	C

1	D	Burglary Tools (Possession of)	E
2		(9A.52.060)	
3	D	Criminal Trespass 1 (9A.52.070)	E
4	E	Criminal Trespass 2 (9A.52.080)	E
5	C	Mineral Trespass (78.44.330)	C
6	C	Vehicle Prowling 1 (9A.52.095)	D
7	D	Vehicle Prowling 2 (9A.52.100)	E
8		Drugs	
9	E	Possession/Consumption of Alcohol	E
10		(66.44.270)	
11	C	Illegally Obtaining Legend Drug	D
12		(69.41.020)	
13	C+	Sale, Delivery, Possession of Legend	D+
14		Drug with Intent to Sell (69.41.030(2)(a))	
15	E	Possession of Legend	E
16		Drug (69.41.030(2)(b))	
17	B+	Violation of Uniform Controlled	B+
18		Substances Act - Narcotic,	
19		Methamphetamine, or Flunitrazepam	
20		Sale (69.50.401(2) (a) or (b))	
21	C	Violation of Uniform Controlled	C
22		Substances Act - Nonnarcotic Sale	
23		(69.50.401(2)(c))	
24	E	Possession of Cannabis <40 grams	E
25		(69.50.4014)	
26	C	Fraudulently Obtaining Controlled	C
27		Substance (69.50.403)	
28	C+	Sale of Controlled Substance for Profit	C+
29		(69.50.410)	
30	E	Unlawful Inhalation (9.47A.020)	E
31	B	Violation of Uniform Controlled	B
32		Substances Act - Narcotic,	
33		Methamphetamine, or Flunitrazepam	
34		Counterfeit Substances (69.50.4011(2)	
35		(a) or (b))	

1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Counterfeit	
3		Substances (69.50.4011(2) (c), (d), or (e))	
4	E	Violation of Uniform Controlled	E
5		Substances Act - Possession of a	
6		Controlled Substance (69.50.4013)	
7	C	Violation of Uniform Controlled	C
8		Substances Act - Possession of a	
9		Controlled Substance (69.50.4012)	
10		Firearms and Weapons	
11	B	Theft of Firearm (9A.56.300)	C
12	B	Possession of Stolen Firearm	C
13		(9A.56.310)	
14	E	Carrying Loaded Pistol Without Permit	E
15		(9.41.050)	
16	C	Possession of Firearms by Minor (<18)	C
17		(9.41.040(2)(a) (v))	
18	D+	Possession of Dangerous Weapon	E
19		(9.41.250)	
20	D	Intimidating Another Person by use of	E
21		Weapon (9.41.270)	
22		Homicide	
23	A+	Murder 1 (9A.32.030)	A
24	A+	Murder 2 (9A.32.050)	B+
25	B+	Manslaughter 1 (9A.32.060)	C+
26	C+	Manslaughter 2 (9A.32.070)	D+
27	B+	Vehicular Homicide (46.61.520)	C+
28		Kidnapping	
29	A	Kidnap 1 (9A.40.020)	B+
30	B+	Kidnap 2 (9A.40.030)	C+
31	C+	Unlawful Imprisonment (9A.40.040)	D+
32		Obstructing Governmental Operation	
33	D	Obstructing a Law Enforcement Officer	E
34		(9A.76.020)	
35	E	Resisting Arrest (9A.76.040)	E
36	B	Introducing Contraband 1 (9A.76.140)	C

1	C	Introducing Contraband 2 (9A.76.150)	D
2	E	Introducing Contraband 3 (9A.76.160)	E
3	B+	Intimidating a Public Servant	C+
4		(9A.76.180)	
5	B+	Intimidating a Witness (9A.72.110)	C+
6		Public Disturbance	
7	C+	Criminal Mischief with Weapon	D+
8		(9A.84.010(2)(b))	
9	D+	Criminal Mischief Without Weapon	E
10		(9A.84.010(2)(a))	
11	E	Failure to Disperse (9A.84.020)	E
12	E	Disorderly Conduct (9A.84.030)	E
13		Sex Crimes	
14	A	Rape 1 (9A.44.040)	B+
15		((B++ Rape 2 (9A.44.050) committed at age 14	B+))
16		or under	
17	A-	Rape 2 (9A.44.050) ((committed at age	B+
18		15 through age 17))	
19	C+	Rape 3 (9A.44.060)	D+
20		((B++ Rape of a Child 1 (9A.44.073)	B+))
21		committed at age 14 or under	
22	A-	Rape of a Child 1 (9A.44.073)	B+
23		((committed at age 15))	
24	B+	Rape of a Child 2 (9A.44.076)	C+
25	B	Incest 1 (9A.64.020(1))	C
26	C	Incest 2 (9A.64.020(2))	D
27	D+	Indecent Exposure (Victim <14)	E
28		(9A.88.010)	
29	E	Indecent Exposure (Victim 14 or over)	E
30		(9A.88.010)	
31	B+	Promoting Prostitution 1 (9A.88.070)	C+
32	C+	Promoting Prostitution 2 (9A.88.080)	D+
33	E	O & A (Prostitution) (9A.88.030)	E
34	B+	Indecent Liberties (9A.44.100)	C+
35		((B++ Child Molestation 1 (9A.44.083)	B+))
36		committed at age 14 or under	

1	A-	Child Molestation 1 (9A.44.083)	B+
2		((committed at age 15 through age 17))	
3	B	Child Molestation 2 (9A.44.086)	C+
4	C	Failure to Register as a Sex Offender	D
5		(9A.44.132)	
6		Theft, Robbery, Extortion, and	
7		Forgery	
8	B	Theft 1 (9A.56.030)	C
9	C	Theft 2 (9A.56.040)	D
10	D	Theft 3 (9A.56.050)	E
11	B	Theft of Livestock 1 and 2 (9A.56.080	C
12		and 9A.56.083)	
13	C	Forgery (9A.60.020)	D
14	A	Robbery 1 (9A.56.200) ((committed at	B+
15		age 15 or under))	
16	((A++	Robbery 1 (9A.56.200) committed at	A))
17		age 16 or 17	
18	B+	Robbery 2 (9A.56.210)	C+
19	B+	Extortion 1 (9A.56.120)	C+
20	C+	Extortion 2 (9A.56.130)	D+
21	C	Identity Theft 1 (9.35.020(2))	D
22	D	Identity Theft 2 (9.35.020(3))	E
23	D	Improperly Obtaining Financial	E
24		Information (9.35.010)	
25	B	Possession of a Stolen Vehicle	C
26		(9A.56.068)	
27	B	Possession of Stolen Property 1	C
28		(9A.56.150)	
29	C	Possession of Stolen Property 2	D
30		(9A.56.160)	
31	D	Possession of Stolen Property 3	E
32		(9A.56.170)	
33	B	Taking Motor Vehicle Without	C
34		Permission 1 (9A.56.070)	
35	C	Taking Motor Vehicle Without	D
36		Permission 2 (9A.56.075)	
37	B	Theft of a Motor Vehicle (9A.56.065)	C

1		Motor Vehicle Related Crimes	
2	E	Driving Without a License (46.20.005)	E
3	B+	Hit and Run - Death (46.52.020(4)(a))	C+
4	C	Hit and Run - Injury (46.52.020(4)(b))	D
5	D	Hit and Run-Attended (46.52.020(5))	E
6	E	Hit and Run-Unattended (46.52.010)	E
7	C	Vehicular Assault (46.61.522)	D
8	C	Attempting to Elude Pursuing Police	D
9		Vehicle (46.61.024)	
10	E	Reckless Driving (46.61.500)	E
11	D	Driving While Under the Influence	E
12		(46.61.502 and 46.61.504)	
13	B+	Felony Driving While Under the	B
14		Influence (46.61.502(6))	
15	B+	Felony Physical Control of a Vehicle	B
16		While Under the Influence (46.61.504(6))	
17		Other	
18	B	Animal Cruelty 1 (16.52.205)	C
19	B	Bomb Threat (9.61.160)	C
20	C	Escape 1 ¹ (9A.76.110)	C
21	C	Escape 2 ¹ (9A.76.120)	C
22	D	Escape 3 (9A.76.130)	E
23	E	Obscene, Harassing, Etc., Phone Calls	E
24		(9.61.230)	
25	A	Other Offense Equivalent to an Adult	B+
26		Class A Felony	
27	B	Other Offense Equivalent to an Adult	C
28		Class B Felony	
29	C	Other Offense Equivalent to an Adult	D
30		Class C Felony	
31	D	Other Offense Equivalent to an Adult	E
32		Gross Misdemeanor	
33	E	Other Offense Equivalent to an Adult	E
34		Misdemeanor	
35	V	Violation of Order of Restitution,	V
36		Community Supervision, or Confinement	
37		(13.40.200) ²	

1 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 2 and the standard range is established as follows:

3 1st escape or attempted escape during 12-month period - ((~~28~~
 4 ~~days~~) 4 weeks confinement

5 2nd escape or attempted escape during 12-month period - 8 weeks
 6 confinement

7 3rd and subsequent escape or attempted escape during 12-month
 8 period - 12 weeks confinement

9 ²If the court finds that a respondent has violated terms of an order,
 10 it may impose a penalty of up to 30 days of confinement.

11 **JUVENILE SENTENCING STANDARDS**

12 This schedule must be used for juvenile offenders. The court may
 13 select sentencing option A, B, C, or D.

14 **OPTION A**

15 **JUVENILE OFFENDER SENTENCING GRID**

16 **STANDARD RANGE**

17		((A++	129 to 260 weeks for all category A++ offenses))				
18		A+	180 weeks to age 21 for all category A+ offenses				
19		A	103-129 weeks for all category A offenses				
20		A-	((30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
21		B++))	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
22			<u>Except 30-40</u>				
23			<u>weeks for 15 to 17</u>				
24			<u>year olds</u>				
25	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
26	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
27	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
28		C	LS	LS	LS	LS	15-36 weeks
29		D+	LS	LS	LS	LS	LS
30		D	LS	LS	LS	LS	LS
31		E	LS	LS	LS	LS	LS
32	PRIOR		0	1	2	3	4 or more
33	ADJUDICATIONS						

1 NOTE: References in the grid to days or weeks mean periods of
2 confinement. "LS" means "local sanctions" as defined in RCW
3 13.40.020.

4 (1) The vertical axis of the grid is the current offense
5 category. The current offense category is determined by the offense
6 of adjudication.

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

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

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

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

20 **OR**

21 **OPTION B**

22 **SUSPENDED DISPOSITION ALTERNATIVE**

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

34 (a) "Evidence-based" means a program or practice that has had
35 multiple site random controlled trials across heterogeneous
36 populations demonstrating that the program or practice is effective
37 for the population; and

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

4 (2) If the offender fails to comply with the suspended
5 disposition, the court may impose sanctions pursuant to RCW 13.40.200
6 or may revoke the suspended disposition and order the disposition's
7 execution.

8 (3) An offender is ineligible for the suspended disposition
9 option under this section if the offender is:

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

11 (b) (~~Is fourteen~~) 14 years of age or older and is adjudicated
12 of one or more of the following offenses:

13 (i) A class A offense, or an attempt, conspiracy, or solicitation
14 to commit a class A offense;

15 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

16 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
17 the first degree (RCW 9A.56.120), kidnapping in the second degree
18 (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210),
19 residential burglary (RCW 9A.52.025), burglary in the second degree
20 (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular
21 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)),
22 intimidating a witness (RCW 9A.72.110), violation of the uniform
23 controlled substances act (RCW 69.50.401(2) (a) and (b)), or
24 manslaughter 2 (RCW 9A.32.070) when the offense includes infliction
25 of bodily harm upon another or when, during the commission or
26 immediate withdrawal from the offense, the respondent was armed with
27 a deadly weapon; (~~or~~

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

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

35 (d) (~~Is adjudicated~~) Adjudicated of a sex offense as defined in
36 RCW 9.94A.030 (~~or~~

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

38 **OR**

39 **OPTION C**

1 liberties, child molestation in the second degree, kidnapping in the
2 second degree, or robbery in the second degree; or

3 (c) The information alleges an escape by the respondent and the
4 respondent is serving a minimum juvenile sentence to age 21.

5 (3) The court after a decline hearing may order the case
6 transferred for adult criminal prosecution upon a finding that the
7 declination would be in the best interest of the juvenile or the
8 public. The court shall consider the relevant reports, facts,
9 opinions, and arguments presented by the parties and their counsel.

10 (4) When the respondent is transferred for criminal prosecution
11 or retained for prosecution in juvenile court, the court shall set
12 forth in writing its finding which shall be supported by relevant
13 facts and opinions produced at the hearing.

14 **Sec. 4.** RCW 13.40.193 and 2023 c 295 s 10 are each amended to
15 read as follows:

16 (1) If a respondent is found to have been in possession of a
17 firearm in violation of RCW 9.41.040(2)(a)(v), the court shall impose
18 a minimum disposition of ten days of confinement. If the offender's
19 standard range of disposition for the offense as indicated in RCW
20 13.40.0357 is more than thirty days of confinement, the court shall
21 commit the offender to the department for the standard range
22 disposition. The offender shall not be released until the offender
23 has served a minimum of ten days in confinement.

24 (2)(a) If a respondent is found to have been in possession of a
25 firearm in violation of RCW 9.41.040, the disposition must include a
26 requirement that the respondent participate in a qualifying program
27 as described in (b) of this subsection, when available, unless the
28 court makes a written finding based on the outcome of the juvenile
29 court risk assessment that participation in a qualifying program
30 would not be appropriate.

31 (b) For purposes of this section, "qualifying program" means an
32 aggression replacement training program, a functional family therapy
33 program, or another program applicable to the juvenile firearm
34 offender population that has been identified as evidence-based or
35 research-based and cost-beneficial in the current list prepared at
36 the direction of the legislature by the Washington state institute
37 for public policy.

38 (3) If the court finds that the respondent or an accomplice was
39 armed with a firearm, the court shall determine the standard range

1 disposition for the offense pursuant to RCW 13.40.160. If the
2 offender or an accomplice was armed with a firearm when the offender
3 committed any felony other than possession of a machine gun or bump-
4 fire stock, possession of a stolen firearm, drive-by shooting, theft
5 of a firearm, unlawful possession of a firearm in the first and
6 second degree, or use of a machine gun or bump-fire stock in a
7 felony, the following periods of total confinement must be added to
8 the sentence: (~~((a) Except for (b) of this subsection, for~~) For a
9 class A felony, six months; for a class B felony, four months; and
10 for a class C felony, two months(~~(; (b) for any violent offense as
11 defined in RCW 9.94A.030, committed by a respondent who is sixteen or
12 seventeen years old at the time of the offense, a period of twelve
13 months)~~). The additional time shall be imposed regardless of the
14 offense's juvenile disposition offense category as designated in RCW
15 13.40.0357.

16 (4) (~~((a) If the court finds that the respondent who is sixteen or
17 seventeen years old and committed the offense of robbery in the first
18 degree, drive-by shooting, rape of a child in the first degree,
19 burglary in the first degree, or any violent offense as defined in
20 RCW 9.94A.030 and was armed with a firearm, and the court finds that
21 the respondent's participation was related to membership in a
22 criminal street gang or advancing the benefit, aggrandizement, gain,
23 profit, or other advantage for a criminal street gang, a period of
24 three months total confinement must be added to the sentence. The
25 additional time must be imposed regardless of the offense's juvenile
26 disposition offense category as designated in RCW 13.40.0357 and must
27 be served consecutively with any other sentencing enhancement.~~

28 ~~(b) For the purposes of this section, "criminal street gang"
29 means any ongoing organization, association, or group of three or
30 more persons, whether formal or informal, having a common name or
31 common identifying sign or symbol, having as one of its primary
32 activities the commission of criminal acts, and whose members or
33 associates individually or collectively engage in or have engaged in
34 a pattern of criminal street gang activity. This definition does not
35 apply to employees engaged in concerted activities for their mutual
36 aid and protection, or to the activities of labor and bona fide
37 nonprofit organizations or their members or agents.~~

38 ~~(5))~~ When a disposition under this section would effectuate a
39 manifest injustice, the court may impose another disposition. When a
40 judge finds a manifest injustice and imposes a disposition of

1 confinement exceeding thirty days, the court shall commit the
2 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
3 shall be used to determine the range. When a judge finds a manifest
4 injustice and imposes a disposition of confinement less than thirty
5 days, the disposition shall be comprised of confinement or community
6 supervision or both.

7 ~~((6))~~ (5) Any term of confinement ordered pursuant to this
8 section shall run consecutively to any term of confinement imposed in
9 the same disposition for other offenses.

10 **Sec. 5.** RCW 13.40.300 and 2024 c 117 s 1 are each amended to
11 read as follows:

12 (1) ~~((Except as provided in (a) through (c) of this subsection,))~~
13 In no case may a juvenile offender ~~((may not))~~ be committed by the
14 juvenile court to the department for placement in a juvenile
15 rehabilitation facility beyond the juvenile offender's 21st birthday.

16 ~~((a) A juvenile offender adjudicated of an A++ juvenile~~
17 ~~disposition category offense listed in RCW 13.40.0357, or found to be~~
18 ~~armed with a firearm and sentenced to an additional 12 months~~
19 ~~pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile~~
20 ~~court to the department for placement in a juvenile rehabilitation~~
21 ~~facility up to the juvenile offender's 25th birthday, but not beyond.~~

22 ~~(b) A juvenile offender adjudicated of a murder in the first or~~
23 ~~second degree offense committed at age 14 or older or a juvenile~~
24 ~~offender adjudicated of a rape in the first degree offense committed~~
25 ~~at age 15 or older may be committed by the juvenile court to the~~
26 ~~department for placement in a juvenile rehabilitation facility up to~~
27 ~~the juvenile offender's 23rd birthday, but not beyond.~~

28 ~~(c) A juvenile offender who is 18 or older at the time of the~~
29 ~~adjudication may be committed by the juvenile court to the department~~
30 ~~for placement in a juvenile rehabilitation facility up to the~~
31 ~~juvenile offender's 23rd birthday, but not beyond, in order to serve~~
32 ~~a standard range disposition.))~~

33 (2) (a) The juvenile court has jurisdiction over, and may place an
34 individual under the authority of the department in the following
35 circumstances:

36 (i) Except as provided under RCW 13.04.030 and 13.40.110, when
37 the individual is under the age of 21 at the time of the filing of
38 the information and is accused of committing a criminal offense that
39 occurred when the individual was under the age of 18; or

1 (ii) If proceedings are pending in a case in which jurisdiction
2 is vested in the adult criminal court pursuant to RCW 13.04.030 and
3 an automatic extension is required because either:

4 (A) The individual is found not guilty of the charge for which he
5 or she was transferred, or is convicted in the adult criminal court
6 of an offense that is not also an offense listed in RCW
7 13.04.030(1)(e)(v), and the matter is transferred to juvenile court
8 pursuant to RCW 13.04.030(1)(e)(v) (~~(C)~~) (E)(II); or

9 (B) The parties agree to juvenile court jurisdiction with the
10 court's approval pursuant to RCW 13.04.030(1)(e)(v) (~~(C)~~) (E)(III).

11 (b) Upon a finding of guilt in juvenile court, the juvenile court
12 maintains jurisdiction to allow for imposition, execution, and
13 enforcement of the court's order of disposition, subject to the
14 limitations in this section.

15 ~~((3) If an order of disposition imposes a commitment to the
16 department for a juvenile offender:~~

17 ~~(a) Adjudicated of an A++ juvenile disposition category offense
18 listed in RCW 13.40.0357, adjudicated of a murder in the first or
19 second degree offense committed at age 14 or older, or found to be
20 armed with a firearm and sentenced to an additional 12 months
21 pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is
22 automatically extended to include a period of up to 24 months of
23 parole, in no case extending beyond the offender's 25th birthday; or~~

24 ~~(b) Adjudicated of a rape in the first degree offense committed
25 at age 15 or older, then jurisdiction for parole is automatically
26 extended to include a period of no less than 24 months and no more
27 than 36 months of parole, in no case extending beyond the offender's
28 25th birthday.~~

29 ~~(4) Pursuant to the terms of RCW 13.40.190, the juvenile court
30 maintains jurisdiction beyond the juvenile offender's 21st birthday
31 for the purpose of enforcing an order of restitution or penalty
32 assessment)) (c) If an order of disposition imposes commitment to the
33 department, then jurisdiction is automatically extended to include a
34 period of up to 12 months of parole, in no case extending beyond the
35 offender's 21st birthday.~~

36 (3) If the juvenile court previously has extended jurisdiction
37 beyond the juvenile offender's 18th birthday and that period of
38 extension has not expired, the court may further extend jurisdiction
39 by written order setting forth its reasons.

1 ~~((5) Except as otherwise provided herein, in)~~ (4) In no event
2 may the juvenile court have authority to extend jurisdiction over any
3 juvenile offender beyond the juvenile offender's 21st birthday except
4 for the purpose of enforcing an order of restitution or penalty
5 assessment.

6 ~~((6))~~ (5) Notwithstanding any extension of jurisdiction over a
7 person pursuant to this section, the juvenile court has no
8 jurisdiction over any offenses alleged to have been committed by a
9 person 18 years of age or older.

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

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

19 (a) If the earned release date is prior to the person's 21st
20 birthday, the department of corrections shall transfer the person to
21 the custody of the department of children, youth, and families, or to
22 such other institution as is now or may hereafter be authorized by
23 law to receive such person, until such time as the person completes
24 the ordered term of confinement or arrives at the age of 21 years.

25 (i) While in the custody of the department of children, youth,
26 and families, the person must have the same treatment, housing
27 options, transfer, and access to program resources as any other
28 person committed to that juvenile correctional facility or
29 institution pursuant to chapter 13.40 RCW. ~~((Except as provided under~~
30 ~~(d) of this subsection, treatment))~~ Treatment, placement, and program
31 decisions shall be at the sole discretion of the department of
32 children, youth, and families. The person shall ~~((not))~~ only be
33 transferred to the custody of the department of corrections
34 ~~((without))~~ with the approval of the department of children, youth,
35 and families ~~((until the))~~ or when the person reaches the age of
36 ~~((twenty-five))~~ 21.

37 ~~((b))~~ (ii) If the person's sentence includes a term of
38 community custody, the department of children, youth, and families
39 shall not release the person to community custody until the

1 department of corrections has approved the person's release plan
2 pursuant to RCW 9.94A.729(5)(b). If a person is held past (~~his or~~
3 ~~her~~) their earned release date pending release plan approval, the
4 department of children, youth, and families shall retain custody
5 until a plan is approved or the person completes the ordered term of
6 confinement prior to age (~~twenty-five~~) 21.

7 (~~(e)~~) (iii) If the department of children, youth, and families
8 determines that retaining custody of the person in a facility of the
9 department of children, youth, and families presents a
10 (~~significant~~) safety risk, the department of children, youth, and
11 families may transfer and return the person to the custody of the
12 department of corrections.

13 (~~(d) The~~) (b) If the person's earned release date is on or
14 after the person's 21st birthday, the department of corrections
15 shall, with the consent of the secretary of the department of
16 children, youth, and families, transfer the person to a facility or
17 institution operated by the department of children, youth, and
18 families. Despite the transfer, the department of corrections (~~(must~~
19 ~~retain)~~) retains authority over custody decisions (~~(relating to a~~
20 ~~person whose earned release date is on or after the person's twenty-~~
21 ~~fifth birthday and who is placed in a facility operated by the~~
22 ~~department of children, youth, and families under this section,~~
23 ~~unless the person qualifies for partial confinement under RCW~~
24 ~~72.01.412,~~) and must approve any leave from the facility. When the
25 person turns age (~~twenty-five~~) 21, (~~he or she~~) the person must be
26 transferred back to the department of corrections (~~(, except as~~
27 ~~described under RCW 72.01.412)~~). The department of children, youth,
28 and families has all routine and day-to-day operations authority for
29 the person while the person is in its custody.

30 (2)(a) Except as provided in (b) and (c) of this subsection, a
31 person under the age of (~~eighteen who is transferred to the custody~~
32 ~~of~~) 18 convicted in adult criminal court and who is committed to a
33 term of confinement at the department of corrections must be placed
34 in a housing unit, or a portion of a housing unit, that is separated
35 from (~~other persons in custody~~) offenders who are (~~eighteen~~) 18
36 years of age or older, until the person reaches the age of
37 (~~eighteen~~) 18.

38 (b) (~~A person~~) An offender who (~~is transferred to the custody~~
39 ~~of the department of corrections and~~) reaches (~~eighteen~~) 18 years
40 of age may remain in a housing unit for (~~persons~~) offenders under

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

16 (c) ~~((A person transferred to the custody of the department of~~
17 ~~corrections))~~ An offender who is under the age of ~~((eighteen))~~ 18 may
18 be housed in an intensive management unit or administrative
19 segregation unit containing offenders ~~((eighteen))~~ 18 years of age or
20 older if it is necessary for the safety or security of the offender
21 or staff. In these cases, the offender must be kept physically
22 separate from other 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. 7.** RCW 13.40.020 and 2024 c 117 s 4 are each amended to
34 read as follows:

35 For the purposes of this chapter:

36 (1) "Assessment" means an individualized examination of a child
37 to determine the child's psychosocial needs and problems, including
38 the type and extent of any mental health, substance abuse, or co-
39 occurring mental health and substance abuse disorders, and

1 recommendations for treatment. "Assessment" includes, but is not
2 limited to, drug and alcohol evaluations, psychological and
3 psychiatric evaluations, records review, clinical interview, and
4 administration of a formal test or instrument;

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

15 (3) "Community-based sanctions" may include community restitution
16 not to exceed 150 hours of community restitution;

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

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

35 (a) Community-based sanctions;

36 (b) Community-based rehabilitation;

37 (c) Monitoring and reporting requirements;

38 (d) Posting of a probation bond;

39 (e) Residential treatment, where substance abuse, mental health,
40 and/or co-occurring disorders have been identified in an assessment

1 by a qualified mental health professional, psychologist,
2 psychiatrist, co-occurring disorder specialist, or substance use
3 disorder professional and a funded bed is available. If a child
4 agrees to voluntary placement in a state-funded long-term evaluation
5 and treatment facility, the case must follow the existing placement
6 procedure including consideration of less restrictive treatment
7 options and medical necessity.

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

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

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

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

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

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

17 (ii) In any case where a court orders a child to inpatient
18 treatment under this section, the court must hold a review hearing no
19 later than 60 days after the youth begins inpatient treatment, and
20 every 30 days thereafter, as long as the youth is in inpatient
21 treatment;

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

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

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

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

33 ~~(d) The department prioritizes the delivery of available~~
34 ~~programming from individuals who share characteristics with the~~
35 ~~individual being served related to: Race, ethnicity, sexual identity,~~
36 ~~and gender identity;~~

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

1 county may operate or contract with vendors to operate county
2 detention facilities. The department may operate or contract to
3 operate detention facilities for juveniles committed to the
4 department. Pretrial confinement or confinement of less than 31 days
5 imposed as part of a disposition or modification order may be served
6 consecutively or intermittently, in the discretion of the court;

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

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

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

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

23 ~~((+10))~~ (9) "Custodial interrogation" means express questioning
24 or other actions or words by a law enforcement officer which are
25 reasonably likely to elicit an incriminating response from an
26 individual and occurs when reasonable individuals in the same
27 circumstances would consider themselves in custody;

28 ~~((+11))~~ (10) "Department" means the department of children,
29 youth, and families;

30 ~~((+12))~~ (11) "Detention facility" means a county facility, paid
31 for by the county, for the physical confinement of a juvenile alleged
32 to have committed an offense or an adjudicated offender subject to a
33 disposition or modification order. "Detention facility" includes
34 county group homes, inpatient substance abuse programs, juvenile
35 basic training camps, and electronic monitoring;

36 ~~((+13))~~ (12) "Diversion unit" means any probation counselor who
37 enters into a diversion agreement with an alleged youthful offender,
38 or any other person, community accountability board, youth court
39 under the supervision of the juvenile court, or other entity with
40 whom the juvenile court administrator has contracted to arrange and

1 supervise such agreements pursuant to RCW 13.40.080, or any person,
2 community accountability board, or other entity specially funded by
3 the legislature to arrange and supervise diversion agreements in
4 accordance with the requirements of this chapter. For purposes of
5 this subsection, "community accountability board" means a board
6 comprised of members of the local community in which the juvenile
7 offender resides. The superior court shall appoint the members. The
8 boards shall consist of at least three and not more than seven
9 members. If possible, the board should include a variety of
10 representatives from the community, such as a law enforcement
11 officer, teacher or school administrator, high school student,
12 parent, and business owner, and should represent the cultural
13 diversity of the local community;

14 ~~((14))~~ (13) "Foster care" means temporary physical care in a
15 foster family home or group care facility as defined in RCW 74.15.020
16 and licensed by the department, or other legally authorized care;

17 ~~((15))~~ (14) "Institution" means a juvenile facility established
18 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

19 ~~((16))~~ (15) "Intensive supervision program" means a parole
20 program that requires intensive supervision and monitoring, offers an
21 array of individualized treatment and transitional services, and
22 emphasizes community involvement and support in order to reduce the
23 likelihood a juvenile offender will commit further offenses;

24 ~~((17))~~ (16) "Juvenile," "youth," and "child" mean any
25 individual who is under the chronological age of 18 years and who has
26 not been previously transferred to adult court pursuant to RCW
27 13.40.110, unless the individual was convicted of a lesser charge or
28 acquitted of the charge for which he or she was previously
29 transferred pursuant to RCW 13.40.110 or who is not otherwise under
30 adult court jurisdiction;

31 ~~((18))~~ (17) "Juvenile offender" means any juvenile who has been
32 found by the juvenile court to have committed an offense, including a
33 person 18 years of age or older over whom the juvenile court has
34 jurisdiction under RCW 13.40.300;

35 ~~((19))~~ (18) "Labor" means the period of time before a birth
36 during which contractions are of sufficient frequency, intensity, and
37 duration to bring about effacement and progressive dilation of the
38 cervix;

1 (~~(20)~~) (19) "Local sanctions" means one or more of the
2 following: (a) 0-30 days of confinement; (b) 0-12 months of community
3 supervision; or (c) 0-150 hours of community restitution;

4 (~~(21)~~) (20) "Manifest injustice" means a disposition that would
5 either impose an excessive penalty on the juvenile or would impose a
6 serious, and clear danger to society in light of the purposes of this
7 chapter;

8 (~~(22)~~) (21) "Monitoring and reporting requirements" means one
9 or more of the following: Curfews; requirements to remain at home,
10 school, work, or court-ordered treatment programs during specified
11 hours; restrictions from leaving or entering specified geographical
12 areas; requirements to report to the probation officer as directed
13 and to remain under the probation officer's supervision; and other
14 conditions or limitations as the court may require which may not
15 include confinement;

16 (~~(23)~~) (22) "Offense" means an act designated a violation or a
17 crime if committed by an adult under the law of this state, under any
18 ordinance of any city or county of this state, under any federal law,
19 or under the law of another state if the act occurred in that state;

20 (~~(24)~~) (23) "Physical restraint" means the use of any bodily
21 force or physical intervention to control a juvenile offender or
22 limit a juvenile offender's freedom of movement in a way that does
23 not involve a mechanical restraint. Physical restraint does not
24 include momentary periods of minimal physical restriction by direct
25 person-to-person contact, without the aid of mechanical restraint,
26 accomplished with limited force and designed to:

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

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

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

32 (~~(25)~~) (24) "Postpartum recovery" means (a) the entire period a
33 woman or youth is in the hospital, birthing center, or clinic after
34 giving birth and (b) an additional time period, if any, a treating
35 physician determines is necessary for healing after the youth leaves
36 the hospital, birthing center, or clinic;

37 (~~(26)~~) (25) "Probation bond" means a bond, posted with
38 sufficient security by a surety justified and approved by the court,
39 to secure the offender's appearance at required court proceedings and
40 compliance with court-ordered community supervision or conditions of

1 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
2 a deposit of cash or posting of other collateral in lieu of a bond if
3 approved by the court;

4 ~~((27))~~ (26) "Respondent" means a juvenile who is alleged or
5 proven to have committed an offense;

6 ~~((28))~~ (27) "Restitution" means financial reimbursement by the
7 offender to the victim, and shall be limited to easily ascertainable
8 damages for injury to or loss of property, actual expenses incurred
9 for medical treatment for physical injury to persons, lost wages
10 resulting from physical injury, and costs of the victim's counseling
11 reasonably related to the offense. Restitution shall not include
12 reimbursement for damages for mental anguish, pain and suffering, or
13 other intangible losses. Nothing in this chapter shall limit or
14 replace civil remedies or defenses available to the victim or
15 offender;

16 ~~((29))~~ (28) "Restorative justice" means practices, policies,
17 and programs informed by and sensitive to the needs of crime victims
18 that are designed to encourage offenders to accept responsibility for
19 repairing the harm caused by their offense by providing safe and
20 supportive opportunities for voluntary participation and
21 communication between the victim, the offender, their families, and
22 relevant community members;

23 ~~((30))~~ (29) "Restraints" means anything used to control the
24 movement of a person's body or limbs and includes:

25 (a) Physical restraint; or

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

29 ~~((31) "Risk assessment tool" means the statistically valid tool
30 used by the department to inform release or placement decisions
31 related to security level, release within the sentencing range,
32 community facility eligibility, community transition services
33 eligibility, and parole. The "risk assessment tool" is used by the
34 department to predict the likelihood of successful reentry and future
35 criminal behavior;~~

36 ~~(32))~~ (30) "Screening" means a process that is designed to
37 identify a child who is at risk of having mental health, substance
38 abuse, or co-occurring mental health and substance abuse disorders
39 that warrant immediate attention, intervention, or more comprehensive

1 assessment. A screening may be undertaken with or without the
2 administration of a formal instrument;

3 ~~((33))~~ (31) "Secretary" means the secretary of the department;

4 ~~((34))~~ (32) "Services" means services which provide
5 alternatives to incarceration for those juveniles who have pleaded or
6 been adjudicated guilty of an offense or have signed a diversion
7 agreement pursuant to this chapter;

8 ~~((35))~~ (33) "Sex offense" means an offense defined as a sex
9 offense in RCW 9.94A.030;

10 ~~((36))~~ (34) "Sexual motivation" means that one of the purposes
11 for which the respondent committed the offense was for the purpose of
12 the respondent's sexual gratification;

13 ~~((37))~~ (35) "Surety" means an entity licensed under state
14 insurance laws or by the state department of licensing, to write
15 corporate, property, or probation bonds within the state, and
16 justified and approved by the superior court of the county having
17 jurisdiction of the case;

18 ~~((38))~~ (36) "Transportation" means the conveying, by any means,
19 of an incarcerated pregnant youth from the institution or detention
20 facility to another location from the moment she leaves the
21 institution or detention facility to the time of arrival at the other
22 location, and includes the escorting of the pregnant incarcerated
23 youth from the institution or detention facility to a transport
24 vehicle and from the vehicle to the other location;

25 ~~((39))~~ (37) "Violation" means an act or omission, which if
26 committed by an adult, must be proven beyond a reasonable doubt, and
27 is punishable by sanctions which do not include incarceration;

28 ~~((40))~~ (38) "Violent offense" means a violent offense as
29 defined in RCW 9.94A.030;

30 ~~((41))~~ (39) "Youth court" means a diversion unit under the
31 supervision of the juvenile court.

32 **Sec. 8.** RCW 13.40.205 and 2021 c 206 s 4 are each amended to
33 read as follows:

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

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

5 (a) Sixty percent of the minimum term of confinement has been
6 served; and

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

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

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

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

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

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

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

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

1 of the juvenile, the time period of the leave, the residence of the
2 juvenile during the leave, and the identity of the person responsible
3 for supervising the juvenile during the leave.

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

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

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

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

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

32 (~~(12))~~ (11) Subsections (6), (7), and (8) of this section do
33 not apply to juveniles covered by RCW 13.40.215.

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

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

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

13 ~~(i) Behavioral health treatment;~~

14 ~~(ii) Independent living;~~

15 ~~(iii) Employment;~~

16 ~~(iv) Education;~~

17 ~~(v) Connections to family and natural supports; and~~

18 ~~(vi) Community connections.~~

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

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

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

31 ~~(i) Persons with pending charges or warrants;~~

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

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

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

39 ~~(v) Level III sex offenders; and~~

40 ~~(vi) Persons requiring out-of-state placement.~~

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

8 **Sec. 9.** RCW 13.40.215 and 2021 c 206 s 5 are each amended to
9 read as follows:

10 (1)(a) Except as provided in subsection (2) of this section, at
11 the earliest practicable date, and in no event later than ~~((thirty))~~
12 30 days before discharge, parole, or any other authorized leave or
13 release, or before transfer to a community residential facility ~~((or~~
14 ~~community transition services program))~~, the secretary shall send
15 written notice of the discharge, parole, authorized leave or release,
16 or transfer of a juvenile found to have committed a violent offense,
17 a sex offense, or stalking, to the following:

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

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

21 (b)(i) Except as provided in subsection (2) of this section, at
22 the earliest practicable date, and in no event later than ~~((thirty))~~
23 30 days before discharge, parole, or any other authorized leave or
24 release, or before transfer to a community residential facility ~~((or~~
25 ~~community transition services program))~~, the secretary shall send
26 written notice of the discharge, parole, authorized leave or release,
27 or transfer of an individual who is found to have committed a violent
28 offense or a sex offense, is ~~((twenty-one))~~ 21 years of age or
29 younger, and has not received a high school diploma or its
30 equivalent, to the designated recipient of the school where the
31 juvenile either: (A) Was enrolled prior to incarceration or
32 detention; or (B) has expressed an intention to enroll following his
33 or her release. This notice must also include the restrictions
34 described in subsection (5) of this section.

35 (ii) The community residential facility shall provide written
36 notice of the offender's criminal history to the designated recipient
37 of any school that the offender attends while residing at the
38 community residential facility and to any employer that employs the
39 offender while residing at the community residential facility.

1 (iii) As used in this subsection, "designated recipient" means:
2 (A) The superintendent of the school district, or his or her
3 designee, of a common school as defined in RCW 28A.150.020 or a
4 school that is the subject of a state-tribal education compact under
5 chapter 28A.715 RCW; (B) the administrator of a charter public school
6 governed by chapter 28A.710 RCW; or (C) the administrator of a
7 private school approved under chapter 28A.195 RCW.

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

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

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

16 (iii) Any person specified in writing by the prosecuting
17 attorney.

18 Information regarding victims, next of kin, or witnesses requesting
19 the notice, information regarding any other person specified in
20 writing by the prosecuting attorney to receive the notice, and the
21 notice are confidential and shall not be available to the juvenile.
22 The notice to the chief of police or the sheriff shall include the
23 identity of the juvenile, the residence where the juvenile will
24 reside, the identity of the person, if any, responsible for
25 supervising the juvenile, and the time period of any authorized
26 leave.

27 (d) The (~~thirty~~) 30-day notice requirements contained in this
28 subsection shall not apply to emergency medical furloughs.

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

32 (2)(a) If a juvenile found to have committed a violent offense, a
33 sex offense, or stalking escapes from a facility of the department,
34 the secretary shall immediately notify, by the most reasonable and
35 expedient means available, the chief of police of the city and the
36 sheriff of the county in which the juvenile resided immediately
37 before the juvenile's arrest. If previously requested, the secretary
38 shall also notify the witnesses and the victim of the offense which
39 the juvenile was found to have committed or the victim's next of kin
40 if the crime was a homicide. If the juvenile is recaptured, the

1 secretary shall send notice to the persons designated in this
2 subsection as soon as possible but in no event later than two working
3 days after the department learns of such recapture.

4 (b) The secretary may authorize a leave, for a juvenile found to
5 have committed a violent offense, a sex offense, or stalking, which
6 shall not exceed (~~forty-eight~~) 48 hours plus travel time, to meet
7 an emergency situation such as a death or critical illness of a
8 member of the juvenile's family. The secretary may authorize a leave,
9 which shall not exceed the time medically necessary, to obtain
10 medical care not available in a juvenile facility maintained by the
11 department. Prior to the commencement of an emergency or medical
12 leave, the secretary shall give notice of the leave to the
13 appropriate law enforcement agency in the jurisdiction in which the
14 juvenile will be during the leave period. The notice shall include
15 the identity of the juvenile, the time period of the leave, the
16 residence of the juvenile during the leave, and the identity of the
17 person responsible for supervising the juvenile during the leave. If
18 previously requested, the department shall also notify the witnesses
19 and victim of the offense which the juvenile was found to have
20 committed or the victim's next of kin if the offense was a homicide.

21 In case of an emergency or medical leave the secretary may waive
22 all or any portion of the requirements for leaves pursuant to RCW
23 13.40.205 (2)(a), (3), (4), and (5).

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

27 (4) The secretary shall send the notices required by this chapter
28 to the last address provided to the department by the requesting
29 party. The requesting party shall furnish the department with a
30 current address.

31 (5) Upon discharge, parole, transfer to a community residential
32 facility, or other authorized leave or release, a convicted juvenile
33 sex offender shall not attend a public or approved private
34 elementary, middle, or high school that is attended by a victim or a
35 sibling of a victim of the sex offender. The parents or legal
36 guardians of the convicted juvenile sex offender shall be responsible
37 for transportation or other costs associated with or required by the
38 sex offender's change in school that otherwise would be paid by a
39 school district.

1 (6) For purposes of this section the following terms have the
2 following meanings:

3 (a) "Violent offense" means a violent offense under RCW
4 9.94A.030;

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

6 (c) "Stalking" means the crime of stalking as defined in RCW
7 9A.46.110;

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

10 **Sec. 10.** RCW 13.22.010 and 2020 c 333 s 2 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Department" means the department of children, youth, and
15 families.

16 (2) "Detention facility" means:

17 (a) Any detention facility as defined under RCW 13.40.020; and

18 (b) Any juvenile correctional facility under alternative
19 administration operated by a consortium of counties under RCW
20 13.04.035.

21 (3) "Imminent harm" means immediate and impending threat of a
22 person causing bodily injury to self or others.

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

24 (5) "Isolation" means confinement that occurs (a) when a youth is
25 separated from the youth population and placed in a room for longer
26 than (~~fifteen~~) 15 minutes for the purpose of discipline, behavior
27 modification, or due to an imminent threat to the safety of the youth
28 or others; and (b) in a room other than the room assigned to the
29 youth for sleeping. Juveniles are in isolation from the moment they
30 are separated from others until they have rejoined the population.
31 Juveniles who are pregnant shall not be put into isolation.
32 Maintaining appropriate gender separation does not constitute
33 isolation.

34 (6) "Juvenile" means:

35 (a) Any individual who is under the chronological age of
36 (~~eighteen~~) 18 years; and

37 (b) Any individual under the chronological age of (~~twenty-five~~)
38 21 years who is confined in an institution, including an individual
39 confined in an institution under RCW 72.01.410.

1 (7) "Juvenile court administrator" means an administrator
2 appointed pursuant to RCW 13.04.035.

3 (8) "Room confinement" means a juvenile is separated from the
4 youth population and placed in a room or cell that the juvenile is
5 assigned to for sleeping, other than during normal sleeping hours or
6 interim rest hours. "Room confinement" does not include time a youth
7 requests to spend in his or her room or rest periods in between
8 facility programming. Juveniles are in room confinement from the
9 moment they are separated from others until they are permitted to
10 rejoin the population.

11 (9) "Solitary confinement" means a youth is involuntarily
12 separated from the youth population and placed in a room or cell
13 other than the room assigned to the youth for sleeping for longer
14 than ((fifteen)) 15 minutes for punitive purposes. Different
15 terminology does not exempt practice from being "solitary
16 confinement."

17 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
18 each repealed:

19 (1) RCW 13.40.301 (Department to protect younger children in
20 confinement from older youth confined pursuant to 2018 c 162) and
21 2018 c 162 s 8;

22 (2) RCW 13.04.800 (Report to legislature—2021 c 206 ss 2 and 3;
23 2019 c 322 ss 2-6; 2018 c 162) and 2021 c 206 s 9, 2019 c 322 s 5, &
24 2018 c 162 s 9;

25 (3) RCW 72.01.412 (Eligibility for community transition services)
26 and 2023 c 470 s 3018, 2021 c 206 s 2, & 2019 c 322 s 6;

27 (4) RCW 43.216.180 (Education of students in the custody of
28 juvenile rehabilitation facilities—Duties—Creation of a
29 comprehensive plan) and 2019 c 322 s 7;

30 (5) 2019 c 322 s 1 (uncodified);

31 (6) 2021 c 206 s 1 (uncodified);

32 (7) 2021 c 206 s 8 (uncodified); and

33 (8) 2021 c 206 s 10 (uncodified).

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