
SUBSTITUTE SENATE BILL 5296

State of Washington

69th Legislature

2025 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Frame, Nobles, Slatter, and Trudeau)

READ FIRST TIME 02/19/25.

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; and amending
4 RCW 13.40.160, 13.40.165, 13.40.185, 13.40.0357, 72.05.420,
5 13.40.210, 13.40.215, 13.40.230, 72.01.412, and 13.40.205.

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

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

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

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

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

1 in subsections (2) (~~(3), (4)~~) through (5) (~~(6)~~) of this
2 section for offenses listed in RCW 13.04.030(1)(e)(v).

3 (c) Except for offenses listed in RCW 13.04.030(1)(e)(v), before
4 the court sentences an offender to a standard range as provided in
5 RCW 13.40.0357 option A that includes a term of confinement exceeding
6 30 days, the court shall make an independent finding, supported by
7 clear and convincing evidence, that commitment to the department is
8 needed because a community-based placement would not adequately
9 protect the community. A stipulation by the parties alone is not
10 sufficient to support an independent finding that commitment to the
11 department is needed under this subsection. Commitment of a juvenile
12 to confinement over 30 days must be to the department for the
13 standard range of confinement, except as provided in this subsection
14 and subsections (2) through (5) of this section.

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

17 (i) The severity of the offense or offenses for which the
18 juvenile has most recently been adjudicated, including the juvenile's
19 role in the offense, the juvenile's behavior, and harm done to
20 victims;

21 (ii) The juvenile's criminal history, including the adequacy and
22 success of previous attempts by the juvenile court to rehabilitate
23 the juvenile;

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

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

30 (v) The juvenile's age, developmental maturity, mental and
31 emotional health, sexual orientation, gender identity and expression,
32 and any disabilities or special needs impacting the safety or
33 suitability of committing the juvenile to a term of confinement in
34 juvenile court.

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

1 (f) If the court does make a finding under (c) of this
2 subsection, the court must maintain concurrent jurisdiction with the
3 department over the juvenile, except the court's concurrent
4 jurisdiction may be only for the purposes of conducting the review
5 hearings described under RCW 13.40.185(3), and any community
6 supervision that is ordered if a juvenile is released at the review
7 hearing.

8 (g) If a juvenile is sentenced to a determinate sentence of
9 electronic monitoring for up to the minimum of the juvenile's
10 standard range under (e) of this subsection, and is found by the
11 court to have violated any terms of an electronic monitoring
12 agreement, the court may impose a sanction pursuant to RCW 13.40.200,
13 or if the court makes a finding under RCW 13.40.160(1)(c), revoke the
14 electronic monitoring and order confinement for up to the remainder
15 of the determinate electronic monitoring sentence previously imposed.
16 Upon completion of a sanction, the juvenile may resume electronic
17 monitoring. Any time served in detention due to a violation of the
18 terms of an electronic monitoring agreement shall be applied as
19 credit for time served for the remaining time on electronic
20 monitoring, or if revoked, confinement.

21 (2) If the court concludes, and enters reasons for its
22 conclusion, that disposition within the standard range would
23 effectuate a manifest injustice the court shall impose a disposition
24 outside the standard range, as indicated in option D of RCW
25 13.40.0357. The court's finding of manifest injustice shall be
26 supported by clear and convincing evidence.

27 A disposition outside the standard range shall be determinate,
28 subject to RCW 13.40.185(3), and shall be comprised of confinement or
29 community supervision, or a combination thereof. When a judge finds a
30 manifest injustice and imposes a sentence of confinement exceeding
31 ~~((thirty))~~ 30 days, the court shall sentence the juvenile to a
32 maximum term, and the provisions of RCW 13.40.030(2) shall be used to
33 determine the range. A disposition outside the standard range is
34 appealable under RCW 13.40.230 by the state or the respondent. A
35 disposition ~~((within the standard range))~~ with a term of confinement
36 that is 30 days or less is not appealable under RCW 13.40.230. A
37 disposition within the standard range for the offenses in subsection
38 (1)(b) of this section is not appealable under RCW 13.40.230, but
39 other dispositions, including revocations of suspended dispositions,

1 with a term of confinement of more than 30 days are appealable under
2 RCW 13.40.230.

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

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 an A- or B+ offense, the)) The court may impose the
11 disposition alternative under RCW 13.40.165 unless a juvenile has
12 been adjudicated of an offense listed in RCW 13.04.030(1)(e)(v).~~

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

16 ~~(6) When the offender is subject to a standard range commitment~~
17 ~~of 15 to 36 weeks and is ineligible for a suspended disposition~~
18 ~~alternative, a manifest injustice disposition below the standard~~
19 ~~range, special sex offender disposition alternative, chemical~~
20 ~~dependency disposition alternative, or mental health disposition~~
21 ~~alternative, the court in a county with a pilot program under RCW~~
22 ~~13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

23 ~~(7))~~ RCW 13.40.193 shall govern the disposition of any juvenile
24 adjudicated of possessing a firearm in violation of RCW
25 9.41.040(2)(a)(v) or any crime in which a special finding is entered
26 that the juvenile was armed with a firearm.

27 ~~((8))~~ (6) RCW 13.40.308 shall govern the disposition of any
28 juvenile adjudicated of theft of a motor vehicle as defined under RCW
29 9A.56.065, possession of a stolen motor vehicle as defined under RCW
30 9A.56.068, taking a motor vehicle without permission in the first
31 degree under RCW 9A.56.070, and taking a motor vehicle without
32 permission in the second degree under RCW 9A.56.075.

33 ~~((9))~~ (7) Whenever a juvenile offender is entitled to credit
34 for time spent in detention prior to a dispositional order, the
35 dispositional order shall specifically state the number of days of
36 credit for time served.

37 ~~((10))~~ (8) Except as provided under subsections (3) ~~((, (4),~~)
38 through (5) ~~((, or (6))~~) of this section, or option B of RCW
39 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer
40 the imposition or the execution of the disposition.

1 ~~((11))~~ (9) In no case shall the term of confinement imposed by
2 the court at disposition exceed that to which an adult could be
3 subjected for the same offense.

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

6 (1) The purpose of this disposition alternative is to ensure that
7 successful treatment options to reduce recidivism are available to
8 eligible youth, pursuant to RCW 71.24.615. It is also the purpose of
9 the disposition alternative to assure that minors in need of
10 substance use disorder, mental health, and/or co-occurring disorder
11 treatment receive an appropriate continuum of culturally relevant
12 care and treatment, including prevention and early intervention,
13 self-directed care, parent-directed care, and residential treatment.
14 To facilitate the continuum of care and treatment to minors in out-
15 of-home placements, all divisions of the department that provide
16 these services to minors shall jointly plan and deliver these
17 services. It is also the purpose of the disposition alternative to
18 protect the rights of minors against needless hospitalization and
19 deprivations of liberty and to enable treatment decisions to be made
20 in response to clinical needs and in accordance with sound
21 professional judgment. The mental health, substance abuse, and co-
22 occurring disorder treatment providers shall, to the extent possible,
23 offer services that involve minors' parents, guardians, and family.

24 (2) The court must consider eligibility for the substance use
25 disorder or mental health disposition alternative when a juvenile
26 offender is subject to a standard range disposition (~~((of local
27 sanctions or 15 to 36 weeks of confinement))~~) and has not committed an
28 (~~((A- or B+ offense, other than a first time B+ offense under chapter
29 69.50 RCW))~~) offense under RCW 13.04.030(1)(e)(v). The court, on its
30 own motion or the motion of the state or the respondent if the
31 evidence shows that the offender may be chemically dependent,
32 substance abusing, or has significant mental health or co-occurring
33 disorders may order an examination by a substance use disorder
34 counselor from a substance use disorder treatment facility approved
35 under chapter 70.96A RCW or a mental health professional as defined
36 in chapter 71.34 RCW to determine if the youth is chemically
37 dependent, substance abusing, or suffers from significant mental
38 health or co-occurring disorders. The state shall pay the cost of any

1 examination ordered under this subsection unless third-party
2 insurance coverage is available.

3 (3) The report of the examination shall include at a minimum the
4 following: The respondent's version of the facts and the official
5 version of the facts, the respondent's offense history, an assessment
6 of drug-alcohol problems, mental health diagnoses, previous treatment
7 attempts, the respondent's social, educational, and employment
8 situation, and other evaluation measures used. The report shall set
9 forth the sources of the examiner's information.

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

13 (a) Whether inpatient and/or outpatient treatment is recommended;

14 (b) Availability of appropriate treatment;

15 (c) Monitoring plans, including any requirements regarding living
16 conditions, lifestyle requirements, and monitoring by family members,
17 legal guardians, or others;

18 (d) Anticipated length of treatment; and

19 (e) Recommended crime-related prohibitions.

20 (5) The court on its own motion may order, or on a motion by the
21 state or the respondent shall order, a second examination. The
22 evaluator shall be selected by the party making the motion. The
23 requesting party shall pay the cost of any examination ordered under
24 this subsection unless the requesting party is the offender, in which
25 case the state shall pay the cost if no third-party insurance
26 coverage is available.

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

32 (b) If the court determines that this disposition alternative is
33 appropriate, then the court shall impose the standard range for the
34 offense, or if the court concludes, and enters reasons for its
35 conclusion, that such disposition would effectuate a manifest
36 injustice, the court shall impose a disposition above the standard
37 range as indicated in option D of RCW 13.40.0357 if the disposition
38 is an increase from the standard range and the confinement of the
39 offender does not exceed a maximum of 52 weeks, suspend execution of
40 the disposition, and place the offender on community supervision for

1 up to one year. As a condition of the suspended disposition, the
2 court shall require the offender to undergo available outpatient
3 drug/alcohol, mental health, or co-occurring disorder treatment
4 and/or inpatient mental health or drug/alcohol treatment. The court
5 shall only order inpatient treatment under this section if a funded
6 bed is available. If the inpatient treatment is longer than 90 days,
7 the court shall hold a review hearing every 30 days beyond the
8 initial 90 days. The respondent may appear telephonically at these
9 review hearings if in compliance with treatment. As a condition of
10 the suspended disposition, the court may impose conditions of
11 community supervision and other sanctions, including up to 30 days of
12 confinement, 150 hours of community restitution, and payment of
13 restitution.

14 (7) The mental health/co-occurring disorder/drug/alcohol
15 treatment provider shall submit monthly reports on the respondent's
16 progress in treatment to the court and the parties. The reports shall
17 reference the treatment plan and include at a minimum the following:
18 Dates of attendance, respondent's compliance with requirements,
19 treatment activities, the respondent's relative progress in
20 treatment, and any other material specified by the court at the time
21 of the disposition.

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

24 If the offender violates any condition of the disposition or the
25 court finds that the respondent is failing to make satisfactory
26 progress in treatment, the court may impose sanctions pursuant to RCW
27 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),
28 revoke the suspension and order execution of the disposition. The
29 court shall give credit for any confinement time previously served if
30 that confinement was for the offense for which the suspension is
31 being revoked.

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

38 (9) Whenever a juvenile offender is entitled to credit for time
39 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time
2 served.

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

6 (11) A disposition under this section is not appealable under RCW
7 13.40.230, unless the court revokes the suspended disposition and
8 makes a finding under RCW 13.40.160(1)(c).

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

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

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

19 (1) ~~((Any))~~ Except as provided under RCW 13.40.160(1)(e), any
20 term of confinement imposed for an offense which exceeds ~~((thirty))~~
21 30 days shall be served under the supervision of the department,
22 although the juvenile court maintains concurrent jurisdiction with
23 the department over the juvenile, only for the purposes of conducting
24 review hearings described under this section and any community
25 supervision that is ordered if a juvenile is released at the review
26 hearing. If the period of confinement imposed for more than one
27 offense exceeds ~~((thirty))~~ 30 days but the term imposed for each
28 offense is less than ~~((thirty))~~ 30 days or if the court orders
29 electronic monitoring up to the minimum of the standard range under
30 RCW 13.40.160(1)(e), the confinement may, in the discretion of the
31 court, be served in a juvenile facility operated by or pursuant to a
32 contract with the state or a county.

33 (a) The juvenile court administrator and the secretary of the
34 department, or the secretary's designee, in alignment with the
35 definition of confinement in RCW 13.40.020(7), shall prioritize
36 capacity-related concerns related to the physical custody of the
37 juvenile when establishing contractual agreements in efforts to
38 provide a humane, safe, and rehabilitative environment.

1 (b) Subject to the availability of funds appropriated for this
2 specific purpose, the department shall establish contractual
3 agreements with at least four juvenile court administrators,
4 including at least one that is located east of the Cascade mountains,
5 for the physical custody of young people with terms of confinement
6 where there are less than 90 days before the release date set in
7 accordance with RCW 13.40.210(1).

8 (2) Whenever a juvenile is confined in a detention facility or is
9 committed to the department, the court may not directly order a
10 juvenile into a particular county or state facility. The juvenile
11 court administrator and the secretary or the secretary's designee, as
12 appropriate, has the sole discretion to determine in which facility a
13 juvenile should be confined or committed. The counties may operate a
14 variety of detention facilities as determined by the county
15 legislative authority subject to available funds.

16 (3) Excluding the offenses listed in RCW 13.04.030(1)(e)(v), the
17 juvenile court maintains concurrent jurisdiction with the department
18 over a juvenile who is committed to the department, except the
19 court's concurrent jurisdiction may be only for the purposes of
20 scheduling and conducting a review hearing at the mid-point of the
21 minimum range, provided the review does not occur until after the
22 juvenile has served at least four months in the custody of the
23 department, and imposing any community supervision that is ordered if
24 a juvenile is released at the review hearing. The court may schedule
25 additional review hearings at its discretion.

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

28 (i) The services received by the juvenile;

29 (ii) Any infractions committed by the juvenile;

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

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

37 (b) During each review hearing the court shall consider the
38 juvenile's progress and, unless the court makes a finding under RCW
39 13.40.160(1)(c), shall release the juvenile from the custody of the
40 department and place the juvenile on up to a year of community

1 supervision administered by the county, unless the juvenile will be
2 placed on mandatory parole, in which case the juvenile shall be
3 released to parole rather than community supervision.

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

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

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

12 **DESCRIPTION AND OFFENSE CATEGORY**

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

13
14
15
16
17
18 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

19
20
21
22
23
24
25
26
27
28
29
30
31
32 **Assault and Other Crimes Involving**
33 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+

1	D+	Assault 4 (9A.36.041)	E
2	B+	Drive-By Shooting (9A.36.045)	C+
3		committed at age 15 or under	
4	A++	Drive-By Shooting (9A.36.045)	A
5		committed at age 16 or 17	
6	D+	Reckless Endangerment (9A.36.050)	E
7	C+	Promoting Suicide Attempt (9A.36.060)	D+
8	D+	Coercion (9A.36.070)	E
9	C+	Custodial Assault (9A.36.100)	D+
10		Burglary and Trespass	
11	B+	Burglary 1 (9A.52.020) committed at	C+
12		age 15 or under	
13	A-	Burglary 1 (9A.52.020) committed at	B+
14		age 16 or 17	
15	B	Residential Burglary (9A.52.025)	C
16	B	Burglary 2 (9A.52.030)	C
17	D	Burglary Tools (Possession of)	E
18		(9A.52.060)	
19	D	Criminal Trespass 1 (9A.52.070)	E
20	E	Criminal Trespass 2 (9A.52.080)	E
21	C	Mineral Trespass (78.44.330)	C
22	C	Vehicle Prowling 1 (9A.52.095)	D
23	D	Vehicle Prowling 2 (9A.52.100)	E
24		Drugs	
25	E	Possession/Consumption of Alcohol	E
26		(66.44.270)	
27	C	Illegally Obtaining Legend Drug	D
28		(69.41.020)	
29	C+	Sale, Delivery, Possession of Legend	D+
30		Drug with Intent to Sell (69.41.030(2)(a))	
31	E	Possession of Legend	E
32		Drug (69.41.030(2)(b))	
33	B+	Violation of Uniform Controlled	B+
34		Substances Act - Narcotic,	
35		Methamphetamine, or Flunitrazepam	
36		Sale (69.50.401(2) (a) or (b))	

1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(2)(c))	
4	E	Possession of Cannabis <40 grams	E
5		(69.50.4014)	
6	C	Fraudulently Obtaining Controlled	C
7		Substance (69.50.403)	
8	C+	Sale of Controlled Substance for Profit	C+
9		(69.50.410)	
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	B
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances (69.50.4011(2)	
15		(a) or (b))	
16	C	Violation of Uniform Controlled	C
17		Substances Act - Nonnarcotic Counterfeit	
18		Substances (69.50.4011(2) (c), (d), or (e))	
19	E	Violation of Uniform Controlled	E
20		Substances Act - Possession of a	
21		Controlled Substance (69.50.4013)	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Possession of a	
24		Controlled Substance (69.50.4012)	
25		Firearms and Weapons	
26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm	C
28		(9A.56.310)	
29	E	Carrying Loaded Pistol Without Permit	E
30		(9.41.050)	
31	C	Possession of Firearms by Minor (<18)	C
32		(9.41.040(2)(a) (v))	
33	D+	Possession of Dangerous Weapon	E
34		(9.41.250)	
35	D	Intimidating Another Person by use of	E
36		Weapon (9.41.270)	
37		Homicide	

1	A+	Murder 1 (9A.32.030)	A
2	A+	Murder 2 (9A.32.050)	B+
3	B+	Manslaughter 1 (9A.32.060)	C+
4	C+	Manslaughter 2 (9A.32.070)	D+
5	B+	Vehicular Homicide (46.61.520)	C+
6		Kidnapping	
7	A	Kidnap 1 (9A.40.020)	B+
8	B+	Kidnap 2 (9A.40.030)	C+
9	C+	Unlawful Imprisonment (9A.40.040)	D+
10		Obstructing Governmental Operation	
11	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
12			
13	E	Resisting Arrest (9A.76.040)	E
14	B	Introducing Contraband 1 (9A.76.140)	C
15	C	Introducing Contraband 2 (9A.76.150)	D
16	E	Introducing Contraband 3 (9A.76.160)	E
17	B+	Intimidating a Public Servant (9A.76.180)	C+
18			
19	B+	Intimidating a Witness (9A.72.110)	C+
20		Public Disturbance	
21	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
22			
23	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
24			
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		Sex Crimes	
28	A	Rape 1 (9A.44.040)	B+
29	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
30			
31	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
32			
33	C+	Rape 3 (9A.44.060)	D+
34	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
35			

1	A-	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 15	
3	B+	Rape of a Child 2 (9A.44.076)	C+
4	B	Incest 1 (9A.64.020(1))	C
5	C	Incest 2 (9A.64.020(2))	D
6	D+	Indecent Exposure (Victim <14)	E
7		(9A.88.010)	
8	E	Indecent Exposure (Victim 14 or over)	E
9		(9A.88.010)	
10	B+	Promoting Prostitution 1 (9A.88.070)	C+
11	C+	Promoting Prostitution 2 (9A.88.080)	D+
12	E	O & A (Prostitution) (9A.88.030)	E
13	B+	Indecent Liberties (9A.44.100)	C+
14	B++	Child Molestation 1 (9A.44.083)	B+
15		committed at age 14 or under	
16	A-	Child Molestation 1 (9A.44.083)	B+
17		committed at age 15 through age 17	
18	B	Child Molestation 2 (9A.44.086)	C+
19	C	Failure to Register as a Sex Offender	D
20		(9A.44.132)	
21		Theft, Robbery, Extortion, and	
22		Forgery	
23	B	Theft 1 (9A.56.030)	C
24	C	Theft 2 (9A.56.040)	D
25	D	Theft 3 (9A.56.050)	E
26	B	Theft of Livestock 1 and 2 (9A.56.080	C
27		and 9A.56.083)	
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200) committed at	B+
30		age 15 or under	
31	A++	Robbery 1 (9A.56.200) committed at	A
32		age 16 or 17	
33	B+	Robbery 2 (9A.56.210)	C+
34	B+	Extortion 1 (9A.56.120)	C+
35	C+	Extortion 2 (9A.56.130)	D+
36	C	Identity Theft 1 (9.35.020(2))	D

1	D	Identity Theft 2 (9.35.020(3))	E
2	D	Improperly Obtaining Financial	E
3		Information (9.35.010)	
4	B	Possession of a Stolen Vehicle	C
5		(9A.56.068)	
6	B	Possession of Stolen Property 1	C
7		(9A.56.150)	
8	C	Possession of Stolen Property 2	D
9		(9A.56.160)	
10	D	Possession of Stolen Property 3	E
11		(9A.56.170)	
12	B	Taking Motor Vehicle Without	C
13		Permission 1 (9A.56.070)	
14	C	Taking Motor Vehicle Without	D
15		Permission 2 (9A.56.075)	
16	B	Theft of a Motor Vehicle (9A.56.065)	C
17		Motor Vehicle Related Crimes	
18	E	Driving Without a License (46.20.005)	E
19	B+	Hit and Run - Death (46.52.020(4)(a))	C+
20	C	Hit and Run - Injury (46.52.020(4)(b))	D
21	D	Hit and Run-Attended (46.52.020(5))	E
22	E	Hit and Run-Unattended (46.52.010)	E
23	C	Vehicular Assault (46.61.522)	D
24	C	Attempting to Elude Pursuing Police	D
25		Vehicle (46.61.024)	
26	E	Reckless Driving (46.61.500)	E
27	D	Driving While Under the Influence	E
28		(46.61.502 and 46.61.504)	
29	B+	Felony Driving While Under the	B
30		Influence (46.61.502(6))	
31	B+	Felony Physical Control of a Vehicle	B
32		While Under the Influence (46.61.504(6))	
33		Other	
34	B	Animal Cruelty 1 (16.52.205)	C
35	B	Bomb Threat (9.61.160)	C
36	C	Escape 1 ¹ (9A.76.110)	C

1	C	Escape 2 ¹ (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	E
4		(9.61.230)	
5	A	Other Offense Equivalent to an Adult	B+
6		Class A Felony	
7	B	Other Offense Equivalent to an Adult	C
8		Class B Felony	
9	C	Other Offense Equivalent to an Adult	D
10		Class C Felony	
11	D	Other Offense Equivalent to an Adult	E
12		Gross Misdemeanor	
13	E	Other Offense Equivalent to an Adult	E
14		Misdemeanor	
15	V	Violation of Order of Restitution,	V
16		Community Supervision, or Confinement	
17		(13.40.200) ²	

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

20 1st escape or attempted escape during 12-month period - 28 days
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month
25 period - 12 weeks confinement

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

28 **JUVENILE SENTENCING STANDARDS**

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

32 OPTION A

33 JUVENILE OFFENDER SENTENCING GRID

34 STANDARD RANGE

35 A++ 129 to 260 weeks for all category A++ offenses

1	A+	180 weeks to age 21 for all category A+ offenses					
2	A	103-129 weeks for all category A offenses					
3	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
4	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
5	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
6	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
7	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
8		C	LS	LS	LS	LS	15-36 weeks
9		D+	LS	LS	LS	LS	LS
10		D	LS	LS	LS	LS	LS
11		E	LS	LS	LS	LS	LS
12	PRIOR		0	1	2	3	4 or more
13	ADJUDICATIONS						

14 NOTE: References in the grid to days or weeks mean periods of
15 confinement. "LS" means "local sanctions" as defined in RCW
16 13.40.020.

17 (1) The vertical axis of the grid is the current offense
18 category. The current offense category is determined by the offense
19 of adjudication.

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

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

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

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

33 **OR**
34 **OPTION B**
35 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational
5 or treatment requirement. The treatment programs provided to the
6 offender must be either research-based best practice programs as
7 identified by the Washington state institute for public policy or the
8 joint legislative audit and review committee, or for chemical
9 dependency treatment programs or services, they must be evidence-
10 based or research-based best practice programs. For the purposes of
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had
13 multiple site random controlled trials across heterogeneous
14 populations demonstrating that the program or practice is effective
15 for the population; and

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

19 (2) If the offender fails to comply with the suspended
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200
21 or may revoke the suspended disposition and order the disposition's
22 execution.

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

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

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

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

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

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

36 ~~(iv) Violation of the uniform controlled substances act (RCW
37 69.50.401(2) (a) and (b)), when the offense includes infliction of
38 bodily harm upon another or when during the commission or immediate~~

1 ~~withdrawal from the offense the respondent was armed with a deadly~~
2 ~~weapon;~~

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

5 ~~(d) Is adjudicated of a)~~ an offense under RCW 13.40.030(1)(e)(v)
6 or a sex offense as defined in RCW 9.94A.030 (~~;~~ ~~or~~

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

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

11 OR

12 OPTION C

13 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

14 ~~((If the juvenile offender is subject to a standard range~~
15 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~
16 ~~has not committed a B++ or B+ offense))~~ Unless a juvenile has been
17 adjudicated of an offense under RCW 13.04.030(1)(e)(v), the court may
18 impose a disposition under RCW 13.40.160(4) and 13.40.165. The court
19 may revoke this disposition alternative only if the court makes a
20 finding under RCW 13.40.160(1)(c).

21 OR

22 OPTION D

23 MANIFEST INJUSTICE

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

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

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

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

35 ~~(b) The offender has spent at least ten percent of his or her~~
36 ~~sentence, but in no event less than thirty days, in a secure~~
37 ~~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.

--- END ---