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SENATE BILL 5597

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State of Washington

55th Legislature

1997 Regular Session

By Senators Kohl, Kline, Fairley, Sheldon, Heavey, Snyder, Thibaudeau, Franklin, Patterson, Goings and McAuliffe

Read first time 02/03/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to juvenile justice and family services; amending  
2 RCW 13.40.010, 13.40.0357, 13.40.070, 13.40.160, 13.40.180, 13.40.185,  
3 13.40.210, 13.40.460, 13.32A.140, and 13.32A.152; reenacting and  
4 amending RCW 13.04.030, 13.40.020, and 28A.225.035; adding a new  
5 section to chapter 13.40 RCW; prescribing penalties; and declaring an  
6 emergency.

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

8 **Sec. 1.** RCW 13.40.010 and 1992 c 205 s 101 are each amended to  
9 read as follows:

10 (1) This chapter shall be known and cited as the Juvenile Justice  
11 Act of 1977.

12 (2) It is the intent of the legislature that a unified,  
13 cross-systems, juvenile justice system capable of (~~having primary~~  
14 ~~responsibility for, being accountable for, and~~) responding to the  
15 needs of (~~youthful~~) juvenile offenders, (~~as defined by this~~  
16 ~~chapter,~~) be established and that communities, families, governmental  
17 agencies, and the juvenile courts carry out their functions consistent  
18 with this intent. It is the further intent of the legislature that  
19 youth(~~, in turn, be~~) are held accountable for their offenses (~~and~~

1 ~~that both communities and the juvenile courts carry out their functions~~  
2 ~~consistent with this intent))~~ and that the public is protected from  
3 crime. To effectuate these policies, the legislature declares the  
4 following to be equally important purposes of this chapter:

5 (a) Protect the citizenry from the criminal behavior of youth;

6 (b) Provide for determining whether accused juveniles have  
7 committed offenses as defined by this chapter;

8 (c) Make the juvenile offender accountable for his or her criminal  
9 behavior;

10 (d) Provide for punishment commensurate with the age, crime, and  
11 criminal history of the juvenile offender;

12 (e) Provide due process for juveniles alleged to have committed an  
13 offense;

14 (f) Provide necessary treatment, supervision, and custody for  
15 juvenile offenders to help eliminate the underlying causes of the  
16 offenders' criminal behavior and to ensure public safety;

17 (g) Provide for a progression of interventions and consequences for  
18 delinquent behavior, including institution and community-based  
19 punishment and treatment that encourages the involvement of families,  
20 mental health, and other local and state children's services and  
21 educational agencies;

22 (h) Provide for the handling of juvenile offenders by communities  
23 whenever consistent with public safety;

24 ~~((h))~~ (i) Provide for restitution to victims of crime;

25 ~~((i))~~ (j) Develop effective standards and goals for the  
26 operation, funding, and evaluation of all components of the juvenile  
27 justice system ((and)) as well as related state and local governmental  
28 agencies and services ((at the state and local levels; and

29 ~~(j) Provide for a clear policy to determine what types of offenders~~  
30 ~~shall receive punishment, treatment, or both, and to determine the~~  
31 ~~jurisdictional limitations of the courts, institutions, and community~~  
32 ~~services))i~~

33 (k) Provide swift sanctions for juvenile criminal behavior;

34 (l) Enhance cross-system coordination and interdisciplinary  
35 approaches to reduce the risk factors for juvenile delinquency; and

36 (m) Ensure that racial and ethnic minority families are not  
37 disproportionately affected by the juvenile justice system.

1       **Sec. 2.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are  
2 each reenacted and amended to read as follows:

3       (1) Except as provided in subsection (2) of this section, the  
4 juvenile courts in the several counties of this state, shall have  
5 exclusive original jurisdiction over all proceedings:

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

8       (b) Relating to children alleged or found to be dependent as  
9 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

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

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

14       (e) Relating to juveniles alleged or found to have committed  
15 offenses, traffic infractions, or violations as provided in RCW  
16 13.40.020 through 13.40.230, unless:

17       (i) The juvenile court transfers jurisdiction of a particular  
18 juvenile to adult criminal court pursuant to RCW 13.40.110; or

19       (ii) The statute of limitations applicable to adult prosecution for  
20 the offense, traffic infraction, or violation has expired; or

21       (iii) The alleged offense or infraction is a traffic, fish,  
22 boating, or game offense or traffic infraction committed by a juvenile  
23 sixteen years of age or older and would, if committed by an adult, be  
24 tried or heard in a court of limited jurisdiction, in which instance  
25 the appropriate court of limited jurisdiction shall have jurisdiction  
26 over the alleged offense or infraction: PROVIDED, That if such an  
27 alleged offense or infraction and an alleged offense or infraction  
28 subject to juvenile court jurisdiction arise out of the same event or  
29 incident, the juvenile court may have jurisdiction of both matters:  
30 PROVIDED FURTHER, That the jurisdiction under this subsection does not  
31 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)  
32 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited  
33 jurisdiction which confine juveniles for an alleged offense or  
34 infraction may place juveniles in juvenile detention facilities under  
35 an agreement with the officials responsible for the administration of  
36 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

37       (iv) The juvenile is sixteen or seventeen years old and the alleged  
38 offense is: (A) A serious violent offense as defined in RCW 9.94A.030  
39 committed on or after June 13, 1994; or (B) a violent offense as

1 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the  
2 juvenile has a criminal history consisting of: (I) One or more prior  
3 serious violent offenses; (II) two or more prior violent offenses; or  
4 (III) three or more of any combination of the following offenses: Any  
5 class A felony, any class B felony, vehicular assault, or manslaughter  
6 in the second degree, all of which must have been committed after the  
7 juvenile's thirteenth birthday and prosecuted separately. In such a  
8 case the adult criminal court shall have exclusive original  
9 jurisdiction.

10 If the juvenile challenges the state's determination of the  
11 juvenile's criminal history, the state may establish the offender's  
12 criminal history by a preponderance of the evidence. If the criminal  
13 history consists of adjudications entered upon a plea of guilty, the  
14 state shall not bear a burden of establishing the knowing and  
15 voluntariness of the plea;

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

18 (g) Relating to termination of a diversion agreement under RCW  
19 13.40.080, including a proceeding in which the divertee has attained  
20 eighteen years of age;

21 (h) Relating to court validation of a voluntary consent to an out-  
22 of-home placement under chapter 13.34 RCW, by the parent or Indian  
23 custodian of an Indian child, except if the parent or Indian custodian  
24 and child are residents of or domiciled within the boundaries of a  
25 federally recognized Indian reservation over which the tribe exercises  
26 exclusive jurisdiction; (~~and~~)

27 (i) Relating to petitions to compel disclosure of information filed  
28 by the department of social and health services pursuant to RCW  
29 74.13.042;

30 (j) Relating to a parent, guardian, or custodian who has custody of  
31 any juvenile described in this section, if such parent, guardian, or  
32 custodian was served with a summons; and

33 (k) Relating to any state or local governmental agency involved  
34 with providing educational, family, or social services to a juvenile  
35 described in this section if the chief officer of the agency was served  
36 with a summons.

37 (2) The family court shall have concurrent original jurisdiction  
38 with the juvenile court over all proceedings under this section if the

1 superior court judges of a county authorize concurrent jurisdiction as  
2 provided in RCW 26.12.010.

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

7 **Sec. 3.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are  
8 each reenacted and amended to read as follows:

9 For the purposes of this chapter:

10 (1) "Serious offender" means a person fifteen years of age or older  
11 who has committed an offense which if committed by an adult would be:

12 (a) A class A felony, or an attempt to commit a class A felony;

13 (b) Manslaughter in the first degree; or

14 (c) Assault in the second degree, extortion in the first degree,  
15 child molestation in the second degree, kidnapping in the second  
16 degree, robbery in the second degree, residential burglary, or burglary  
17 in the second degree, where such offenses include the infliction of  
18 bodily harm upon another or where during the commission of or immediate  
19 withdrawal from such an offense the perpetrator is armed with a deadly  
20 weapon;

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

26 (3) "Community supervision" means an order of disposition by the  
27 court of an adjudicated youth not committed to the department or an  
28 order granting a deferred adjudication pursuant to RCW 13.40.125. A  
29 community supervision order for a single offense may be for a period of  
30 up to two years for a sex offense as defined by RCW 9.94A.030 and up to  
31 one year for other offenses. As a mandatory condition of any term of  
32 community supervision, the court shall order the juvenile to refrain  
33 from committing new offenses. As a mandatory condition of community  
34 supervision, the court shall order the juvenile to comply with the  
35 mandatory school attendance provisions of chapter 28A.225 RCW and to  
36 inform the school of the existence of this requirement. Community  
37 supervision is an individualized program comprised of one or more of  
38 the following:

- 1 (a) Community-based sanctions;
- 2 (b) Community-based rehabilitation;
- 3 (c) Monitoring and reporting requirements;
- 4 (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;

5 (4) Community-based sanctions may include one or more of the  
6 following:

- 7 (a) A fine, not to exceed one hundred dollars;
- 8 (b) Community service not to exceed one hundred fifty hours of  
9 service;

10 (5) "Community-based rehabilitation" means one or more of the  
11 following: Attendance of information classes; counseling((  ));  
12 outpatient substance abuse treatment programs((  )); outpatient mental  
13 health programs((  )); anger management classes((  )); education or  
14 outpatient treatment programs to prevent animal cruelty((  )); or other  
15 services; or attendance at school or other educational programs  
16 appropriate for the juvenile as determined by the court in consultation  
17 with the school district. Placement in community-based rehabilitation  
18 programs is subject to available funds;

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

27 (7) "Confinement" means physical custody by the department of  
28 social and health services in a facility operated by or pursuant to a  
29 contract with the state, or physical custody in a detention facility  
30 operated by or pursuant to a contract with any county. The county may  
31 operate or contract with vendors to operate county detention  
32 facilities. The department may operate or contract to operate  
33 detention facilities for juveniles committed to the department.  
34 Pretrial confinement or confinement of less than thirty-one days  
35 imposed as part of a disposition or modification order may be served  
36 consecutively or intermittently, in the discretion of the court;

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

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

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

7 (b) The criminal complaint was diverted by a prosecutor pursuant to  
8 the provisions of this chapter on agreement of the respondent and after  
9 an advisement to the respondent that the criminal complaint would be  
10 considered as part of the respondent's criminal history. A  
11 successfully completed deferred adjudication shall not be considered  
12 part of the respondent's criminal history;

13 (10) "Department" means the department of social and health  
14 services;

15 (11) "Detention facility" means a county facility, paid for by the  
16 county, for the physical confinement of a juvenile alleged to have  
17 committed an offense or an adjudicated offender subject to a  
18 disposition or modification order. "Detention facility" includes  
19 county group homes, inpatient substance abuse programs, juvenile basic  
20 training camps, and electronic monitoring;

21 (12) "Diversion unit" means any probation counselor who enters into  
22 a diversion agreement with an alleged youthful offender, or any other  
23 person, community accountability board, or other entity except a law  
24 enforcement official or entity, with whom the juvenile court  
25 administrator has contracted to arrange and supervise such agreements  
26 pursuant to RCW 13.40.080, or any person, community accountability  
27 board, or other entity specially funded by the legislature to arrange  
28 and supervise diversion agreements in accordance with the requirements  
29 of this chapter. For purposes of this subsection, "community  
30 accountability board" means a board comprised of members of the local  
31 community in which the juvenile offender resides. The superior court  
32 shall appoint the members. The boards shall consist of at least three  
33 and not more than seven members. If possible, the board should include  
34 a variety of representatives from the community, such as a law  
35 enforcement officer, teacher or school administrator, high school  
36 student, parent, and business owner, and should represent the cultural  
37 diversity of the local community;

38 (13) "Individual accountability plan" means a written plan ordered  
39 by the juvenile court to provide rehabilitative services in the

1 least-restrictive setting possible consistent with public safety to  
2 address the problems underlying the offender's crime, while holding the  
3 juvenile accountable for his or her behavior.

4 (14) "Institution" means a juvenile facility established pursuant  
5 to chapters 72.05 and 72.16 through 72.20 RCW;

6 ~~((14))~~ (15) "Juvenile," "youth," and "child" mean any individual  
7 who is under the chronological age of eighteen years and who has not  
8 been previously transferred to adult court pursuant to RCW 13.40.110 or  
9 who is otherwise under adult court jurisdiction;

10 ~~((15))~~ (16) "Juvenile offender" means any juvenile who has been  
11 found by the juvenile court to have committed an offense, including a  
12 person eighteen years of age or older over whom jurisdiction has been  
13 extended under RCW 13.40.300;

14 ~~((16))~~ (17) "Manifest injustice" means a disposition that would  
15 either impose an excessive penalty on the juvenile or would impose a  
16 serious, and clear danger to society in light of the purposes of this  
17 chapter;

18 ~~((17))~~ (18) "Middle offender" means a person who has committed an  
19 offense and who is neither a minor or first offender nor a serious  
20 offender;

21 ~~((18))~~ (19) "Minor or first offender" means a person whose  
22 current offense(s) and criminal history fall entirely within one of the  
23 following categories:

24 (a) Four misdemeanors;

25 (b) Two misdemeanors and one gross misdemeanor;

26 (c) One misdemeanor and two gross misdemeanors; and

27 (d) Three gross misdemeanors.

28 For purposes of this definition, current violations shall be  
29 counted as misdemeanors;

30 ~~((19))~~ (20) "Offense" means an act designated a violation or a  
31 crime if committed by an adult under the law of this state, under any  
32 ordinance of any city or county of this state, under any federal law,  
33 or under the law of another state if the act occurred in that state;

34 ~~((20))~~ (21) "Respondent" means a juvenile who is alleged or  
35 proven to have committed an offense;

36 ~~((21))~~ (22) "Restitution" means financial reimbursement by the  
37 offender to the victim, and shall be limited to easily ascertainable  
38 damages for injury to or loss of property, actual expenses incurred for  
39 medical treatment for physical injury to persons, lost wages resulting



1 from physical injury, and costs of the victim's counseling reasonably  
2 related to the offense if the offense is a sex offense. Restitution  
3 shall not include reimbursement for damages for mental anguish, pain  
4 and suffering, or other intangible losses. Nothing in this chapter  
5 shall limit or replace civil remedies or defenses available to the  
6 victim or offender;

7 ~~((22))~~ (23) "Secretary" means the secretary of the department of  
8 social and health services. "Assistant secretary" means the assistant  
9 secretary for juvenile rehabilitation for the department;

10 ~~((23))~~ (24) "Services" or "rehabilitative services" means  
11 services which address the underlying causes of an offender's  
12 delinquent behavior and which may provide alternatives to incarceration  
13 for those juveniles who have pleaded or been adjudicated guilty of an  
14 offense or have signed a diversion agreement pursuant to this chapter;

15 ~~((24))~~ (25) "Sex offense" means an offense defined as a sex  
16 offense in RCW 9.94A.030;

17 ~~((25))~~ (26) "Sexual motivation" means that one of the purposes  
18 for which the respondent committed the offense was for the purpose of  
19 his or her sexual gratification;

20 ~~((26))~~ (27) "Foster care" means temporary physical care in a  
21 foster family home or group care facility as defined in RCW 74.15.020  
22 and licensed by the department, or other legally authorized care;

23 ~~((27))~~ (28) "Violation" means an act or omission, which if  
24 committed by an adult, must be proven beyond a reasonable doubt, and is  
25 punishable by sanctions which do not include incarceration;

26 ~~((28))~~ (29) "Violent offense" means a violent offense as defined  
27 in RCW 9.94A.030;

28 ~~((29))~~ (30) "Probation bond" means a bond, posted with sufficient  
29 security by a surety justified and approved by the court, to secure the  
30 offender's appearance at required court proceedings and compliance with  
31 court-ordered community supervision or conditions of release ordered  
32 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of  
33 cash or posting of other collateral in lieu of a bond if approved by  
34 the court;

35 ~~((30))~~ (31) "Surety" means an entity licensed under state  
36 insurance laws or by the state department of licensing, to write  
37 corporate, property, or probation bonds within the state, and justified  
38 and approved by the superior court of the county having jurisdiction of  
39 the case;



1		<b>Assault and Other Crimes</b>	
2		<b>Involving Physical Harm</b>	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	D+	Reckless Endangerment	
8		(9A.36.050)	E
9	C+	Promoting Suicide Attempt	
10		(9A.36.060)	D+
11	D+	Coercion (9A.36.070)	E
12	C+	Custodial Assault (9A.36.100)	D+
13		<b>Burglary and Trespass</b>	
14	B+	Burglary 1 (9A.52.020)	C+
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	
17		(9A.52.060)	E
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	D	Vehicle Prowling (9A.52.100)	E
21		<b>Drugs</b>	
22	E	Possession/Consumption of Alcohol	
23		(66.44.270)	E
24	C	Illegally Obtaining Legend Drug	
25		(69.41.020)	D
26	C+	Sale, Delivery, Possession of Legend	
27		Drug with Intent to Sell	
28		(69.41.030)	D+
29	E	Possession of Legend Drug	
30		(69.41.030)	E
31	B+	Violation of Uniform Controlled	
32		Substances Act - Narcotic or	
33		Methamphetamine Sale	
34		(69.50.401(a)(1)(i) or (ii))	B+
35	C	Violation of Uniform Controlled	
36		Substances Act - Nonnarcotic Sale	
37		(69.50.401(a)(1)(iii))	C

1	E	Possession of Marihuana <40 grams	
2		(69.50.401(e))	E
3	C	Fraudulently Obtaining Controlled	
4		Substance (69.50.403)	C
5	C+	Sale of Controlled Substance	
6		for Profit (69.50.410)	C+
7	E	Unlawful Inhalation (9.47A.020)	E
8	B	Violation of Uniform Controlled	
9		Substances Act - Narcotic or	
10		Methamphetamine	
11		Counterfeit Substances	
12		(69.50.401(b)(1)(i) or (ii))	B
13	C	Violation of Uniform Controlled	
14		Substances Act - Nonnarcotic	
15		Counterfeit Substances	
16		(69.50.401(b)(1) (iii), (iv),	
17		(v))	C
18	C	Violation of Uniform Controlled	
19		Substances Act - Possession of a	
20		Controlled Substance	
21		(69.50.401(d))	C
22	C	Violation of Uniform Controlled	
23		Substances Act - Possession of a	
24		Controlled Substance	
25		(69.50.401(c))	C
26		<b>Firearms and Weapons</b>	
27	E	Carrying Loaded Pistol Without	
28		Permit (9.41.050)	E
29	C	Possession of Firearms by	
30		Minor (<18) ( <del>(9.41.040(1)(b)(iv))</del> )	
31		<u>(9.41.040(1)(b)(iii))</u>	C
32	D+	Possession of Dangerous Weapon	
33		(9.41.250)	E
34	D	Intimidating Another Person by use	
35		of Weapon (9.41.270)	E
36		<b>Homicide</b>	
37	A+	Murder 1 (9A.32.030)	A
38	A+	Murder 2 (9A.32.050)	B+

1	B+	Manslaughter 1 (9A.32.060)	C+
2	C+	Manslaughter 2 (9A.32.070)	D+
3	B+	Vehicular Homicide (46.61.520)	C+
4		<b>Kidnapping</b>	
5	A	Kidnap 1 (9A.40.020)	B+
6	B+	Kidnap 2 (9A.40.030)	C+
7	C+	Unlawful Imprisonment	
8		(9A.40.040)	D+
9		<b>Obstructing Governmental Operation</b>	
10	E	Obstructing a	
11		Law Enforcement Officer	
12		(9A.76.020)	E
13	E	Resisting Arrest (9A.76.040)	E
14	B	Introducing Contraband 1	
15		(9A.76.140)	C
16	C	Introducing Contraband 2	
17		(9A.76.150)	D
18	E	Introducing Contraband 3	
19		(9A.76.160)	E
20	B+	Intimidating a Public Servant	
21		(9A.76.180)	C+
22	B+	Intimidating a Witness	
23		(9A.72.110)	C+
24		<b>Public Disturbance</b>	
25	C+	Riot with Weapon (9A.84.010)	D+
26	D+	Riot Without Weapon	
27		(9A.84.010)	E
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		<b>Sex Crimes</b>	
31	A	Rape 1 (9A.44.040)	B+
32	A-	Rape 2 (9A.44.050)	B+
33	C+	Rape 3 (9A.44.060)	D+
34	A-	Rape of a Child 1 (9A.44.073)	B+
35	B	Rape of a Child 2 (9A.44.076)	C+
36	B	Incest 1 (9A.64.020(1))	C
37	C	Incest 2 (9A.64.020(2))	D

1	D+	Indecent Exposure	
2		(Victim <14) (9A.88.010)	E
3	E	Indecent Exposure	
4		(Victim 14 or over) (9A.88.010)	E
5	B+	Promoting Prostitution 1	
6		(9A.88.070)	C+
7	C+	Promoting Prostitution 2	
8		(9A.88.080)	D+
9	E	O & A (Prostitution) (9A.88.030)	E
10	B+	Indecent Liberties (9A.44.100)	C+
11	B+	Child Molestation 1 (9A.44.083)	C+
12	C+	Child Molestation 2 (9A.44.086)	C
13		<b>Theft, Robbery, Extortion, and Forgery</b>	
14	B	Theft 1 (9A.56.030)	C
15	C	Theft 2 (9A.56.040)	D
16	D	Theft 3 (9A.56.050)	E
17	B	Theft of Livestock (9A.56.080)	C
18	C	Forgery (9A.60.020)	D
19	A	Robbery 1 (9A.56.200)	B+
20	B+	Robbery 2 (9A.56.210)	C+
21	B+	Extortion 1 (9A.56.120)	C+
22	C+	Extortion 2 (9A.56.130)	D+
23	B	Possession of Stolen Property 1	
24		(9A.56.150)	C
25	C	Possession of Stolen Property 2	
26		(9A.56.160)	D
27	D	Possession of Stolen Property 3	
28		(9A.56.170)	E
29	C	Taking Motor Vehicle Without	
30		Owner's Permission (9A.56.070)	D
31		<b>Motor Vehicle Related Crimes</b>	
32	E	Driving Without a License	
33		(46.20.021)	E
34	C	Hit and Run - Injury	
35		(46.52.020(4))	D
36	D	Hit and Run-Attended	
37		(46.52.020(5))	E

1	E	Hit and Run-Unattended	
2		(46.52.010)	E
3	C	Vehicular Assault (46.61.522)	D
4	C	Attempting to Elude Pursuing	
5		Police Vehicle (46.61.024)	D
6	E	Reckless Driving (46.61.500)	E
7	D	Driving While Under the Influence	
8		(46.61.502 and 46.61.504)	E
9	D	Vehicle Prowling (9A.52.100)	E
10	C	Taking Motor Vehicle Without	
11		Owner's Permission (9A.56.070)	D
12		<b>Other</b>	
13	B	Bomb Threat (9.61.160)	C
14	C	Escape 1 (9A.76.110)	C
15	C	Escape 2 (9A.76.120)	C
16	D	Escape 3 (9A.76.130)	E
17	E	Obscene, Harassing, Etc.,	
18		Phone Calls (9.61.230)	E
19	A	Other Offense Equivalent to an	
20		Adult Class A Felony	B+
21	B	Other Offense Equivalent to an	
22		Adult Class B Felony	C
23	C	Other Offense Equivalent to an	
24		Adult Class C Felony	D
25	D	Other Offense Equivalent to an	
26		Adult Gross Misdemeanor	E
27	E	Other Offense Equivalent to an	
28		Adult Misdemeanor	E
29	V	Violation of Order of Restitution,	
30		Community Supervision, or	
31		Confinement (13.40.200)	V

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

34 1st escape or attempted escape during 12-month period - 4 weeks  
35 confinement

36 2nd escape or attempted escape during 12-month period - 8 weeks  
37 confinement

1 3rd and subsequent escape or attempted escape during 12-month  
2 period - 12 weeks confinement

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

5 **SCHEDULE B**

6 **PRIOR OFFENSE INCREASE FACTOR**

7 For use with all CURRENT OFFENSES occurring on or after July 1,  
8 1989.

9 **TIME SPAN**

10	OFFENSE	0-12	13-24	25 Months
11	CATEGORY	Months	Months	or More
12	.....			
13	A+	.9	.9	.9
14	A	.9	.8	.6
15	A-	.9	.8	.5
16	B+	.9	.7	.4
17	B	.9	.6	.3
18	C+	.6	.3	.2
19	C	.5	.2	.2
20	D+	.3	.2	.1
21	D	.2	.1	.1
22	E	.1	.1	.1

23 Prior history - Any offense in which a diversion agreement or counsel  
24 and release form was signed, or any offense which has been adjudicated  
25 by court to be correct prior to the commission of the current  
26 offense(s).

27 **SCHEDULE C**

28 **CURRENT OFFENSE POINTS**

29 For use with all CURRENT OFFENSES occurring on or after July 1,  
30 1989.

31 **AGE**

32	OFFENSE	12 &					
33	CATEGORY	Under	13	14	15	16	17



1	.....						
2	A+	STANDARD RANGE 180-224 WEEKS					
3	A	250	300	350	375	375	375
4	A-	150	150	150	200	200	200
5	B+	110	110	120	130	140	150
6	B	45	45	50	50	57	57
7	C+	44	44	49	49	55	55
8	C	40	40	45	45	50	50
9	D+	16	18	20	22	24	26
10	D	14	16	18	20	22	24
11	E	4	4	4	6	8	10

**JUVENILE SENTENCING STANDARDS**  
**SCHEDULE D-1**

14 This schedule may only be used for minor/first offenders. After the  
15 determination is made that a youth is a minor/first offender, the court  
16 has the discretion to select sentencing option A, B, or C. To develop  
17 a plan of appropriate community interventions and rehabilitative  
18 services, all minor/first offenders must be provided family  
19 reconciliation services by the department pursuant to chapter 13.32A  
20 RCW including the involvement of a local multidisciplinary team as  
21 defined in RCW 13.32A.042, regardless of the sentencing option selected  
22 unless committed to the department. For all minor/first offenders,  
23 whenever appropriate, the court shall require the department to file a  
24 child in need of services petition pursuant to RCW 13.32A.140; a  
25 dependency petition pursuant to chapter 13.34 RCW; or a truancy  
26 petition pursuant to RCW 28A.225.030. The child in need of services,  
27 dependency, or truancy petitions, if filed, must be consolidated with  
28 the juvenile's offender matter for disposition.

**MINOR/FIRST OFFENDER**

**OPTION A**  
**STANDARD RANGE**

32		Community		
33		Community	Service	
34	Points	Supervision	Hours	Fine
35	.....			

1	1-9	0-3 months	and/or 0-8	and/or 0-\$10
2	10-19	0-3 months	and/or 0-8	and/or 0-\$10
3	20-29	0-3 months	and/or 0-16	and/or 0-\$10
4	30-39	0-3 months	and/or 8-24	and/or 0-\$25
5	40-49	3-6 months	and/or 16-32	and/or 0-\$25
6	50-59	3-6 months	and/or 24-40	and/or 0-\$25
7	60-69	6-9 months	and/or 32-48	and/or 0-\$50
8	70-79	6-9 months	and/or 40-56	and/or 0-\$50
9	80-89	9-12 months	and/or 48-64	and/or 10-\$100
10	90-109	9-12 months	and/or 56-72	and/or 10-\$100

11 OR

12 **OPTION B**  
13 **STATUTORY OPTION**

- 14 0-12 Months Community Supervision
- 15 0-150 Hours Community Service
- 16 0-100 Fine
- 17 Posting of a Probation Bond

18 A term of community supervision with a maximum of 150 hours, \$100.00  
19 fine, and 12 months supervision.

20 OR

21 **OPTION C**  
22 **MANIFEST INJUSTICE**

23 When a term of community supervision would effectuate a manifest  
24 injustice, another disposition may be imposed. When a judge imposes a  
25 sentence of confinement exceeding 30 days, the court shall sentence the  
26 juvenile to a maximum term and the provisions of RCW 13.40.030(2) shall  
27 be used to determine the range.

28 **JUVENILE SENTENCING STANDARDS**  
29 **SCHEDULE D-2**

30 This schedule may only be used for middle offenders. After the  
31 determination is made that a youth is a middle offender, the court has  
32 the discretion to select sentencing option A, B, or C. Before  
33 sentencing, all middle offenders must be provided a needs and risk  
34 assessment to inform the court about the juvenile's need for

1 rehabilitative services as well as the severity of the public safety  
 2 risk presented by the offender. An individual accountability plan must  
 3 be developed, based on the juvenile's needs and risk assessment,  
 4 regardless of the sentencing option selected. Sentences for all middle  
 5 offenders must include a court-ordered individual accountability  
 6 assessment that sets forth the goals of the juvenile's sentence and  
 7 specific treatment and interventions ordered to reach those goals. The  
 8 juvenile court shall retain jurisdiction over the juvenile, the  
 9 juvenile's parents, guardian, or custodian, and any necessary  
 10 governmental agencies that have been properly served with a summons to  
 11 enforce compliance with the individual accountability assessment. The  
 12 sentence imposed under any option must be the most appropriate and  
 13 least-restrictive possible consistent with the public safety risk  
 14 presented and the juvenile's rehabilitative needs and goals as set  
 15 forth in the individual accountability assessment.

16 **MIDDLE OFFENDER**

17 **OPTION A**

18 **STANDARD RANGE**

19		Community	Community	Service		Confinement
20	Points	Supervision	Hours	Fine	Days	Weeks
21	.....					
22						
23	1-9	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
24	10-19	0-3 months	and/or 0-8	and/or 0-\$10	and/or 0	
25	20-29	0-3 months	and/or 0-16	and/or 0-\$10	and/or 0	
26	30-39	0-3 months	and/or 8-24	and/or 0-\$25	and/or 2-4	
27	40-49	3-6 months	and/or 16-32	and/or 0-\$25	and/or 2-4	
28	50-59	3-6 months	and/or 24-40	and/or 0-\$25	and/or 5-10	
29	60-69	6-9 months	and/or 32-48	and/or 0-\$50	and/or 5-10	
30	70-79	6-9 months	and/or 40-56	and/or 0-\$50	and/or 10-20	
31	80-89	9-12 months	and/or 48-64	and/or 0-\$100	and/or 10-20	
32	90-109	9-12 months	and/or 56-72	and/or 0-\$100	and/or 15-30	
33	110-129				8-12	
34	130-149				13-16	
35	150-199				21-28	
36	200-249				30-40	
37	250-299				52-65	
38	300-374				80-100	
39	375+				103-129	

1 Middle offenders with 110 points or more do not have to be committed.  
2 They may be assigned community supervision under option B.  
3 All A+ offenses 180-224 weeks

4 **OR**

5 **OPTION B**  
6 **STATUTORY OPTION**

7 0-12 Months Community Supervision  
8 0-150 Hours Community Service  
9 0-100 Fine  
10 Posting of a Probation Bond

11 If the offender has less than 110 points, the court may impose a  
12 determinate disposition of community supervision and/or up to 30 days  
13 confinement; in which case, if confinement has been imposed, the court  
14 shall state either aggravating or mitigating factors as set forth in  
15 RCW 13.40.150.

16 If the middle offender has 110 points or more, the court may impose  
17 a disposition under option A and may suspend the disposition on the  
18 condition that the offender serve up to thirty days of confinement and  
19 follow all conditions of community supervision. If the offender fails  
20 to comply with the terms of community supervision, the court may impose  
21 sanctions pursuant to RCW 13.40.200 or may revoke the suspended  
22 disposition and order execution of the disposition. If the court  
23 imposes confinement for offenders with 110 points or more, the court  
24 shall state either aggravating or mitigating factors set forth in RCW  
25 13.40.150.

26 **OR**

27 **OPTION C**  
28 **MANIFEST INJUSTICE**

29 If the court determines that a disposition under A or B would  
30 effectuate a manifest injustice, the court shall sentence the juvenile  
31 to a maximum term and the provisions of RCW 13.40.030(2) shall be used  
32 to determine the range.

1 **JUVENILE SENTENCING STANDARDS**

2 **SCHEDULE D-3**

3 This schedule may only be used for serious offenders. After the  
4 determination is made that a youth is a serious offender, the court has  
5 the discretion to select sentencing option A or B.

6 **SERIOUS OFFENDER**  
7 **OPTION A**  
8 **STANDARD RANGE**

Points	Institution Time
.....	
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

19 **OR**

20 **OPTION B**  
21 **MANIFEST INJUSTICE**

22 A disposition outside the standard range shall be determined and shall  
23 be comprised of confinement or community supervision including posting  
24 a probation bond or a combination thereof. When a judge finds a  
25 manifest injustice and imposes a sentence of confinement exceeding 30  
26 days, the court shall sentence the juvenile to a maximum term, and the  
27 provisions of RCW 13.40.030(2) shall be used to determine the range.

28 **Sec. 5.** RCW 13.40.070 and 1994 sp.s. c 7 s 543 are each amended to  
29 read as follows:

30 (1) Complaints referred to the juvenile court alleging the  
31 commission of an offense shall be referred directly to the prosecutor.  
32 The prosecutor, upon receipt of a complaint, shall screen the complaint  
33 to determine whether:

1 (a) The alleged facts bring the case within the jurisdiction of the  
2 court; and

3 (b) On a basis of available evidence there is probable cause to  
4 believe that the juvenile did commit the offense.

5 (2) If the identical alleged acts constitute an offense under both  
6 the law of this state and an ordinance of any city or county of this  
7 state, state law shall govern the prosecutor's screening and charging  
8 decision for both filed and diverted cases.

9 (3) If the requirements of subsections (1) (a) and (b) of this  
10 section are met, the prosecutor shall, within two weeks of receiving  
11 the referral, either file an information in juvenile court or divert  
12 the case, as set forth in subsections (5), (6), and (7) of this  
13 section. If the prosecutor finds that the requirements of subsection  
14 (1) (a) and (b) of this section are not met, the prosecutor shall  
15 maintain a record, for one year, of such decision and the reasons  
16 therefor. In lieu of filing an information or diverting an offense a  
17 prosecutor may file a motion to modify community supervision where such  
18 offense constitutes a violation of community supervision.

19 (4) An information shall be a plain, concise, and definite written  
20 statement of the essential facts constituting the offense charged. It  
21 shall be signed by the prosecuting attorney and conform to chapter  
22 10.37 RCW.

23 (5) Where a case is legally sufficient, the prosecutor shall file  
24 an information with the juvenile court if:

25 (a) An alleged offender is accused of a class A felony, a class B  
26 felony, an attempt to commit a class B felony, a class C felony listed  
27 in RCW 9.94A.440(2) as a crime against persons or listed in RCW  
28 9A.46.060 as a crime of harassment, a class C felony that is a  
29 violation of RCW 9.41.080 or (~~(9.41.040(1)(e))~~) 9.41.040(1)(b)(iii), or  
30 any other offense listed in RCW 13.40.020(1) (b) or (c); or

31 (b) An alleged offender is accused of a felony and has a criminal  
32 history of any felony, or at least two gross misdemeanors, or at least  
33 two misdemeanors; or

34 (c) An alleged offender has previously been committed to the  
35 department; or

36 (d) An alleged offender has been referred by a diversion unit for  
37 prosecution or desires prosecution instead of diversion; or

38 (e) An alleged offender has two or more diversion contracts on the  
39 alleged offender's criminal history; or

1 (f) A special allegation has been filed that the offender or an  
2 accomplice was armed with a firearm when the offense was committed.

3 (6) Where a case is legally sufficient the prosecutor shall divert  
4 the case if the alleged offense is a misdemeanor or gross misdemeanor  
5 or violation and the alleged offense is the offender's first offense or  
6 violation. If the alleged offender is charged with a related offense  
7 that must or may be filed under subsections (5) and (7) of this  
8 section, a case under this subsection may also be filed.

9 (7) Where a case is legally sufficient and falls into neither  
10 subsection (5) nor (6) of this section, it may be filed or diverted.  
11 In deciding whether to file or divert an offense under this section the  
12 prosecutor shall be guided only by the length, seriousness, and recency  
13 of the alleged offender's criminal history and the circumstances  
14 surrounding the commission of the alleged offense.

15 (8) Whenever a juvenile is placed in custody or, where not placed  
16 in custody, referred to a diversionary interview, the parent or legal  
17 guardian of the juvenile shall be notified as soon as possible  
18 concerning the allegation made against the juvenile and the current  
19 status of the juvenile. Where a case involves victims of crimes  
20 against persons or victims whose property has not been recovered at the  
21 time a juvenile is referred to a diversionary unit, the victim shall be  
22 notified of the referral and informed how to contact the unit.

23 (9) The responsibilities of the prosecutor under subsections (1)  
24 through (8) of this section may be performed by a juvenile court  
25 probation counselor for any complaint referred to the court alleging  
26 the commission of an offense which would not be a felony if committed  
27 by an adult, if the prosecutor has given sufficient written notice to  
28 the juvenile court that the prosecutor will not review such complaints.

29 (10) The prosecutor, juvenile court probation counselor, or  
30 diversion unit may, in exercising their authority under this section or  
31 RCW 13.40.080, refer juveniles to mediation or victim offender  
32 reconciliation programs. Such mediation or victim offender  
33 reconciliation programs shall be voluntary for victims.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.40 RCW  
35 to read as follows:

36 (1) For purposes of this section, "victim" means any person who has  
37 sustained emotional, psychological, physical, or financial injury to  
38 person or property as a direct result of the crime charged.

1 (2) When a middle offender with one hundred ten points or more is  
2 found to have committed an offense that is not a violent or sex  
3 offense, the court, on its own motion or the motion of the state or the  
4 respondent if the evidence shows that the offender may be chemically  
5 dependent, may order an examination by a youth chemical dependency  
6 counselor from a chemical dependency treatment facility approved under  
7 chapter 70.96A RCW to determine if the youth is chemically dependent  
8 and amenable to treatment.

9 (3) The report of the examination shall disclose each source of  
10 information and include at a minimum the following:

11 (a) The respondent's version of the facts and the official version  
12 of the facts;

13 (b) The respondent's offense history;

14 (c) An assessment of drug and alcohol problems and previous  
15 treatment attempts;

16 (d) The respondent's social, educational, and employment situation;  
17 and

18 (e) Other evaluation measures used.

19 (4) The examiner shall assess and report regarding the respondent's  
20 amenability to treatment and relative risk to the community. A  
21 proposed treatment plan must be provided and must include, at a  
22 minimum:

23 (a) Whether inpatient or outpatient treatment, or both, is  
24 recommended;

25 (b) Availability of appropriate treatment;

26 (c) Recommendations regarding living conditions, lifestyle  
27 requirements, and participation by family members, legal guardians, or  
28 others;

29 (d) Anticipated length of treatment;

30 (e) Recommended crime-related prohibitions; and

31 (f) Whether the respondent is amenable to treatment.

32 (5) The court on its own motion may order, or on a motion by the  
33 state shall order, a second examination regarding the offender's  
34 amenability to treatment. The evaluator must be selected by the party  
35 making the motion. The defendant must pay the cost of any examination  
36 ordered under this subsection or subsection (1) of this section unless  
37 the court finds that the offender is indigent and no third-party  
38 insurance coverage is available, in which case the state shall pay the  
39 cost.



1 (6)(a) After the court receives the reports of the examination, the  
2 court must then consider whether the offender and the community will  
3 benefit from the use of this chemical dependent disposition alternative  
4 and consider the victim's opinion whether the offender should receive  
5 a treatment disposition under this section.

6 (b) If the court determines that this chemical dependent  
7 disposition alternative is appropriate, the court shall impose the  
8 standard range for the offense, suspend execution of the disposition,  
9 and place the offender on community supervision for up to one year. As  
10 a condition of the suspended disposition, the court shall require the  
11 offender to undergo available outpatient drug and alcohol treatment or  
12 inpatient drug and alcohol treatment, or both. For purposes of this  
13 section, the sum of confinement time and inpatient treatment may not  
14 exceed ninety days. As a condition of the suspended disposition, the  
15 court may impose conditions of community supervision and other  
16 sanctions, including up to thirty days of confinement, one hundred  
17 fifty hours of community service, and payment of legal financial  
18 obligations and restitution.

19 (7) The drug and alcohol treatment provider shall submit monthly  
20 reports on the respondent's progress in treatment to the court and the  
21 parties. The reports must reference the treatment plan and include at  
22 a minimum the following: Dates of attendance, respondent's compliance  
23 with requirements, treatment activities, respondent's relative progress  
24 in treatment, and any other material specified by the court at the time  
25 of disposition.

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

28 If the offender violates any condition of the disposition or the  
29 court finds that the respondent is failing to make satisfactory  
30 progress in treatment, the court may revoke the suspension and order  
31 execution of the sentence. The court shall give credit for any  
32 confinement time previously served if that confinement was for the  
33 offense for which the suspension is being revoked.

34 (8) For purposes of this section, "victim" means any person who has  
35 sustained emotional, psychological, physical, or financial injury to  
36 person or property as a direct result of the crime charged.

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

1 order must 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 court  
4 at disposition exceed that to which an adult would be subjected for the  
5 same offense.

6 **Sec. 7.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read  
7 as follows:

8 (1) When the respondent is found to be a serious offender, the  
9 court shall commit the offender to the department for the standard  
10 range of disposition for the offense, as indicated in option A of  
11 schedule D-3, RCW 13.40.0357 except as provided in subsections (5) and  
12 (6) of this section.

13 If the court concludes, and enters reasons for its conclusion, that  
14 disposition within the standard range would effectuate a manifest  
15 injustice the court shall impose a disposition outside the standard  
16 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The  
17 court's finding of manifest injustice shall be supported by clear and  
18 convincing evidence.

19 A disposition outside the standard range shall be determinate and  
20 shall be comprised of confinement or community supervision, or a  
21 combination thereof. When a judge finds a manifest injustice and  
22 imposes a sentence of confinement exceeding thirty days, the court  
23 shall sentence the juvenile to a maximum term, and the provisions of  
24 RCW 13.40.030(2) shall be used to determine the range. A disposition  
25 outside the standard range is appealable under RCW 13.40.230 by the  
26 state or the respondent. A disposition within the standard range is  
27 not appealable under RCW 13.40.230.

28 (2) Where the respondent is found to be a minor or first offender,  
29 the court shall order that the respondent serve a term of community  
30 supervision as indicated in option A or option B of schedule D-1, RCW  
31 13.40.0357 except as provided in subsections (5) and (6) of this  
32 section. If the court determines that a disposition of community  
33 supervision would effectuate a manifest injustice the court may impose  
34 another disposition under option C of schedule D-1, RCW 13.40.0357. To  
35 develop a plan of appropriate community interventions and  
36 rehabilitative services, all minor/first offenders must be provided  
37 family reconciliation services by the department pursuant to chapter  
38 13.32A RCW including the involvement of a local multidisciplinary team

1 as defined in RCW 13.32A.042, regardless of the sentencing option  
2 selected unless committed to the department. For all minor/first  
3 offenders, whenever appropriate, the court shall require the department  
4 to file a child in need of services petition pursuant to RCW  
5 13.32A.140; a dependency petition pursuant to chapter 13.34 RCW; or a  
6 truancy petition pursuant to RCW 28A.225.030. The child in need of  
7 services, dependency, or truancy petitions, if filed, must be  
8 consolidated with the juvenile's offender matter for disposition.  
9 Except as provided in subsection (5) of this section, a disposition  
10 other than a community supervision may be imposed only after the court  
11 enters reasons upon which it bases its conclusions that imposition of  
12 community supervision would effectuate a manifest injustice. When a  
13 judge finds a manifest injustice and imposes a sentence of confinement  
14 exceeding thirty days, the court shall sentence the juvenile to a  
15 maximum term, and the provisions of RCW 13.40.030(2) shall be used to  
16 determine the range. The court's finding of manifest injustice shall  
17 be supported by clear and convincing evidence.

18 Except for disposition of community supervision or a disposition  
19 imposed pursuant to subsection (5) of this section, a disposition may  
20 be appealed as provided in RCW 13.40.230 by the state or the  
21 respondent. A disposition of community supervision or a disposition  
22 imposed pursuant to subsection (5) of this section may not be appealed  
23 under RCW 13.40.230.

24 (3) Where a respondent is found to have committed an offense for  
25 which the respondent declined to enter into a diversion agreement, the  
26 court shall impose a term of community supervision limited to the  
27 conditions allowed in a diversion agreement as provided in RCW  
28 13.40.080(2).

29 (4) If a respondent is found to be a middle offender:

30 (a) The court shall impose a determinate disposition within the  
31 standard range(s) for such offense, as indicated in option A of  
32 schedule D-2, RCW 13.40.0357 except as provided in subsections (5) and  
33 (6) of this section. If the standard range includes a term of  
34 confinement exceeding thirty days, commitment shall be to the  
35 department for the standard range of confinement; or

36 (b) If the middle offender has less than 110 points, the court  
37 shall impose a determinate disposition of community supervision and/or  
38 up to thirty days confinement, as indicated in option B of schedule D-  
39 2, RCW 13.40.0357 in which case, if confinement has been imposed, the

1 court shall state either aggravating or mitigating factors as set forth  
2 in RCW 13.40.150. If the middle offender has 110 points or more, the  
3 court may impose a disposition under option A and may suspend the  
4 disposition on the condition that the offender serve up to thirty days  
5 of confinement and follow all conditions of community supervision. If  
6 the offender violates any condition of the disposition including  
7 conditions of a probation bond, the court may impose sanctions pursuant  
8 to RCW 13.40.200 or may revoke the suspension and order execution of  
9 the disposition. The court shall give credit for any confinement time  
10 previously served if that confinement was for the offense for which the  
11 suspension is being revoked.

12 (c) Only if the court concludes, and enters reasons for its  
13 conclusions, that disposition as provided in subsection (4) (a) or (b)  
14 of this section would effectuate a manifest injustice, the court shall  
15 sentence the juvenile to a maximum term, and the provisions of RCW  
16 13.40.030(2) shall be used to determine the range. The court's finding  
17 of manifest injustice shall be supported by clear and convincing  
18 evidence.

19 (d) Before sentencing, all middle offenders must be provided a  
20 needs and risk assessment to inform the court about the juvenile's need  
21 for rehabilitative services as well as the severity of the public  
22 safety risk presented by the offender. An individual accountability  
23 plan must be developed, based on the juvenile's needs and risk  
24 assessment, regardless of the sentencing option selected. Sentences  
25 for all middle offenders must include a court-ordered individual  
26 accountability plan that sets forth the goals of the juvenile's  
27 sentence and specific treatment and interventions ordered to reach  
28 those goals. The juvenile court shall retain jurisdiction over the  
29 juvenile, the juvenile's parents, guardian, or custodian, and any  
30 necessary governmental agencies that have been properly served with a  
31 summons to enforce compliance with the individual accountability plan.  
32 The sentence imposed under any option must be the most appropriate and  
33 least-restrictive possible consistent with the public safety risk  
34 presented and the juvenile's rehabilitative needs and goals as set  
35 forth in the individual accountability plan.

36 (e) A disposition pursuant to subsection (4)(c) of this section is  
37 appealable under RCW 13.40.230 by the state or the respondent. A  
38 disposition pursuant to subsection (4) (a) or (b) of this section is  
39 not appealable under RCW 13.40.230.

1 (5) When a serious, middle, or minor first offender is found to  
2 have committed a sex offense, other than a sex offense that is also a  
3 serious violent offense as defined by RCW 9.94A.030, and has no history  
4 of a prior sex offense, the court, on its own motion or the motion of  
5 the state or the respondent, may order an examination to determine  
6 whether the respondent is amenable to treatment.

7 The report of the examination shall include at a minimum the  
8 following: The respondent's version of the facts and the official  
9 version of the facts, the respondent's offense history, an assessment  
10 of problems in addition to alleged deviant behaviors, the respondent's  
11 social, educational, and employment situation, and other evaluation  
12 measures used. The report shall set forth the sources of the  
13 evaluator's information.

14 The examiner shall assess and report regarding the respondent's  
15 amenability to treatment and relative risk to the community. A  
16 proposed treatment plan shall be provided and shall include, at a  
17 minimum:

18 (a)(i) Frequency and type of contact between the offender and  
19 therapist;

20 (ii) Specific issues to be addressed in the treatment and  
21 description of planned treatment modalities;

22 (iii) Monitoring plans, including any requirements regarding living  
23 conditions, lifestyle requirements, and monitoring by family members,  
24 legal guardians, or others;

25 (iv) Anticipated length of treatment; and

26 (v) Recommended crime-related prohibitions.

27 The court on its own motion may order, or on a motion by the state  
28 shall order, a second examination regarding the offender's amenability  
29 to treatment. The evaluator shall be selected by the party making the  
30 motion. The defendant shall pay the cost of any second examination  
31 ordered unless the court finds the defendant to be indigent in which  
32 case the state shall pay the cost.

33 After receipt of reports of the examination, the court shall then  
34 consider whether the offender and the community will benefit from use  
35 of this special sex offender disposition alternative and consider the  
36 victim's opinion whether the offender should receive a treatment  
37 disposition under this section. If the court determines that this  
38 special sex offender disposition alternative is appropriate, then the  
39 court shall impose a determinate disposition within the standard range

1 for the offense, and the court may suspend the execution of the  
2 disposition and place the offender on community supervision for up to  
3 two years. As a condition of the suspended disposition, the court may  
4 impose the conditions of community supervision and other conditions,  
5 including up to thirty days of confinement and requirements that the  
6 offender do any one or more of the following:

7 (b)(i) Devote time to a specific education, employment, or  
8 occupation;

9 (ii) Undergo available outpatient sex offender treatment for up to  
10 two years, or inpatient sex offender treatment not to exceed the  
11 standard range of confinement for that offense. A community mental  
12 health center may not be used for such treatment unless it has an  
13 appropriate program designed for sex offender treatment. The  
14 respondent shall not change sex offender treatment providers or  
15 treatment conditions without first notifying the prosecutor, the  
16 probation counselor, and the court, and shall not change providers  
17 without court approval after a hearing if the prosecutor or probation  
18 counselor object to the change;

19 (iii) Remain within prescribed geographical boundaries and notify  
20 the court or the probation counselor prior to any change in the  
21 offender's address, educational program, or employment;

22 (iv) Report to the prosecutor and the probation counselor prior to  
23 any change in a sex offender treatment provider. This change shall  
24 have prior approval by the court;

25 (v) Report as directed to the court and a probation counselor;

26 (vi) Pay all court-ordered legal financial obligations, perform  
27 community service, or any combination thereof;

28 (vii) Make restitution to the victim for the cost of any counseling  
29 reasonably related to the offense; or

30 (viii) Comply with the conditions of any court-ordered probation  
31 bond.

32 The sex offender treatment provider shall submit quarterly reports  
33 on the respondent's progress in treatment to the court and the parties.  
34 The reports shall reference the treatment plan and include at a minimum  
35 the following: Dates of attendance, respondent's compliance with  
36 requirements, treatment activities, the respondent's relative progress  
37 in treatment, and any other material specified by the court at the time  
38 of the disposition.

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

3 Except as provided in this subsection (5), after July 1, 1991,  
4 examinations and treatment ordered pursuant to this subsection shall  
5 only be conducted by sex offender treatment providers certified by the  
6 department of health pursuant to chapter 18.155 RCW. A sex offender  
7 therapist who examines or treats a juvenile sex offender pursuant to  
8 this subsection does not have to be certified by the department of  
9 health pursuant to chapter 18.155 RCW if the court finds that: (A) The  
10 offender has already moved to another state or plans to move to another  
11 state for reasons other than circumventing the certification  
12 requirements; (B) no certified providers are available for treatment  
13 within a reasonable geographical distance of the offender's home; and  
14 (C) the evaluation and treatment plan comply with this subsection (5)  
15 and the rules adopted by the department of health.

16 If the offender violates any condition of the disposition or the  
17 court finds that the respondent is failing to make satisfactory  
18 progress in treatment, the court may revoke the suspension and order  
19 execution of the disposition or the court may impose a penalty of up to  
20 thirty days' confinement for violating conditions of the disposition.  
21 The court may order both execution of the disposition and up to thirty  
22 days' confinement for the violation of the conditions of the  
23 disposition. The court shall give credit for any confinement time  
24 previously served if that confinement was for the offense for which the  
25 suspension is being revoked.

26 For purposes of this section, "victim" means any person who has  
27 sustained emotional, psychological, physical, or financial injury to  
28 person or property as a direct result of the crime charged. "Victim"  
29 may also include a known parent or guardian of a victim who is a minor  
30 child unless the parent or guardian is the perpetrator of the offense.

31 (6) RCW 13.40.193 shall govern the disposition of any juvenile  
32 adjudicated of possessing a firearm in violation of RCW  
33 (~~9.41.040(1)(e)~~) 9.41.040(1)(b)(iii) or any crime in which a special  
34 finding is entered that the juvenile was armed with a firearm.

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

1 (8) Except as provided for in subsection (4)(b) or (5) of this  
2 section or RCW 13.40.125, the court shall not suspend or defer the  
3 imposition or the execution of the disposition.

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

7 **Sec. 8.** RCW 13.40.180 and 1981 c 299 s 14 are each amended to read  
8 as follows:

9 Where a disposition is imposed on a youth for two or more offenses,  
10 the terms shall run consecutively, subject to the following  
11 limitations:

12 (1) Where the offenses were committed through a single act or  
13 omission, omission, or through an act or omission which in itself  
14 constituted one of the offenses and also was an element of the other,  
15 the aggregate of all the terms shall not exceed one hundred fifty  
16 percent of the term imposed for the most serious offense;

17 (2) The aggregate of all consecutive terms shall not exceed three  
18 hundred percent of the term imposed for the most serious offense;  
19 ((and))

20 (3) The aggregate of all consecutive terms of community supervision  
21 shall not exceed two years in length, or require payment of more than  
22 two hundred dollars in fines or the performance of more than two  
23 hundred hours of community service; and

24 (4) A contempt sanction of confinement imposed pursuant to RCW  
25 13.32A.250, 13.32A.179, or 13.34.165 must run concurrently with any  
26 term imposed on a youth for an offense.

27 **Sec. 9.** RCW 13.40.185 and 1994 sp.s. c 7 s 524 are each amended to  
28 read as follows:

29 (1) Any term of confinement imposed for an offense which exceeds  
30 thirty days shall be served under the supervision of the department.  
31 If the period of confinement imposed for more than one offense exceeds  
32 thirty days but the term imposed for each offense is less than thirty  
33 days, the confinement may, in the discretion of the court, be served in  
34 a juvenile facility operated by or pursuant to a contract with the  
35 state or a county.

36 (2) Whenever a juvenile is confined in a detention facility or is  
37 committed to the department, the court may not directly order a



1 juvenile into a particular county or state facility. However, for all  
2 serious offenders committed to the department, the court, before the  
3 expiration of sixty percent of the juvenile's minimum term of  
4 confinement, shall specify the portion of the offender's determinate  
5 sentence that must be served in a community custody program in the  
6 community. The juvenile court administrator and the secretary,  
7 assistant secretary, or the secretary's designee, as appropriate, has  
8 the ((sole)) discretion to determine in which facility a juvenile  
9 should be confined or committed consistent with the court's disposition  
10 order and the state's interest in requiring offenders to serve  
11 graduated sanctions. The counties may operate a variety of detention  
12 facilities as determined by the county legislative authority subject to  
13 available funds.

14 **Sec. 10.** RCW 13.40.210 and 1994 sp.s. c 7 s 527 are each amended  
15 to read as follows:

16 (1) The secretary shall, except in the case of a juvenile committed  
17 by a court to a term of confinement in a state institution outside the  
18 appropriate standard range for the offense(s) for which the juvenile  
19 was found to be guilty established pursuant to RCW 13.40.030, set a  
20 release or discharge date for each juvenile committed to its custody.  
21 The release or discharge date shall be within the prescribed range to  
22 which a juvenile has been committed 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)) within thirty days of a  
28 juvenile's commitment. The department shall determine the appropriate  
29 community custody placement and services for the juvenile consistent  
30 with the court's community custody disposition order within thirty days  
31 of entering the order. The secretary shall release any juvenile  
32 committed to the custody of the department within four calendar days  
33 prior to the juvenile's release date or on the release date set under  
34 this chapter. Days spent in the custody of the department shall be  
35 tolled by any period of time during which a juvenile has absented  
36 himself or herself from the department's supervision without the prior  
37 approval of the secretary or the secretary's designee.

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

21 (3) ~~((Following the juvenile's release under subsection (1) of this~~  
22 ~~section,)) The secretary ((may)) shall, consistent with the court's~~  
23 ~~disposition order, require ((the juvenile)) all serious offenders~~  
24 ~~committed to the department to comply with a community custody program~~  
25 ~~((of parole)) as provided in the disposition order to be administered~~  
26 ~~by the department in ((his or her)) the juvenile's community ((which~~  
27 ~~shall last no longer than eighteen months, except that in the case of~~  
28 ~~a juvenile sentenced for rape in the first or second degree, rape of a~~  
29 ~~child in the first or second degree, child molestation in the first~~  
30 ~~degree, or indecent liberties with forcible compulsion, the period of~~  
31 ~~parole shall be twenty-four months)). A ((parole)) community custody~~  
32 ~~program is mandatory for all serious offenders ((released under~~  
33 ~~subsection (2) of this section)) to be served at the end of the~~  
34 ~~juvenile's determinate sentence in accordance with the court's~~  
35 ~~dispositional order except as provided in subsection (7) of this~~  
36 ~~section. The secretary shall, for the period of ((parole)) the~~  
37 ~~community custody portion of the sentence, facilitate the juvenile's~~  
38 ~~reintegration into his or her community and to further this goal shall~~  
39 require the juvenile to refrain from possessing a firearm or using a

1 deadly weapon and refrain from committing new offenses and may require  
2 the juvenile to: (a) Undergo available medical or psychiatric  
3 treatment; (b) report as directed to a (~~parole~~) community custody  
4 officer; (c) pursue a course of study or vocational training; and (d)  
5 remain (~~within prescribed geographical boundaries and notify the~~  
6 ~~department of any change in his or her~~) in a specific program or at a  
7 specific address. After termination of the (~~parole~~) transition  
8 period, the juvenile shall be discharged from the department's  
9 supervision.

10 (4) All juveniles sentenced for rape in the first or second degree,  
11 rape of a child in the first or second degree, child molestation in the  
12 first degree, or indecent liberties with forcible compulsion, shall  
13 serve a twenty-four month period of community custody.

14 (5)(a) The department may (~~also~~) modify (~~parole~~) the terms and  
15 placement of a community custody program for violations thereof. If,  
16 after affording a juvenile all of the due process rights to which he or  
17 she would be entitled if the juvenile were an adult in a classification  
18 proceeding, the secretary finds that a juvenile has violated a  
19 condition of his or her (~~parole~~) community custody program, the  
20 secretary shall order one of the following which is reasonably likely  
21 to effectuate the purpose of the (~~parole~~) community custody program  
22 and to protect the public: (i) Continued supervision under the same  
23 conditions previously imposed; (ii) intensified supervision (~~with~~  
24 ~~increased reporting requirements~~); (iii) additional conditions of  
25 supervision authorized by this chapter; (iv) except as provided in  
26 (a)(v) of this subsection, imposition of a period of confinement not to  
27 exceed thirty days in a facility operated by or pursuant to a contract  
28 with the state of Washington or any city or county for a portion of  
29 each day or for a certain number of days each week with the balance of  
30 the days or weeks spent under supervision; and (v) the secretary may  
31 order any of the conditions or may return the offender to confinement  
32 in an institution for the remainder of the sentence range if the  
33 offense for which the offender was sentenced is rape in the first or  
34 second degree, rape of a child in the first or second degree, child  
35 molestation in the first degree, indecent liberties with forcible  
36 compulsion, or a sex offense that is also a serious violent offense as  
37 defined by RCW 9.94A.030.

38 (b) If the department finds that any juvenile in a (~~program of~~  
39 ~~parole~~) community custody program has possessed a firearm or used a

1 deadly weapon during the program of (~~parole~~) community custody, the  
2 department shall modify the (~~parole~~) terms of the community custody  
3 program under (a) of this subsection and confine the juvenile for at  
4 least thirty days. Confinement shall be in a facility operated by or  
5 pursuant to a contract with the state or any county.

6 (~~(5)~~) (6) A (~~parole~~) community custody officer of the  
7 department of social and health services shall have the power to arrest  
8 a juvenile under his or her supervision on the same grounds as a law  
9 enforcement officer would be authorized to arrest the person.

10 (~~(6)~~) (7) If so requested and approved under chapter 13.06 RCW,  
11 the secretary shall permit a county or group of counties to perform  
12 functions under subsections (3) through (~~(5)~~) (6) of this section.

13 **Sec. 11.** RCW 13.40.460 and 1994 sp.s. c 7 s 516 are each amended  
14 to read as follows:

15 The secretary, assistant secretary, or the secretary's designee  
16 shall manage and administer the department's juvenile rehabilitation  
17 responsibilities, including but not limited to the operation of all  
18 state institutions or facilities used for juvenile rehabilitation  
19 including all community custody programs.

20 The secretary or assistant secretary shall:

21 (1) Prepare a biennial budget request sufficient to meet the  
22 confinement and rehabilitative needs of the juvenile rehabilitation  
23 program, as forecast by the office of financial management;

24 (2) Create by rule a formal system for inmate classification  
25 including classification in community custody programs. This  
26 classification system shall consider:

27 (a) Public safety;

28 (b) Internal security and staff safety; (~~and~~)

29 (c) Rehabilitative resources both within and outside the  
30 department; and

31 (d) The juvenile's disposition order;

32 (3) Develop agreements with local jurisdictions to develop regional  
33 facilities with a variety of custody levels;

34 (4) Adopt rules establishing effective disciplinary policies to  
35 maintain order within institutions;

36 (5) Develop a comprehensive diagnostic evaluation process to be  
37 used at intake, including but not limited to evaluation for substance

1 addiction or abuse, literacy, learning disabilities, fetal alcohol  
2 syndrome or effect, attention deficit disorder, and mental health;

3 (6) Develop a plan to implement, by July 1, 1995:

4 (a) Substance abuse treatment programs for all state juvenile  
5 rehabilitation facilities and institutions;

6 (b) Vocational education and instruction programs at all state  
7 juvenile rehabilitation facilities and institutions; and

8 (c) An educational program to establish self-worth and  
9 responsibility in juvenile offenders. This educational program shall  
10 emphasize instruction in character-building principles such as:  
11 Respect for self, others, and authority; victim awareness;  
12 accountability; work ethics; good citizenship; and life skills; ((and))

13 (7) Develop a plan to implement a community custody program for  
14 serious offenders by July 1, 1997; and

15 (8) Study, in conjunction with the superintendent of public  
16 instruction, educators, and superintendents of state facilities for  
17 juvenile offenders, the feasibility and value of consolidating within  
18 a single entity the provision of educational services to juvenile  
19 offenders committed to state facilities. The assistant secretary shall  
20 report his or her findings to the legislature by December 1, 1995.

21 **Sec. 12.** RCW 28A.225.035 and 1996 c 134 s 4 and 1996 c 133 s 31  
22 are each reenacted and amended to read as follows:

23 (1) A petition for a civil action under RCW 28A.225.030 shall  
24 consist of a written notification to the court alleging that:

25 (a) The child has unexcused absences during the current school  
26 year;

27 (b) Actions taken by the school district have not been successful  
28 in substantially reducing the child's absences from school; and

29 (c) Court intervention and supervision are necessary to assist the  
30 school district or parent to reduce the child's absences from school.

31 (2) The petition shall set forth the name, age, school, and  
32 residence of the child and the names and residence of the child's  
33 parents.

34 (3) The petition shall set forth facts that support the allegations  
35 in this section and shall generally request relief available under this  
36 chapter.

37 (4) When a petition is filed under RCW 28A.225.030, the juvenile  
38 court shall schedule a hearing at which the court shall consider the

1 petition. However, a hearing shall not be required if other actions by  
2 the court would substantially reduce the child's unexcused absences.  
3 When a hearing is held, the court shall:

4 (a) Separately notify the child, the parent of the child, and the  
5 school district of the hearing;

6 (b) Notify the parent and the child of their rights to present  
7 evidence at the hearing; and

8 (c) Notify the parent and the child of the options and rights  
9 available under chapter 13.32A RCW.

10 (5) The court may require the attendance of both the child and the  
11 parents at any hearing on a petition filed under RCW 28A.225.030.

12 (6) The court may permit the first hearing to be held without  
13 requiring that either party be represented by legal counsel, and to be  
14 held without a guardian ad litem for the child under RCW 4.08.050. At  
15 the request of the school district, the court may permit a school  
16 district representative who is not an attorney to represent the school  
17 district at any future hearings.

18 (7) The court shall grant the petition and enter an order assuming  
19 jurisdiction to intervene for the remainder of the school year, if the  
20 allegations in the petition are established by a preponderance of the  
21 evidence.

22 (8) If the court assumes jurisdiction, the school district shall  
23 regularly report to the court any additional unexcused absences by the  
24 child.

25 (9) ~~((Community truancy boards and))~~ The courts shall ~~((coordinate,~~  
26 ~~to the extent possible,))~~ consolidate all proceedings and actions  
27 pertaining to children who are subject to truancy petitions ~~((and)),~~  
28 offender proceedings pursuant to chapter 13.40 RCW, dependency  
29 proceedings pursuant to chapter 13.34 RCW, at-risk youth petitions in  
30 RCW 13.32A.191 ((or)), and child in need of services petitions ((in))  
31 pursuant to RCW 13.32A.140. The court may retain jurisdiction over the  
32 school district, the department, the child, and the child's parents or  
33 guardian in the consolidated action, if the school district, the  
34 department, the child, and the child's parents or guardian are given  
35 proper notice of the proceedings and served a summons.

36 **Sec. 13.** RCW 13.32A.140 and 1996 c 133 s 19 are each amended to  
37 read as follows:

1 Unless the department files a dependency petition, the department  
2 shall file a child in need of services petition to approve an out-of-  
3 home placement on behalf of a child under any of the following sets of  
4 circumstances:

5 (1) The child has been admitted to a crisis residential center or  
6 has been placed by the department in an out-of-home placement, and:

7 (a) The parent has been notified that the child was so admitted or  
8 placed;

9 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,  
10 have passed since such notification;

11 (c) No agreement between the parent and the child as to where the  
12 child shall live has been reached;

13 (d) No child in need of services petition has been filed by either  
14 the child or parent;

15 (e) The parent has not filed an at-risk youth petition; and

16 (f) The child has no suitable place to live other than the home of  
17 his or her parent.

18 (2) The child has been admitted to a crisis residential center and:

19 (a) Seventy-two hours, including Saturdays, Sundays, and holidays,  
20 have passed since such placement;

21 (b) The staff, after searching with due diligence, have been unable  
22 to contact the parent of such child; and

23 (c) The child has no suitable place to live other than the home of  
24 his or her parent.

25 (3) An agreement between parent and child made pursuant to RCW  
26 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer  
27 acceptable to parent or child, and:

28 (a) The party to whom the arrangement is no longer acceptable has  
29 so notified the department;

30 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,  
31 have passed since such notification;

32 (c) No new agreement between parent and child as to where the child  
33 shall live has been reached;

34 (d) No child in need of services petition has been filed by either  
35 the child or the parent;

36 (e) The parent has not filed an at-risk youth petition; and

37 (f) The child has no suitable place to live other than the home of  
38 his or her parent.

1 Under the circumstances of subsections (1), (2), or (3) of this  
2 section, the child shall remain in an out-of-home placement until a  
3 child in need of services petition filed by the department on behalf of  
4 the child is reviewed by the juvenile court and is resolved by the  
5 court. The department may authorize emergency medical or dental care  
6 for a child admitted to a crisis residential center or placed in an  
7 out-of-home placement by the department. The ~~((state, when the  
8 department files a child in need of services petition under this  
9 section, shall))~~ department must be represented as provided for in RCW  
10 13.04.093, and be a party to the action, when it files a child in need  
11 of services petition under this section.

12 **Sec. 14.** RCW 13.32A.152 and 1996 c 133 s 21 are each amended to  
13 read as follows:

14 (1) Whenever a child in need of services petition is filed by a  
15 youth pursuant to RCW 13.32A.150, or the department pursuant to RCW  
16 13.32A.140, the filing party shall have a copy of the petition served  
17 on the youth, the parents or guardian of the youth, and the department.  
18 Service shall first be attempted in person and if unsuccessful, then by  
19 certified mail with return receipt.

20 (2) Whenever a child in need of services petition is filed by a  
21 youth or parent pursuant to RCW 13.32A.150, or the department pursuant  
22 to RCW 13.32A.140, the court shall ~~((immediately notify the department  
23 that a petition has been filed))~~ have jurisdiction over the youth, the  
24 parents or guardian of the youth, and the department.

25 NEW SECTION. **Sec. 15.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and takes effect  
28 immediately.

--- END ---