

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1186

67th Legislature
2021 Regular Session

Passed by the House April 15, 2021
Yeas 60 Nays 36

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2021
Yeas 27 Nays 21

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1186** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1186

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Senn, Sullivan, Leavitt, Gregerson, Fitzgibbon, Ortiz-Self, Duerr, Tharinger, Macri, Davis, Pollet, Callan, Harris-Talley, and Hackney; by request of Department of Children, Youth, and Families)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to juvenile rehabilitation; amending RCW
2 72.01.412, 13.40.020, 13.40.205, 13.40.215, 13.40.220, and 13.04.800;
3 creating new sections; providing a contingent effective date; and
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) The department of children, youth, and families seeks to
8 expand trauma-informed, culturally relevant, racial equity-based, and
9 developmentally appropriate therapeutic placement supports in less
10 restrictive community settings. Under current law, these supports are
11 limited to placement in community facilities—which are only available
12 for about 25 percent of juvenile rehabilitation's population—and
13 electronic home monitoring for persons serving adult sentences in the
14 custody of the department of children, youth, and families' juvenile
15 rehabilitation who have an earned release date between the ages of 25
16 and 26.

17 (2) To help reduce the bottleneck of youth and young adults
18 placed in the department's juvenile rehabilitation institutions and
19 enhance community-based, less restrictive options, this act creates a
20 community transition services program, which utilizes electronic home
21 monitoring as a tool embedded in a progressively supportive

1 community-based approach with therapeutic supports for young people
2 reentering the community. This approach considers developmentally
3 appropriate programs for successful reentry by increasing access to
4 community transition services, including housing assistance,
5 behavioral health treatment, independent living, employment,
6 education, and family and community connections.

7 **Sec. 2.** RCW 72.01.412 and 2019 c 322 s 6 are each amended to
8 read as follows:

9 (1) A person in the custody of the department of children, youth,
10 and families under RCW 72.01.410 (~~who has an earned release date~~
11 ~~that is after the person's twenty-fifth birthday but on or before the~~
12 ~~person's twenty-sixth birthday may, after turning twenty-five, serve~~
13 ~~the remainder of the person's term of confinement in partial~~
14 ~~confinement on electronic home monitoring)) is eligible for community
15 transition services under the authority and supervision of the
16 department of children, youth, and families (~~(, provided that the)~~):~~

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

18 (i) If the person's earned release date is after the person's
19 25th birthday but on or before the person's 26th birthday; and

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

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

27 (i) The person has an earned release date that is before their
28 26th birthday; and

29 (ii) The department of children, youth, and families determines
30 that such placement and retention by the department of children,
31 youth, and families is in the best interests of the person and the
32 community.

33 (2) "Term of confinement" as used in subsection (1)(a) of this
34 section means the term of confinement ordered, reduced by the total
35 amount of earned time eligible for the offense.

36 (3) The department's determination under subsection (1)(a)(ii)
37 and (b)(ii) of this section must include consideration of the
38 person's behavior while in confinement and any disciplinary
39 considerations.

1 (4) The department of children, youth, and families retains the
2 authority to transfer the person to the custody of the department of
3 corrections under RCW 72.01.410.

4 ~~((2))~~ (5) A person may only be placed in community transition
5 services under this section for the remaining 18 months of their term
6 of confinement.

7 (6) A person placed ~~((on—electronic—home—monitoring))~~ in
8 community transition services under this section must ~~((otherwise~~
9 ~~continue to be subject to similar treatment, options, access to~~
10 ~~programs and resources, conditions, and restrictions applicable to~~
11 ~~other similarly situated persons under the jurisdiction of the~~
12 ~~department of children, youth, and families))~~ have access to
13 appropriate treatment and programming as determined by the department
14 of children, youth, and families, including but not limited to:

15 (a) Behavioral health treatment;

16 (b) Independent living;

17 (c) Employment;

18 (d) Education;

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

20 (f) Community connections.

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

24 ~~((3))~~ (8) If a person placed on ~~((electronic—home—monitoring))~~
25 community transition services under this section commits a violation
26 requiring the return of the person to total confinement after the
27 person's 25th birthday, the person must be transferred to the custody
28 and supervision of the department of corrections for the remainder of
29 the sentence.

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

32 (a) Persons with pending charges or warrants;

33 (b) 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 (c) Persons who were adjudicated or convicted of the crime of
37 murder in the first or second degree;

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

40 (e) Level III sex offenders; and

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

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

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

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

12 (c) The department of children, youth, and families provides
13 access to developmentally appropriate, trauma-informed, racial
14 equity-based, and culturally relevant programs to promote successful
15 reentry; and

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

20 **Sec. 3.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to
21 read as follows:

22 For the purposes of this chapter:

23 (1) "Assessment" means an individualized examination of a child
24 to determine the child's psychosocial needs and problems, including
25 the type and extent of any mental health, substance abuse, or co-
26 occurring mental health and substance abuse disorders, and
27 recommendations for treatment. "Assessment" includes, but is not
28 limited to, drug and alcohol evaluations, psychological and
29 psychiatric evaluations, records review, clinical interview, and
30 administration of a formal test or instrument;

31 (2) "Community-based rehabilitation" means one or more of the
32 following: Employment; attendance of information classes; literacy
33 classes; counseling, outpatient substance abuse treatment programs,
34 outpatient mental health programs, anger management classes,
35 education or outpatient treatment programs to prevent animal cruelty,
36 or other services including, when appropriate, restorative justice
37 programs; or attendance at school or other educational programs
38 appropriate for the juvenile as determined by the school district.

1 Placement in community-based rehabilitation programs is subject to
2 available funds;

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

5 (a) A fine, not to exceed five hundred dollars;

6 (b) Community restitution not to exceed one hundred fifty hours
7 of community restitution;

8 (4) "Community restitution" means compulsory service, without
9 compensation, performed for the benefit of the community by the
10 offender as punishment for committing an offense. Community
11 restitution may be performed through public or private organizations
12 or through work crews;

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

26 (a) Community-based sanctions;

27 (b) Community-based rehabilitation;

28 (c) Monitoring and reporting requirements;

29 (d) Posting of a probation bond;

30 (e) Residential treatment, where substance abuse, mental health,
31 and/or co-occurring disorders have been identified in an assessment
32 by a qualified mental health professional, psychologist,
33 psychiatrist, co-occurring disorder specialist, or substance use
34 disorder professional and a funded bed is available. If a child
35 agrees to voluntary placement in a state-funded long-term evaluation
36 and treatment facility, the case must follow the existing placement
37 procedure including consideration of less restrictive treatment
38 options and medical necessity.

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

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

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

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

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

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

8 (ii) In any case where a court orders a child to inpatient
9 treatment under this section, the court must hold a review hearing no
10 later than sixty days after the youth begins inpatient treatment, and
11 every thirty days thereafter, as long as the youth is in inpatient
12 treatment;

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

15 (a) A person serves a portion of their term of confinement
16 residing in the community, outside of department institutions and
17 community facilities;

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

21 (c) The department provides access to developmentally
22 appropriate, trauma-informed, racial equity-based, and culturally
23 relevant programs to promote successful reentry; and

24 (d) The department prioritizes the delivery of available
25 programming from individuals who share characteristics with the
26 individual being served related to: Race, ethnicity, sexual identity,
27 and gender identity;

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

39 ((+7)) (8) "Court," when used without further qualification,
40 means the juvenile court judge(s) or commissioner(s);

1 ~~((8))~~ (9) "Criminal history" includes all criminal complaints
2 against the respondent for which, prior to the commission of a
3 current offense:

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

8 (b) The criminal complaint was diverted by a prosecutor pursuant
9 to the provisions of this chapter on agreement of the respondent and
10 after an advisement to the respondent that the criminal complaint
11 would be considered as part of the respondent's criminal history. A
12 successfully completed deferred adjudication that was entered before
13 July 1, 1998, or a deferred disposition shall not be considered part
14 of the respondent's criminal history;

15 ~~((9))~~ (10) "Department" means the department of children,
16 youth, and families;

17 ~~((10))~~ (11) "Detention facility" means a county facility, paid
18 for by the county, for the physical confinement of a juvenile alleged
19 to have committed an offense or an adjudicated offender subject to a
20 disposition or modification order. "Detention facility" includes
21 county group homes, inpatient substance abuse programs, juvenile
22 basic training camps, and electronic monitoring;

23 ~~((11))~~ (12) "Diversion unit" means any probation counselor who
24 enters into a diversion agreement with an alleged youthful offender,
25 or any other person, community accountability board, youth court
26 under the supervision of the juvenile court, or other entity with
27 whom the juvenile court administrator has contracted to arrange and
28 supervise such agreements pursuant to RCW 13.40.080, or any person,
29 community accountability board, or other entity specially funded by
30 the legislature to arrange and supervise diversion agreements in
31 accordance with the requirements of this chapter. For purposes of
32 this subsection, "community accountability board" means a board
33 comprised of members of the local community in which the juvenile
34 offender resides. The superior court shall appoint the members. The
35 boards shall consist of at least three and not more than seven
36 members. If possible, the board should include a variety of
37 representatives from the community, such as a law enforcement
38 officer, teacher or school administrator, high school student,
39 parent, and business owner, and should represent the cultural
40 diversity of the local community;

1 ~~((12))~~ (13) "Foster care" means temporary physical care in a
2 foster family home or group care facility as defined in RCW 74.15.020
3 and licensed by the department, or other legally authorized care;

4 ~~((13))~~ (14) "Institution" means a juvenile facility established
5 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

6 ~~((14))~~ (15) "Intensive supervision program" means a parole
7 program that requires intensive supervision and monitoring, offers an
8 array of individualized treatment and transitional services, and
9 emphasizes community involvement and support in order to reduce the
10 likelihood a juvenile offender will commit further offenses;

11 ~~((15))~~ (16) "Juvenile," "youth," and "child" mean any
12 individual who is under the chronological age of eighteen years and
13 who has not been previously transferred to adult court pursuant to
14 RCW 13.40.110, unless the individual was convicted of a lesser charge
15 or acquitted of the charge for which he or she was previously
16 transferred pursuant to RCW 13.40.110 or who is not otherwise under
17 adult court jurisdiction;

18 ~~((16))~~ (17) "Juvenile offender" means any juvenile who has been
19 found by the juvenile court to have committed an offense, including a
20 person eighteen years of age or older over whom jurisdiction has been
21 extended under RCW 13.40.300;

22 ~~((17))~~ (18) "Labor" means the period of time before a birth
23 during which contractions are of sufficient frequency, intensity, and
24 duration to bring about effacement and progressive dilation of the
25 cervix;

26 ~~((18))~~ (19) "Local sanctions" means one or more of the
27 following: (a) 0-30 days of confinement; (b) 0-12 months of community
28 supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500
29 fine;

30 ~~((19))~~ (20) "Manifest injustice" means a disposition that would
31 either impose an excessive penalty on the juvenile or would impose a
32 serious, and clear danger to society in light of the purposes of this
33 chapter;

34 ~~((20))~~ (21) "Monitoring and reporting requirements" means one
35 or more of the following: Curfews; requirements to remain at home,
36 school, work, or court-ordered treatment programs during specified
37 hours; restrictions from leaving or entering specified geographical
38 areas; requirements to report to the probation officer as directed
39 and to remain under the probation officer's supervision; and other

1 conditions or limitations as the court may require which may not
2 include confinement;

3 ~~((21))~~ (22) "Offense" means an act designated a violation or a
4 crime if committed by an adult under the law of this state, under any
5 ordinance of any city or county of this state, under any federal law,
6 or under the law of another state if the act occurred in that state;

7 ~~((22))~~ (23) "Physical restraint" means the use of any bodily
8 force or physical intervention to control a juvenile offender or
9 limit a juvenile offender's freedom of movement in a way that does
10 not involve a mechanical restraint. Physical restraint does not
11 include momentary periods of minimal physical restriction by direct
12 person-to-person contact, without the aid of mechanical restraint,
13 accomplished with limited force and designed to:

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

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

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

19 ~~((23))~~ (24) "Postpartum recovery" means (a) the entire period a
20 woman or youth is in the hospital, birthing center, or clinic after
21 giving birth and (b) an additional time period, if any, a treating
22 physician determines is necessary for healing after the youth leaves
23 the hospital, birthing center, or clinic;

24 ~~((24))~~ (25) "Probation bond" means a bond, posted with
25 sufficient security by a surety justified and approved by the court,
26 to secure the offender's appearance at required court proceedings and
27 compliance with court-ordered community supervision or conditions of
28 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
29 a deposit of cash or posting of other collateral in lieu of a bond if
30 approved by the court;

31 ~~((25))~~ (26) "Respondent" means a juvenile who is alleged or
32 proven to have committed an offense;

33 ~~((26))~~ (27) "Restitution" means financial reimbursement by the
34 offender to the victim, and shall be limited to easily ascertainable
35 damages for injury to or loss of property, actual expenses incurred
36 for medical treatment for physical injury to persons, lost wages
37 resulting from physical injury, and costs of the victim's counseling
38 reasonably related to the offense. Restitution shall not include
39 reimbursement for damages for mental anguish, pain and suffering, or
40 other intangible losses. Nothing in this chapter shall limit or

1 replace civil remedies or defenses available to the victim or
2 offender;

3 ~~((27))~~ (28) "Restorative justice" means practices, policies,
4 and programs informed by and sensitive to the needs of crime victims
5 that are designed to encourage offenders to accept responsibility for
6 repairing the harm caused by their offense by providing safe and
7 supportive opportunities for voluntary participation and
8 communication between the victim, the offender, their families, and
9 relevant community members;

10 ~~((28))~~ (29) "Restraints" means anything used to control the
11 movement of a person's body or limbs and includes:

12 (a) Physical restraint; or

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

16 ~~((29))~~ (30) "Risk assessment tool" means the statistically
17 valid tool used by the department to inform release or placement
18 decisions related to security level, release within the sentencing
19 range, community facility eligibility, community transition services
20 eligibility, and parole. The "risk assessment tool" is used by the
21 department to predict the likelihood of successful reentry and future
22 criminal behavior;

23 (31) "Screening" means a process that is designed to identify a
24 child who is at risk of having mental health, substance abuse, or co-
25 occurring mental health and substance abuse disorders that warrant
26 immediate attention, intervention, or more comprehensive assessment.
27 A screening may be undertaken with or without the administration of a
28 formal instrument;

29 ~~((30))~~ (32) "Secretary" means the secretary of the department;

30 ~~((31))~~ (33) "Services" means services which provide
31 alternatives to incarceration for those juveniles who have pleaded or
32 been adjudicated guilty of an offense or have signed a diversion
33 agreement pursuant to this chapter;

34 ~~((32))~~ (34) "Sex offense" means an offense defined as a sex
35 offense in RCW 9.94A.030;

36 ~~((33))~~ (35) "Sexual motivation" means that one of the purposes
37 for which the respondent committed the offense was for the purpose of
38 his or her sexual gratification;

39 ~~((34))~~ (36) "Surety" means an entity licensed under state
40 insurance laws or by the state department of licensing, to write

1 corporate, property, or probation bonds within the state, and
2 justified and approved by the superior court of the county having
3 jurisdiction of the case;

4 ~~((35))~~ (37) "Transportation" means the conveying, by any means,
5 of an incarcerated pregnant youth from the institution or detention
6 facility to another location from the moment she leaves the
7 institution or detention facility to the time of arrival at the other
8 location, and includes the escorting of the pregnant incarcerated
9 youth from the institution or detention facility to a transport
10 vehicle and from the vehicle to the other location;

11 ~~((36))~~ (38) "Violation" means an act or omission, which if
12 committed by an adult, must be proven beyond a reasonable doubt, and
13 is punishable by sanctions which do not include incarceration;

14 ~~((37))~~ (39) "Violent offense" means a violent offense as
15 defined in RCW 9.94A.030;

16 ~~((38))~~ (40) "Youth court" means a diversion unit under the
17 supervision of the juvenile court.

18 **Sec. 4.** RCW 13.40.205 and 2019 c 468 s 1 are each amended to
19 read as follows:

20 (1) A juvenile sentenced to a term of confinement to be served
21 under the supervision of the department shall not be released from
22 the physical custody of the department prior to the release date
23 established under RCW 13.40.210 except as otherwise provided in this
24 section.

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

29 (a) Sixty percent of the minimum term of confinement has been
30 served; and

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

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

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

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

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

5 (4) Prior to authorizing a leave, the secretary shall require a
6 written leave plan, which shall detail the purpose of the leave and
7 how it is to be achieved, the address at which the juvenile shall
8 reside, the identity of the person responsible for supervising the
9 juvenile during the leave, and a statement by such person
10 acknowledging familiarity with the leave plan and agreeing to
11 supervise the juvenile and to notify the secretary immediately if the
12 juvenile violates any terms or conditions of the leave. The leave
13 plan shall include such terms and conditions as the secretary deems
14 appropriate and shall be signed by the juvenile.

15 (5) Upon authorizing a leave, the secretary shall issue to the
16 juvenile an authorized leave order which shall contain the name of
17 the juvenile, the fact that the juvenile is on leave from a
18 designated facility, the time period of the leave, and the identity
19 of an appropriate official of the department to contact when
20 necessary. The authorized leave order shall be carried by the
21 juvenile at all times while on leave.

22 (6) Prior to the commencement of any authorized leave, the
23 secretary shall give notice of the leave to the appropriate law
24 enforcement agency in the jurisdiction in which the juvenile will
25 reside during the leave period. The notice shall include the identity
26 of the juvenile, the time period of the leave, the residence of the
27 juvenile during the leave, and the identity of the person responsible
28 for supervising the juvenile during the leave.

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

38 (8) If requested by the juvenile's victim or the victim's
39 immediate family, the secretary shall give notice of any leave or

1 community transition services under subsection (13) of this section
2 to the victim or the victim's immediate family.

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

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

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

18 (~~(11)~~) (12) Subsections (6), (7), and (8) of this section do
19 not apply to juveniles covered by RCW 13.40.215.

20 (13)(a) The department may require a person in its custody to
21 serve the remainder of the person's sentence in community transition
22 services if the department determines that such placement is in the
23 best interest of the person and the community using the risk
24 assessment tool and considering the availability of appropriate
25 placements, treatment, and programming. The department's
26 determination described under this subsection must include
27 consideration of the person's behavior while in confinement and any
28 disciplinary considerations. The department shall establish
29 appropriate conditions the person must comply with to remain in
30 community transition services. A person must have served 60 percent
31 of their minimum term of confinement and no less than 15 weeks of
32 total confinement including time spent in detention prior to
33 sentencing or the entry of a dispositional order before becoming
34 eligible for community transition services under the authority and
35 supervision of the department.

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

39 (i) Behavioral health treatment;

40 (ii) Independent living;

1 (iii) Employment;

2 (iv) Education;

3 (v) Connections to family and natural supports; and

4 (vi) Community connections.

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

9 (d) If a person placed in community transition services under
10 this section violates a condition of participation in the community
11 transition services program, or if the department determines that
12 placement in the program is no longer in the best interests of the
13 person or community, the person may be returned to an institution
14 operated by the department at the department's discretion.

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

17 (i) Persons with pending charges or warrants;

18 (ii) Persons who will be transferred to the department of
19 corrections, who are in the custody of the department of corrections,
20 or who are under the supervision of the department of corrections;

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

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

25 (v) Level III sex offenders; and

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

27 (14) The department shall design, or contract for the design, and
28 implement a risk assessment tool. The tool must be designed to limit
29 bias related to race, ethnicity, gender, and age. The risk assessment
30 tool must be certified at least every three years based on current
31 academic standards for assessment validation, and can be certified by
32 the office of innovation, alignment, and accountability or an outside
33 researcher.

34 **Sec. 5.** RCW 13.40.215 and 2020 c 167 s 7 are each amended to
35 read as follows:

36 (1)(a) Except as provided in subsection (2) of this section, at
37 the earliest practicable date, and in no event later than thirty days
38 before discharge, parole, or any other authorized leave or release,
39 or before transfer to a community residential facility or community

1 transition services program, the secretary shall send written notice
2 of the discharge, parole, authorized leave or release, or transfer of
3 a juvenile found to have committed a violent offense, a sex offense,
4 or stalking, to the following:

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

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

8 (b)(i) Except as provided in subsection (2) of this section, at
9 the earliest practicable date, and in no event later than thirty days
10 before discharge, parole, or any other authorized leave or release,
11 or before transfer to a community residential facility or community
12 transition services program, the secretary shall send written notice
13 of the discharge, parole, authorized leave or release, or transfer of
14 an individual who is found to have committed a violent offense or a
15 sex offense, is twenty-one years of age or younger, and has not
16 received a high school diploma or its equivalent, to the designated
17 recipient of the school where the juvenile either: (A) Was enrolled
18 prior to incarceration or detention; or (B) has expressed an
19 intention to enroll following his or her release. This notice must
20 also include the restrictions described in subsection (5) of this
21 section.

22 (ii) The community residential facility shall provide written
23 notice of the offender's criminal history to the designated recipient
24 of any school that the offender attends while residing at the
25 community residential facility and to any employer that employs the
26 offender while residing at the community residential facility.

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

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

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

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

3 (iii) Any person specified in writing by the prosecuting
4 attorney.

5 Information regarding victims, next of kin, or witnesses requesting
6 the notice, information regarding any other person specified in
7 writing by the prosecuting attorney to receive the notice, and the
8 notice are confidential and shall not be available to the juvenile.
9 The notice to the chief of police or the sheriff shall include the
10 identity of the juvenile, the residence where the juvenile will
11 reside, the identity of the person, if any, responsible for
12 supervising the juvenile, and the time period of any authorized
13 leave.

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

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

19 (2)(a) If a juvenile found to have committed a violent offense, a
20 sex offense, or stalking escapes from a facility of the department,
21 the secretary shall immediately notify, by the most reasonable and
22 expedient means available, the chief of police of the city and the
23 sheriff of the county in which the juvenile resided immediately
24 before the juvenile's arrest. If previously requested, the secretary
25 shall also notify the witnesses and the victim of the offense which
26 the juvenile was found to have committed or the victim's next of kin
27 if the crime was a homicide. If the juvenile is recaptured, the
28 secretary shall send notice to the persons designated in this
29 subsection as soon as possible but in no event later than two working
30 days after the department learns of such recapture.

31 (b) The secretary may authorize a leave, for a juvenile found to
32 have committed a violent offense, a sex offense, or stalking, which
33 shall not exceed forty-eight hours plus travel time, to meet an
34 emergency situation such as a death or critical illness of a member
35 of the juvenile's family. The secretary may authorize a leave, which
36 shall not exceed the time medically necessary, to obtain medical care
37 not available in a juvenile facility maintained by the department.
38 Prior to the commencement of an emergency or medical leave, the
39 secretary shall give notice of the leave to the appropriate law
40 enforcement agency in the jurisdiction in which the juvenile will be

1 during the leave period. The notice shall include the identity of the
2 juvenile, the time period of the leave, the residence of the juvenile
3 during the leave, and the identity of the person responsible for
4 supervising the juvenile during the leave. If previously requested,
5 the department shall also notify the witnesses and victim of the
6 offense which the juvenile was found to have committed or the
7 victim's next of kin if the offense was a homicide.

8 In case of an emergency or medical leave the secretary may waive
9 all or any portion of the requirements for leaves pursuant to RCW
10 13.40.205 (2)(a), (3), (4), and (5).

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

14 (4) The secretary shall send the notices required by this chapter
15 to the last address provided to the department by the requesting
16 party. The requesting party shall furnish the department with a
17 current address.

18 (5) Upon discharge, parole, transfer to a community residential
19 facility, or other authorized leave or release, a convicted juvenile
20 sex offender shall not attend a public or approved private
21 elementary, middle, or high school that is attended by a victim or a
22 sibling of a victim of the sex offender. The parents or legal
23 guardians of the convicted juvenile sex offender shall be responsible
24 for transportation or other costs associated with or required by the
25 sex offender's change in school that otherwise would be paid by a
26 school district.

27 (6) For purposes of this section the following terms have the
28 following meanings:

29 (a) "Violent offense" means a violent offense under RCW
30 9.94A.030;

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

32 (c) "Stalking" means the crime of stalking as defined in RCW
33 9A.46.110;

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

36 **Sec. 6.** RCW 13.40.220 and 2017 3rd sp.s. c 6 s 610 are each
37 amended to read as follows:

38 (1) Whenever legal custody of a child is vested in someone other
39 than his or her parents, under this chapter, and not vested in the

1 department, after due notice to the parents or other persons legally
2 obligated to care for and support the child, and after a hearing, the
3 court may order and decree that the parent or other legally obligated
4 person shall pay in such a manner as the court may direct a
5 reasonable sum representing in whole or in part the costs of support,
6 treatment, and confinement of the child after the decree is entered.

7 (2) If the parent or other legally obligated person willfully
8 fails or refuses to pay such sum, the court may proceed against such
9 person for contempt.

10 (3) Whenever legal custody of a child is vested in the department
11 under this chapter, the parents or other persons legally obligated to
12 care for and support the child shall be liable for the costs of
13 support, treatment, and confinement of the child, in accordance with
14 the department's reimbursement of cost schedule. The department shall
15 adopt a reimbursement of cost schedule based on the costs of
16 providing such services, and shall determine an obligation based on
17 the responsible parents' or other legally obligated person's ability
18 to pay. The department is authorized to adopt additional rules as
19 appropriate to enforce this section.

20 (4) To enforce subsection (3) of this section, the department
21 shall serve on the parents or other person legally obligated to care
22 for and support the child a notice and finding of financial
23 responsibility requiring the parents or other legally obligated
24 person to appear and show cause in an adjudicative proceeding why the
25 finding of responsibility and/or the amount thereof is incorrect and
26 should not be ordered. This notice and finding shall relate to the
27 costs of support, treatment, and confinement of the child in
28 accordance with the department's reimbursement of cost schedule
29 adopted under this section, including periodic payments to be made in
30 the future. The hearing shall be held pursuant to chapter 34.05 RCW,
31 the administrative procedure act, and the rules of the department.

32 (5) The notice and finding of financial responsibility shall be
33 served in the same manner prescribed for the service of a summons in
34 a civil action or may be served on the parent or legally obligated
35 person by certified mail, return receipt requested. The receipt shall
36 be prima facie evidence of service.

37 (6) If the parents or other legally obligated person objects to
38 the notice and finding of financial responsibility, then an
39 application for an adjudicative hearing may be filed within twenty
40 days of the date of service of the notice. If an application for an

1 adjudicative proceeding is filed, the presiding or reviewing officer
2 shall determine the past liability and responsibility, if any, of the
3 parents or other legally obligated person and shall also determine
4 the amount of periodic payments to be made in the future. If the
5 parents or other legally responsible person fails to file an
6 application within twenty days, the notice and finding of financial
7 responsibility shall become a final administrative order.

8 (7) Debts determined pursuant to this section are subject to
9 collection action without further necessity of action by a presiding
10 or reviewing officer. The department may collect the debt in
11 accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and
12 74.20A.070. The department shall exempt from payment parents
13 receiving adoption support under RCW 74.13A.005 through 74.13A.080,
14 parents eligible to receive adoption support under RCW 74.13A.085,
15 and a parent or other legally obligated person when the parent or
16 other legally obligated person, or such person's child, spouse, or
17 spouse's child, was the victim of the offense for which the child was
18 committed.

19 (8) An administrative order entered pursuant to this section
20 shall supersede any court order entered prior to June 13, 1994.

21 (9) The department shall be subrogated to the right of the child
22 and his or her parents or other legally responsible person to receive
23 support payments for the benefit of the child from any parent or
24 legally obligated person pursuant to a support order established by a
25 superior court or pursuant to RCW 74.20A.055. The department's right
26 of subrogation under this section is limited to the liability
27 established in accordance with its cost schedule for support,
28 treatment, and confinement, except as addressed in subsection (10) of
29 this section.

30 (10) Nothing in this section precludes the department from
31 recouping such additional support payments from the child's parents
32 or other legally obligated person as required to qualify for receipt
33 of federal funds. The department may adopt such rules dealing with
34 liability for recoupment of support, treatment, or confinement costs
35 as may become necessary to entitle the state to participate in
36 federal funds unless such rules would be expressly prohibited by law.
37 If any law dealing with liability for recoupment of support,
38 treatment, or confinement costs is ruled to be in conflict with
39 federal requirements which are a prescribed condition of the

1 allocation of federal funds, such conflicting law is declared to be
2 inoperative solely to the extent of the conflict.

3 (11) This section does not apply to juveniles or young adults in
4 a community transition services program.

5 NEW SECTION. **Sec. 7.** The department of children, youth, and
6 families shall adopt rules, policies, and procedures as may be needed
7 to implement a community transition services program required by this
8 act, to include the following:

9 (1) Identification and regular monitoring of metrics of quality
10 implementation for the community transition program, and regularly
11 publishing outcome analyses for program participants; and

12 (2) Allowing for the use of new electronic home monitoring
13 equipment and technologies as they become available that eliminate or
14 minimize trauma, social stigma, and racial injustice, and imposing
15 penalties for the knowing or intentional tampering, damaging, or
16 destruction of equipment that renders it not fully functional.

17 NEW SECTION. **Sec. 8.** Subject to the availability of amounts
18 appropriated for this specific purpose, the department of children,
19 youth, and families may issue rental vouchers for a period not to
20 exceed six months for those transferring to community transition
21 services under this act if an approved address cannot be obtained
22 without the assistance of a voucher.

23 **Sec. 9.** RCW 13.04.800 and 2019 c 322 s 5 are each amended to
24 read as follows:

25 (1) The Washington state institute for public policy must:

26 (a) Assess the impact of chapter 162, Laws of 2018, ~~((and))~~
27 sections 2 through 6, chapter 322, Laws of 2019, and sections 2 and
28 3, chapter . . ., Laws of 2021 (sections 2 and 3 of this act) on
29 community safety, racial disproportionality, recidivism, state
30 expenditures, and youth rehabilitation, to the extent possible; and

31 (b) Conduct a cost-benefit analysis, including health impacts and
32 recidivism effects, of extending RCW 72.01.410 to include all
33 offenses committed under the age of twenty-one.

34 (2) The institute shall submit, in compliance with RCW 43.01.036,
35 a preliminary report on the requirements listed in subsection (1) of
36 this section to the governor and the appropriate committees of the
37 legislature by December 1, 2023, and a final report to the governor

1 and the appropriate committees of the legislature by December 1,
2 2031.

3 NEW SECTION. **Sec. 10.** (1) The secretary of the department of
4 children, youth, and families, or the secretary's designee, shall
5 convene a stakeholder group to develop recommendations regarding
6 improving outcomes for individuals exiting juvenile rehabilitation
7 with a focus on:

8 (a) Increasing community involvement before and after the
9 individual's exit from a juvenile rehabilitation facility;

10 (b) A landscape analysis of community-based, reentry-related
11 services available to individuals exiting a juvenile rehabilitation
12 facility by geographic region and service type;

13 (c) Community-based, reentry-related service gaps that should be
14 addressed to ensure a successful community transition services
15 program across the state.

16 (2) The secretary of the department of children, youth, and
17 families, or the secretary's designee shall include, at a minimum,
18 the following stakeholders in the requirements included in this
19 section:

20 (a) Two individuals who were or are currently confined in a
21 juvenile rehabilitation facility;

22 (b) A family member of an individual who was or is currently
23 confined in a juvenile rehabilitation facility;

24 (c) A representative of the Washington partnership council on
25 juvenile justice;

26 (d) A representative of the Washington association of prosecuting
27 attorneys;

28 (e) A representative of the Washington association of sheriffs
29 and police chiefs;

30 (f) A representative of a statewide organization representing
31 criminal defense attorneys;

32 (g) A representative of a statewide organization representing
33 public defenders;

34 (h) A representative of a statewide organization providing legal
35 services to youth;

36 (i) A representative from the office of the superintendent of
37 public instruction;

38 (j) A representative from the state board for community and
39 technical colleges;

1 (k) A representative from the health care authority;

2 (l) A representative from the Washington student achievement
3 council;

4 (m) A representative from the Washington association of juvenile
5 court administrators; and

6 (n) Two representatives from service providers that assist
7 individuals when exiting from a juvenile rehabilitation facility by
8 providing mentoring or other community involvement opportunities to
9 that individual.

10 (3) The department of children, youth, and families shall provide
11 administrative and staff support to the stakeholder group.

12 (4) Nonlegislative members of the stakeholder group who
13 demonstrate financial hardship must be reimbursed for travel expenses
14 as provided in RCW 43.03.050 and 43.03.060, as well as other expenses
15 as needed for each day a nonlegislative stakeholder group member
16 attends a stakeholder group meeting to provide consultative
17 assistance.

18 (5) (a) By November 1, 2021, and in compliance with RCW 43.01.036,
19 an initial report shall be submitted to the appropriate committees of
20 the legislature and the governor related to improving outcomes for
21 individuals exiting juvenile rehabilitation facilities.

22 (b) By June 1, 2022, the department of children, youth, and
23 families shall submit a report to the appropriate committees of the
24 legislature and the governor that describes recommendations related
25 to improving outcomes for individuals exiting a juvenile
26 rehabilitation facility as provided in this section.

27 (6) This section expires January 1, 2023.

28 NEW SECTION. **Sec. 11.** (1) Sections 1 through 6, 8, and 9 of
29 this act take effect six months after the department of children,
30 youth, and families designs and implements a risk assessment tool as
31 defined in RCW 13.40.020 used to determine eligibility for "community
32 transition services" as provided under RCW 13.40.205(13) and provides
33 notice as required under subsection (2) of this section.

34 (2) The department of children, youth, and families must provide
35 notice of the implementation of a risk assessment tool described
36 under subsection (1) of this section to affected parties, the chief
37 clerk of the house of representatives, the secretary of the senate,
38 the office of the code reviser, and others as deemed appropriate by
39 the department of children, youth, and families.

1 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2021, in the omnibus appropriations act, this
4 act is null and void.

--- END ---