
HOUSE BILL 2907

State of Washington 54th Legislature 1996 Regular Session

By Representatives Sheahan, Mastin and Silver

Read first time 01/24/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to juvenile offenders; amending RCW 13.40.025,
2 13.40.080, and 13.40.160; adding a new section to chapter 13.04 RCW;
3 adding a new section to chapter 4.24 RCW; adding a new section to
4 chapter 13.40 RCW; creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.04 RCW
7 to read as follows:

8 (1) Any county with a population of at least one hundred seventy-
9 five thousand but less than two hundred fifty thousand that has a city
10 with a population of at least fifty-nine thousand may authorize a pilot
11 project to allow courts of limited jurisdiction within the county to
12 exercise concurrent jurisdiction with the juvenile court under certain
13 circumstances. District and municipal courts of limited jurisdiction
14 at the local option of the county or any city or town located within
15 the county may exercise concurrent original jurisdiction with the
16 juvenile court over traffic or civil infractions, violations of
17 compulsory school attendance provisions under chapter 28A.225 RCW, and
18 misdemeanors when those offenses are allegedly committed by juveniles
19 and:

1 (a)(i) The offense, which if committed by an adult, is punishable
2 by sanctions that do not include incarceration; or

3 (ii) The offender's standard range disposition does not include
4 confinement as defined in RCW 13.40.020;

5 (b) The court of limited jurisdiction has a computer system that is
6 linked to the state-wide criminal history information data system used
7 by juvenile courts to track and record juvenile offenders' criminal
8 history;

9 (c) The county legislative authority of the county has authorized
10 creation of concurrent jurisdiction between the court of limited
11 jurisdiction and the juvenile court; and

12 (d) The court of limited jurisdiction has an agreement with
13 officials responsible for administering the county juvenile detention
14 facility pursuant to RCW 13.04.035 and 13.20.060 that the court may
15 order juveniles into the detention facility for an offense in cases in
16 which the court finds that a disposition without confinement would be
17 a manifest injustice.

18 (2) The juvenile court shall retain jurisdiction over the offense
19 if the juvenile is charged with another offense arising out of the same
20 incident and the juvenile court has jurisdiction over the other
21 offense.

22 (3) Jurisdiction under this section does not constitute a decline
23 or transfer of juvenile court jurisdiction under RCW 13.40.110.

24 (4) The procedural and disposition provisions of chapter 13.40 RCW
25 shall apply to offenses prosecuted under this section.

26 (5) All diversions and adjudications entered by a court of limited
27 jurisdiction shall be included in an offender's criminal history as
28 provided in chapter 13.40 RCW.

29 (6) The provisions of this section shall be implemented as a pilot
30 project in the county.

31 **Sec. 2.** RCW 13.40.025 and 1995 c 269 s 302 are each amended to
32 read as follows:

33 (1) There is established a juvenile disposition standards
34 commission to propose disposition standards to the legislature in
35 accordance with RCW 13.40.030 and perform the other responsibilities
36 set forth in this chapter.

37 (2) The commission shall be composed of the secretary or the
38 secretary's designee and the following nine members appointed by the

1 governor, subject to confirmation by the senate: (a) A superior court
2 judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c)
3 a law enforcement officer; (d) an administrator of juvenile court
4 services; (e) a public defender actively practicing in juvenile court;
5 (f) a county legislative official or county executive; and (g) three
6 other persons who have demonstrated significant interest in the
7 adjudication and disposition of juvenile offenders. In making the
8 appointments, the governor shall seek the recommendations of the
9 association of superior court judges in respect to the member who is a
10 superior court judge; of Washington prosecutors in respect to the
11 prosecuting attorney or deputy prosecuting attorney member; of the
12 Washington association of sheriffs and police chiefs in respect to the
13 member who is a law enforcement officer; of juvenile court
14 administrators in respect to the member who is a juvenile court
15 administrator; and of the state bar association in respect to the
16 public defender member; and of the Washington association of counties
17 in respect to the member who is either a county legislative official or
18 county executive.

19 (3) The secretary or the secretary's designee shall serve as
20 chairman of the commission.

21 (4) The secretary shall serve on the commission during the
22 secretary's tenure as secretary of the department. The term of the
23 remaining members of the commission shall be three years. The initial
24 terms shall be determined by lot conducted at the commission's first
25 meeting as follows: (a) Four members shall serve a two-year term; and
26 (b) four members shall serve a three-year term. In the event of a
27 vacancy, the appointing authority shall designate a new member to
28 complete the remainder of the unexpired term.

29 (5) Commission members shall be reimbursed for travel expenses as
30 provided in RCW 43.03.050 and 43.03.060. Members shall be compensated
31 in accordance with RCW 43.03.240.

32 (6) The commission shall cease to exist on June 30, (~~(1997)~~) 1996,
33 and its powers and duties shall be transferred to the sentencing
34 guidelines commission established under RCW 9.94A.040.

35 **Sec. 3.** RCW 13.40.080 and 1994 sp.s. c 7 s 544 are each amended to
36 read as follows:

37 (1) A diversion agreement shall be a contract between a juvenile
38 accused of an offense and a diversionary unit whereby the juvenile

1 agrees to fulfill certain conditions in lieu of prosecution. Such
2 agreements may be entered into only after the prosecutor, or probation
3 counselor pursuant to this chapter, has determined that probable cause
4 exists to believe that a crime has been committed and that the juvenile
5 committed it. Such agreements shall be entered into as expeditiously
6 as possible.

7 (2) A diversion agreement shall be limited to one or more of the
8 following:

9 (a) Community service not to exceed one hundred fifty hours, not to
10 be performed during school hours if the juvenile is attending school;

11 (b) Restitution limited to the amount of actual loss incurred by
12 the victim, and to an amount the juvenile has the means or potential
13 means to pay;

14 (c) Attendance at (~~up to ten hours of~~) counseling and/or (~~up to~~
15 ~~twenty hours of~~) educational or informational sessions at a community
16 agency for a specified period of time as determined by the diversion
17 unit. The educational or informational sessions may include sessions
18 relating to respect for self, others, and authority; victim awareness;
19 accountability; self-worth; responsibility; work ethics; good
20 citizenship; and life skills. For purposes of this section, "community
21 agency" may also mean a community-based nonprofit organization, if
22 approved by the diversion unit. The state shall not be liable for
23 costs resulting from the diversionary unit exercising the option to
24 permit diversion agreements to mandate attendance at (~~up to ten hours~~
25 ~~of~~) counseling and/or (~~up to twenty hours of~~) educational or
26 informational sessions;

27 (d) A fine, not to exceed one hundred dollars. In determining the
28 amount of the fine, the diversion unit shall consider only the
29 juvenile's financial resources and whether the juvenile has the means
30 to pay the fine. The diversion unit shall not consider the financial
31 resources of the juvenile's parents, guardian, or custodian in
32 determining the fine to be imposed; and

33 (e) Requirements to remain during specified hours at home, school,
34 or work, and restrictions on leaving or entering specified geographical
35 areas.

36 (3) In assessing periods of community service to be performed and
37 restitution to be paid by a juvenile who has entered into a diversion
38 agreement, the court officer to whom this task is assigned shall
39 consult with the juvenile's custodial parent or parents or guardian and

1 victims who have contacted the diversionary unit and, to the extent
2 possible, involve members of the community. Such members of the
3 community shall meet with the juvenile and advise the court officer as
4 to the terms of the diversion agreement and shall supervise the
5 juvenile in carrying out its terms.

6 (4) A diversion agreement may not exceed a period of six months and
7 may include a period extending beyond the eighteenth birthday of the
8 divertee. Any restitution assessed during its term may not exceed an
9 amount which the juvenile could be reasonably expected to pay during
10 this period. If additional time is necessary for the juvenile to
11 complete restitution to the victim, the time period limitations of this
12 subsection may be extended by an additional six months.

13 (5) The juvenile shall retain the right to be referred to the court
14 at any time prior to the signing of the diversion agreement.

15 (6) Divertees and potential divertees shall be afforded due process
16 in all contacts with a diversionary unit regardless of whether the
17 juveniles are accepted for diversion or whether the diversion program
18 is successfully completed. Such due process shall include, but not be
19 limited to, the following:

20 (a) A written diversion agreement shall be executed stating all
21 conditions in clearly understandable language;

22 (b) Violation of the terms of the agreement shall be the only
23 grounds for termination;

24 (c) No divertee may be terminated from a diversion program without
25 being given a court hearing, which hearing shall be preceded by:

26 (i) Written notice of alleged violations of the conditions of the
27 diversion program; and

28 (ii) Disclosure of all evidence to be offered against the divertee;

29 (d) The hearing shall be conducted by the juvenile court and shall
30 include:

31 (i) Opportunity to be heard in person and to present evidence;

32 (ii) The right to confront and cross-examine all adverse witnesses;

33 (iii) A written statement by the court as to the evidence relied on
34 and the reasons for termination, should that be the decision; and

35 (iv) Demonstration by evidence that the divertee has substantially
36 violated the terms of his or her diversion agreement.

37 (e) The prosecutor may file an information on the offense for which
38 the divertee was diverted:

1 (i) In juvenile court if the divertee is under eighteen years of
2 age; or

3 (ii) In superior court or the appropriate court of limited
4 jurisdiction if the divertee is eighteen years of age or older.

5 (7) The diversion unit shall, subject to available funds, be
6 responsible for providing interpreters when juveniles need interpreters
7 to effectively communicate during diversion unit hearings or
8 negotiations.

9 (8) The diversion unit shall be responsible for advising a divertee
10 of his or her rights as provided in this chapter.

11 (9) The diversion unit may refer a juvenile to community-based
12 counseling or treatment programs.

13 (10) The right to counsel shall inure prior to the initial
14 interview for purposes of advising the juvenile as to whether he or she
15 desires to participate in the diversion process or to appear in the
16 juvenile court. The juvenile may be represented by counsel at any
17 critical stage of the diversion process, including intake interviews
18 and termination hearings. The juvenile shall be fully advised at the
19 intake of his or her right to an attorney and of the relevant services
20 an attorney can provide. For the purpose of this section, intake
21 interviews mean all interviews regarding the diversion agreement
22 process.

23 The juvenile shall be advised that a diversion agreement shall
24 constitute a part of the juvenile's criminal history as defined by RCW
25 13.40.020(9). A signed acknowledgment of such advisement shall be
26 obtained from the juvenile, and the document shall be maintained by the
27 diversionary unit together with the diversion agreement, and a copy of
28 both documents shall be delivered to the prosecutor if requested by the
29 prosecutor. The supreme court shall promulgate rules setting forth the
30 content of such advisement in simple language.

31 (11) When a juvenile enters into a diversion agreement, the
32 juvenile court may receive only the following information for
33 dispositional purposes:

34 (a) The fact that a charge or charges were made;

35 (b) The fact that a diversion agreement was entered into;

36 (c) The juvenile's obligations under such agreement;

37 (d) Whether the alleged offender performed his or her obligations
38 under such agreement; and

39 (e) The facts of the alleged offense.

1 (12) A diversionary unit may refuse to enter into a diversion
2 agreement with a juvenile. When a diversionary unit refuses to enter
3 a diversion agreement with a juvenile, it shall immediately refer such
4 juvenile to the court for action and shall forward to the court the
5 criminal complaint and a detailed statement of its reasons for refusing
6 to enter into a diversion agreement. The diversionary unit shall also
7 immediately refer the case to the prosecuting attorney for action if
8 such juvenile violates the terms of the diversion agreement.

9 (13) A diversionary unit may, in instances where it determines that
10 the act or omission of an act for which a juvenile has been referred to
11 it involved no victim, or where it determines that the juvenile
12 referred to it has no prior criminal history and is alleged to have
13 committed an illegal act involving no threat of or instance of actual
14 physical harm and involving not more than fifty dollars in property
15 loss or damage and that there is no loss outstanding to the person or
16 firm suffering such damage or loss, counsel and release or release such
17 a juvenile without entering into a diversion agreement. A diversion
18 unit's authority to counsel and release a juvenile under this
19 subsection shall include the authority to refer the juvenile to
20 community-based counseling or treatment programs. Any juvenile
21 released under this subsection shall be advised that the act or
22 omission of any act for which he or she had been referred shall
23 constitute a part of the juvenile's criminal history as defined by RCW
24 13.40.020(9). A signed acknowledgment of such advisement shall be
25 obtained from the juvenile, and the document shall be maintained by the
26 unit, and a copy of the document shall be delivered to the prosecutor
27 if requested by the prosecutor. The supreme court shall promulgate
28 rules setting forth the content of such advisement in simple language.
29 A juvenile determined to be eligible by a diversionary unit for release
30 as provided in this subsection shall retain the same right to counsel
31 and right to have his or her case referred to the court for formal
32 action as any other juvenile referred to the unit.

33 (14) A diversion unit may supervise the fulfillment of a diversion
34 agreement entered into before the juvenile's eighteenth birthday and
35 which includes a period extending beyond the divertee's eighteenth
36 birthday.

37 (15) If a fine required by a diversion agreement cannot reasonably
38 be paid due to a change of circumstance, the diversion agreement may be
39 modified at the request of the divertee and with the concurrence of the

1 diversion unit to convert an unpaid fine into community service. The
2 modification of the diversion agreement shall be in writing and signed
3 by the divertee and the diversion unit. The number of hours of
4 community service in lieu of a monetary penalty shall be converted at
5 the rate of the prevailing state minimum wage per hour.

6 (16) Fines imposed under this section shall be collected and paid
7 into the county general fund in accordance with procedures established
8 by the juvenile court administrator under RCW 13.04.040 and may be used
9 only for juvenile services. In the expenditure of funds for juvenile
10 services, there shall be a maintenance of effort whereby counties
11 exhaust existing resources before using amounts collected under this
12 section.

13 **Sec. 4.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read
14 as follows:

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

20 If the court concludes, and enters reasons for its conclusion, that
21 disposition within the standard range would effectuate a manifest
22 injustice the court shall impose a disposition outside the standard
23 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
24 court's finding of manifest injustice shall be supported by clear and
25 convincing evidence.

26 A disposition outside the standard range shall be determinate and
27 shall be comprised of confinement or community supervision, or a
28 combination thereof. When a judge finds a manifest injustice and
29 imposes a sentence of confinement exceeding thirty days, the court
30 shall sentence the juvenile to a maximum term, and the provisions of
31 RCW 13.40.030(2) shall be used to determine the range. A disposition
32 outside the standard range is appealable under RCW 13.40.230 by the
33 state or the respondent. A disposition within the standard range is
34 not appealable under RCW 13.40.230.

35 (2) Where the respondent is found to be a minor or first offender,
36 the court shall order that the respondent serve a term of community
37 supervision as indicated in option A or option B of schedule D-1, RCW
38 13.40.0357 except as provided in subsections (5) and (6) of this

1 section. If the court determines that a disposition of community
2 supervision would effectuate a manifest injustice the court may impose
3 another disposition under option C of schedule D-1, RCW 13.40.0357.
4 Except as provided in subsection (5) of this section, a disposition
5 other than a community supervision may be imposed only after the court
6 enters reasons upon which it bases its conclusions that imposition of
7 community supervision would effectuate a manifest injustice. When a
8 judge finds a manifest injustice and imposes a sentence of confinement
9 exceeding thirty days, the court shall sentence the juvenile to a
10 maximum term, and the provisions of RCW 13.40.030(2) shall be used to
11 determine the range. The court's finding of manifest injustice shall
12 be supported by clear and convincing evidence.

13 Except for disposition of community supervision or a disposition
14 imposed pursuant to subsection (5) of this section, a disposition may
15 be appealed as provided in RCW 13.40.230 by the state or the
16 respondent. A disposition of community supervision or a disposition
17 imposed pursuant to subsection (5) of this section may not be appealed
18 under RCW 13.40.230.

19 (3) Where a respondent is found to have committed an offense for
20 which the respondent declined to enter into a diversion agreement, the
21 court shall impose a term of community supervision limited to the
22 conditions allowed in a diversion agreement as provided in RCW
23 13.40.080(2).

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

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

31 ~~((If the middle offender has less than 110 points, the court
32 shall impose a determinate disposition of community supervision and/or
33 up to thirty days confinement, as indicated in option B of schedule D-
34 2, RCW 13.40.0357 in which case, if confinement has been imposed, the
35 court shall state either aggravating or mitigating factors as set forth
36 in RCW 13.40.150.))~~ If the middle offender has 110 points or more, the
37 court may impose a disposition under option A and may suspend the
38 disposition and impose a determinate disposition of community
39 supervision for a period of up to one year or the maximum term allowed

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

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

18 (d) A disposition pursuant to subsection (4)(c) of this section is
19 appealable under RCW 13.40.230 by the state or the respondent. A
20 disposition pursuant to subsection (4) (a) or (b) of this section is
21 not appealable under RCW 13.40.230.

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

28 The report of the examination shall include at a minimum the
29 following: The respondent's version of the facts and the official
30 version of the facts, the respondent's offense history, an assessment
31 of problems in addition to alleged deviant behaviors, the respondent's
32 social, educational, and employment situation, and other evaluation
33 measures used. The report shall set forth the sources of the
34 evaluator's information.

35 The examiner shall assess and report regarding the respondent's
36 amenability to treatment and relative risk to the community.

37 (a) A proposed treatment plan shall be provided and shall include,
38 at a minimum:

- 1 (~~(a)~~)(i) Frequency and type of contact between the offender and
2 therapist;
- 3 (ii) Specific issues to be addressed in the treatment and
4 description of planned treatment modalities;
- 5 (iii) Monitoring plans, including any requirements regarding living
6 conditions, lifestyle requirements, and monitoring by family members,
7 legal guardians, or others;
- 8 (iv) Anticipated length of treatment; and
- 9 (v) Recommended crime-related prohibitions.

10 The court on its own motion may order, or on a motion by the state
11 shall order, a second examination regarding the offender's amenability
12 to treatment. The evaluator shall be selected by the party making the
13 motion. The defendant shall pay the cost of any second examination
14 ordered unless the court finds the defendant to be indigent in which
15 case the state shall pay the cost.

16 After receipt of reports of the examination, the court shall then
17 consider whether the offender and the community will benefit from use
18 of this special sex offender disposition alternative and consider the
19 victim's opinion whether the offender should receive a treatment
20 disposition under this section. If the court determines that this
21 special sex offender disposition alternative is appropriate, then the
22 court shall impose a determinate disposition within the standard range
23 for the offense, (~~and~~) or if the court concludes, and enters reasons
24 for its conclusion, that such disposition would effectuate a manifest
25 injustice, the court shall impose a disposition pursuant to option C of
26 schedule D-1, option C of schedule D-2, or option B of schedule D-3 as
27 appropriate.

28 For either a standard range disposition or a manifest injustice
29 disposition the court may suspend the execution of the disposition and
30 place the offender on community supervision for up to two years.

31 **(b)** As a condition of the suspended disposition, the court may
32 impose the conditions of community supervision and other conditions,
33 including up to thirty days of confinement and requirements that the
34 offender do any one or more of the following:

- 35 (~~(b)~~)(i) Devote time to a specific education, employment, or
36 occupation;
- 37 (ii) Undergo available outpatient sex offender treatment for up to
38 two years, or inpatient sex offender treatment not to exceed the
39 standard range of confinement for that offense. A community mental

1 health center may not be used for such treatment unless it has an
2 appropriate program designed for sex offender treatment. The
3 respondent shall not change sex offender treatment providers or
4 treatment conditions without first notifying the prosecutor, the
5 probation counselor, and the court, and shall not change providers
6 without court approval after a hearing if the prosecutor or probation
7 counselor object to the change;

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

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

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

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

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

19 (viii) Comply with the conditions of any court-ordered probation
20 bond.

21 The sex offender treatment provider shall submit quarterly reports
22 on the respondent's progress in treatment to the court and the parties.
23 The reports shall reference the treatment plan and include at a minimum
24 the following: Dates of attendance, respondent's compliance with
25 requirements, treatment activities, the respondent's relative progress
26 in treatment, and any other material specified by the court at the time
27 of the disposition.

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

30 Except as provided in this subsection (5), after July 1, 1991,
31 examinations and treatment ordered pursuant to this subsection shall
32 only be conducted by sex offender treatment providers certified by the
33 department of health pursuant to chapter 18.155 RCW. A sex offender
34 therapist who examines or treats a juvenile sex offender pursuant to
35 this subsection does not have to be certified by the department of
36 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
37 offender has already moved to another state or plans to move to another
38 state for reasons other than circumventing the certification
39 requirements; (B) no certified providers are available for treatment

1 within a reasonable geographical distance of the offender's home; and
2 (C) the evaluation and treatment plan comply with this subsection (5)
3 and the rules adopted by the department of health.

4 If the offender violates any condition of the disposition or the
5 court finds that the respondent is failing to make satisfactory
6 progress in treatment, the court may revoke the suspension and order
7 execution of the disposition or the court may impose a penalty of up to
8 thirty days' confinement for violating conditions of the disposition.
9 The court may order both execution of the disposition and up to thirty
10 days' confinement for the violation of the conditions of the
11 disposition. The court shall give credit for any confinement time
12 previously served if that confinement was for the offense for which the
13 suspension is being revoked.

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

19 (6) RCW 13.40.193 shall govern the disposition of any juvenile
20 adjudicated of possessing a firearm in violation of RCW
21 9.41.040(1)((+e))(b)(iv) or any crime in which a special finding is
22 entered that the juvenile was armed with a firearm.

23 (7) Whenever a juvenile offender is entitled to credit for time
24 spent in detention prior to a dispositional order, the dispositional
25 order shall specifically state the number of days of credit for time
26 served.

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

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

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 4.24 RCW
34 to read as follows:

35 A parent or legal guardian is liable for any monetary damages or
36 penalties awarded or approved by a court in any civil or criminal
37 matter that are incurred by or result from the conduct of an
38 unemancipated minor or dependent child. Liability may include actual

1 damages and reasonable attorneys' fees and court costs unless otherwise
2 restricted by law.

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

5 The state and its political subdivisions shall provide written
6 notice by certified mail, return receipt requested, to a parent or
7 legal guardian of a minor or dependent child of any arrest, detention,
8 or penalty imposed under color of law upon the minor or dependent child
9 by the state or any of its political subdivisions.

10 NEW SECTION. **Sec. 7.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 8.** Sections 1, 3, and 4 of this act apply only
15 to offenses committed on or after the effective date of this act.

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