
SECOND SUBSTITUTE SENATE BILL 6231

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Kohl, Long, Fairley, Strannigan, Wojahn, Hargrove, Haugen, Winsley, Bauer, Prentice and Rasmussen)

Read first time 02/06/96.

1 AN ACT Relating to the placement of sexually aggressive youth;
2 adding a new section to chapter 13.40 RCW; creating new sections; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the placement of
6 sexually aggressive youth in state-funded or state-operated juvenile
7 rehabilitation facilities must be done in such a manner as to protect
8 the other children and youth in those facilities. To achieve this
9 purpose, the legislature intends that sexually aggressive youth under
10 the department of social and health services' care and custody shall
11 not be placed in the same sleeping quarters as, nor have unsupervised
12 contact with, other children or youth in those settings who are
13 vulnerable to victimization by sexually aggressive youth.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
15 to read as follows:

16 (1) For the purposes of this section, the following terms have the
17 following meanings:

1 (a) "Sexually aggressive youth" means a juvenile who has been found
2 by the department to have committed a sexually aggressive act or other
3 violent act that is sexually aggressive in nature.

4 (b) "Sleeping quarters" means the bedrooms or other rooms within a
5 larger home or residential facility where youth are assigned to sleep.

6 (c) "Unsupervised contact" means contact that occurs for more than
7 a nominal period of time outside the sight or hearing of a responsible
8 adult.

9 (2)(a) A sexually aggressive youth under the department's care and
10 custody pursuant to this chapter may not be assigned to the same
11 sleeping quarters as any child who is vulnerable to victimization by a
12 sexually aggressive youth and who is not also a sexually aggressive
13 youth, except that youth may be assigned to the same multiple-person
14 dormitory if the dormitory is regularly monitored by visual
15 surveillance equipment or staff checks.

16 (b) The department shall also prohibit, to the greatest extent
17 possible and within available funds, unsupervised contact in a state-
18 operated or state-funded juvenile rehabilitation facility between
19 sexually aggressive youth under its care and custody and other children
20 who are vulnerable to victimization by sexually aggressive youth. This
21 prohibition shall include, but not be limited to, prohibiting any youth
22 committed under this chapter from entering any sleeping quarters other
23 than the one to which he or she is assigned, unless accompanied by an
24 authorized supervisor.

25 (c) The department shall make all reasonable efforts to ascertain
26 whether the children residing in a state-operated or state-funded
27 juvenile rehabilitation facility have been the victims of sexual abuse
28 or are vulnerable to victimization by a sexually aggressive youth.

29 (3) The department shall implement a policy for determining when a
30 child is a sexually aggressive youth and when a child is vulnerable to
31 victimization by sexually aggressive youth for the purposes of this
32 section. Notwithstanding the provisions of RCW 74.13.075, the policy
33 need not require that every youth who is adjudicated or convicted of a
34 sex offense, as defined in RCW 9.94A.030, be determined to be sexually
35 aggressive, nor does the policy require a youth to have been
36 adjudicated or convicted of a sex offense to be determined a sexually
37 aggressive youth for the purposes of this section. Instead, the
38 department shall consider the individual circumstances of the youth,
39 including his or her age, physical size, mental and emotional

1 condition, and other factors relevant to sexual aggressiveness. In
2 determining when a youth is vulnerable to victimization by a sexually
3 aggressive youth, the department shall consider the individual
4 circumstances of the youth, including his or her age, physical size,
5 mental and emotional condition, and other factors relevant to
6 vulnerability.

7 NEW SECTION. **Sec. 3.** The department of social and health services
8 shall report to the legislature by November 1, 1996, on the following:
9 (1) Development and implementation of the policy for determining when
10 a child is a sexually aggressive youth for the purposes of this act;
11 (2) development and implementation of the policy for determining when
12 a child is vulnerable to victimization by a sexually aggressive youth
13 for the purposes of this act; and (3) the operational and fiscal
14 impacts of extending the requirements of section 2 of this act to all
15 state-funded or state-operated residential facilities where children
16 are placed by the department pursuant to chapters 13.34, 70.96A, and
17 71.34 RCW.

18 NEW SECTION. **Sec. 4.** Section 2 of this act shall take effect
19 January 1, 1997.

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