
SENATE BILL 6374

State of Washington 54th Legislature 1996 Regular Session

By Senators Quigley, Long, Bauer and Goings

Read first time 01/12/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to juvenile sex offenders; amending RCW 13.40.130,
2 13.40.160, 13.40.210, and 13.40.300; adding new sections to chapter
3 13.40 RCW; prescribing penalties; and providing an effective date.

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

5 **Sec. 1.** RCW 13.40.130 and 1981 c 299 s 10 are each amended to read
6 as follows:

7 (1) The respondent shall be advised of the allegations in the
8 information and shall be required to plead guilty or not guilty to the
9 allegation(s). The state or the respondent may make preliminary
10 motions up to the time of the plea.

11 (2) If the respondent pleads guilty, the court may proceed with
12 disposition or may continue the case for a dispositional hearing. If
13 the respondent denies guilt, an adjudicatory hearing date shall be set.

14 (3) At an adjudicatory hearing, a person for whom an information
15 has been filed alleging the commission of a felony sex offense, is
16 entitled to all the rights that by court rule, statute, and the state
17 and federal constitutions are guaranteed to an offender who is
18 similarly charged in adult court.

1 (4) At the adjudicatory hearing it shall be the burden of the
2 prosecution to prove the allegations of the information beyond a
3 reasonable doubt.

4 ~~((+4))~~ (5) The court shall record its findings of fact and shall
5 enter its decision upon the record. Such findings shall set forth the
6 evidence relied upon by the court in reaching its decision.

7 ~~((+5))~~ (6) If the respondent is found not guilty he or she shall
8 be released from detention.

9 ~~((+6))~~ (7) If the respondent is found guilty the court may
10 immediately proceed to disposition or may continue the case for a
11 dispositional hearing. Notice of the time and place of the continued
12 hearing may be given in open court. If notice is not given in open
13 court to a party, the party shall be notified by mail of the time and
14 place of the continued hearing.

15 ~~((+7))~~ (8) The court following an adjudicatory hearing may request
16 that a predisposition study be prepared to aid the court in its
17 evaluation of the matters relevant to disposition of the case.

18 ~~((+8))~~ (9) The disposition hearing shall be held within fourteen
19 days after the adjudicatory hearing or plea of guilty unless good cause
20 is shown for further delay, or within twenty-one days if the juvenile
21 is not held in a detention facility, unless good cause is shown for
22 further delay.

23 ~~((+9))~~ (10) In sentencing an offender, the court shall use the
24 disposition standards in effect on the date of the offense.

25 **Sec. 2.** RCW 13.40.160 and 1995 c 395 s 7 are each amended to read
26 as follows:

27 (1) When the respondent is found to be a serious offender, the
28 court shall commit the offender to the department for the standard
29 range of disposition for the offense, as indicated in option A of
30 schedule D-3, RCW 13.40.0357 except as provided in subsections (5),
31 (7), and ~~((+6))~~ (8) of this section.

32 If the court concludes, and enters reasons for its conclusion, that
33 disposition within the standard range would effectuate a manifest
34 injustice the court shall impose a disposition outside the standard
35 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
36 court's finding of manifest injustice shall be supported by clear and
37 convincing evidence.

1 A disposition outside the standard range shall be determinate and
2 shall be comprised of confinement or community supervision, or a
3 combination thereof. When a judge finds a manifest injustice and
4 imposes a sentence of confinement exceeding thirty days, the court
5 shall sentence the juvenile to a maximum term, and the provisions of
6 RCW 13.40.030(2) shall be used to determine the range. A disposition
7 outside the standard range is appealable under RCW 13.40.230 by the
8 state or the respondent. A disposition within the standard range is
9 not appealable under RCW 13.40.230.

10 (2) Where the respondent is found to be a minor or first offender,
11 the court shall order that the respondent serve a term of community
12 supervision as indicated in option A or option B of schedule D-1, RCW
13 13.40.0357 except as provided in subsections (~~((5) and (6))~~) (7) and
14 (8) of this section. If the court determines that a disposition of
15 community supervision would effectuate a manifest injustice the court
16 may impose another disposition under option C of schedule D-1, RCW
17 13.40.0357. Except as provided in subsection (~~((5))~~) (7) of this
18 section, a disposition other than a community supervision may be
19 imposed only after the court enters reasons upon which it bases its
20 conclusions that imposition of community supervision would effectuate
21 a manifest injustice. 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. The court's
25 finding of manifest injustice shall be supported by clear and
26 convincing evidence.

27 Except for disposition of community supervision or a disposition
28 imposed pursuant to subsection (~~((5))~~) (7) of this section, a
29 disposition may be appealed as provided in RCW 13.40.230 by the state
30 or the respondent. A disposition of community supervision or a
31 disposition imposed pursuant to subsection (~~((5))~~) (7) of this section
32 may not be appealed under RCW 13.40.230.

33 (3) Where a respondent is found to have committed an offense for
34 which the respondent declined to enter into a diversion agreement, the
35 court shall impose a term of community supervision limited to the
36 conditions allowed in a diversion agreement as provided in RCW
37 13.40.080(2).

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

1 (a) The court shall impose a determinate disposition within the
2 standard range(s) for such offense, as indicated in option A of
3 schedule D-2, RCW 13.40.0357 except as provided in subsections (~~(5)~~
4 ~~and~~) (6), (7), and (8) of this section. If the standard range
5 includes a term of confinement exceeding thirty days, commitment shall
6 be to the department for the standard range of confinement; or

7 (b) If the middle offender has less than 110 points, the court
8 shall impose a determinate disposition of community supervision and/or
9 up to thirty days confinement, as indicated in option B of schedule D-
10 2, RCW 13.40.0357 in which case, if confinement has been imposed, the
11 court shall state either aggravating or mitigating factors as set forth
12 in RCW 13.40.150. If the middle offender has 110 points or more, the
13 court may impose a disposition under option A and may suspend the
14 disposition on the condition that the offender serve up to thirty days
15 of confinement and follow all conditions of community supervision. If
16 the offender violates any condition of the disposition including
17 conditions of a probation bond, the court may impose sanctions pursuant
18 to RCW 13.40.200 or may revoke the suspension and order execution of
19 the disposition. The court shall give credit for any confinement time
20 previously served if that confinement was for the offense for which the
21 suspension is being revoked.

22 (c) Only if the court concludes, and enters reasons for its
23 conclusions, that disposition as provided in subsection (4)(a) or (b)
24 of this section would effectuate a manifest injustice, the court shall
25 sentence the juvenile to a maximum term, and the provisions of RCW
26 13.40.030(2) shall be used to determine the range. The court's finding
27 of manifest injustice shall be supported by clear and convincing
28 evidence.

29 (d) A disposition pursuant to subsection (4)(c) of this section is
30 appealable under RCW 13.40.230 by the state or the respondent. A
31 disposition pursuant to subsection (4)(a) or (b) of this section is not
32 appealable under RCW 13.40.230.

33 (5) When a respondent is found to be a serious offender and to have
34 committed any felony sex offense as defined by RCW 9.94A.030 committed
35 on or after July 1, 1996, the court shall commit the offender to the
36 department and impose a sentence that consists of a maximum term which
37 shall be the maximum sentence provided by RCW 9A.20.021 for the offense
38 and a minimum term of confinement which shall be within the standard
39 range of disposition for the offense, as indicated in option A of

1 schedule D-3, RCW 13.40.0357, except as provided in subsections (6) and
2 (7) of this section.

3 If the court concludes, and enters reasons for its conclusion, that
4 a minimum term within the standard range would effectuate a manifest
5 injustice the court shall impose a minimum term of confinement outside
6 the standard range, as indicated in option B of schedule D-3, RCW
7 13.40.0357.

8 A disposition outside the standard range shall be determinate and
9 is appealable under RCW 13.40.230 by the state or the respondent. A
10 disposition within the standard range is not appealable under RCW
11 13.40.230.

12 (6) When a respondent is found to be a middle offender and to have
13 committed any felony sex offense as defined by RCW 9.94A.030 committed
14 on or after July 1, 1996, the court shall commit the offender to the
15 department and impose a sentence that consists of a maximum term which
16 shall be the maximum sentence provided by RCW 9A.20.021 for the offense
17 and a minimum term of confinement which shall be within the standard
18 range of disposition for the offense, as indicated in option A of
19 schedule D-2, RCW 13.40.0357, except as provided in subsections (7) and
20 (8) of this section.

21 If the court concludes, and enters reasons for its conclusion, that
22 a minimum term within the standard range would effectuate a manifest
23 injustice the court shall impose a minimum term of confinement outside
24 the standard range, as indicated in option B of schedule D-2, RCW
25 13.40.0357.

26 A disposition outside the standard range shall be determinate and
27 is appealable under RCW 13.40.230 by the state or the respondent. A
28 disposition within the standard range is not appealable under RCW
29 13.40.230.

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

36 The report of the examination shall include at a minimum the
37 following: The respondent's version of the facts and the official
38 version of the facts, the respondent's offense history, an assessment
39 of problems in addition to alleged deviant behaviors, the respondent's

1 social, educational, and employment situation, and other evaluation
2 measures used. The report shall set forth the sources of the
3 evaluator's information.

4 The examiner shall assess and report regarding the respondent's
5 amenability to treatment and relative risk to the community. A
6 proposed treatment plan shall be provided and shall include, at a
7 minimum:

8 (a)(i) Frequency and type of contact between the offender and
9 therapist;

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

12 (iii) Monitoring plans, including any requirements regarding living
13 conditions, lifestyle requirements, and monitoring by family members,
14 legal guardians, or others;

15 (iv) Anticipated length of treatment; and

16 (v) Recommended crime-related prohibitions.

17 The court on its own motion may order, or on a motion by the state
18 shall order, a second examination regarding the offender's amenability
19 to treatment. The evaluator shall be selected by the party making the
20 motion. The defendant shall pay the cost of any second examination
21 ordered unless the court finds the defendant to be indigent in which
22 case the state shall pay the cost.

23 After receipt of reports of the examination, the court shall then
24 consider whether the offender and the community will benefit from use
25 of this special sex offender disposition alternative and consider the
26 victim's opinion whether the offender should receive a treatment
27 disposition under this section. If the court determines that this
28 special sex offender disposition alternative is appropriate, then the
29 court shall impose a determinate disposition that consists of a maximum
30 term provided by RCW 9A.20.021 for the offense and a minimum term that
31 is within the standard range for the offense, and the court may suspend
32 the execution of the disposition and place the offender on community
33 supervision for ((~~up to two years~~)) the length of the maximum sentence.
34 As a condition of the suspended disposition, the court may impose the
35 conditions of community supervision and other conditions, including up
36 to thirty days of confinement and requirements that the offender do any
37 one or more of the following:

38 (b)(i) Devote time to a specific education, employment, or
39 occupation;

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

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

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

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

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

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

22 (viii) Comply with the conditions of any court-ordered probation
23 bond.

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

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

33 Except as provided in this subsection (~~((+5+))~~ (7)), after July 1,
34 1991, examinations and treatment ordered pursuant to this subsection
35 shall only be conducted by sex offender treatment providers certified
36 by the department of health pursuant to chapter 18.155 RCW. A sex
37 offender therapist who examines or treats a juvenile sex offender
38 pursuant to this subsection does not have to be certified by the
39 department of health pursuant to chapter 18.155 RCW if the court finds

1 that: (A) The offender has already moved to another state or plans to
2 move to another state for reasons other than circumventing the
3 certification requirements; (B) no certified providers are available
4 for treatment within a reasonable geographical distance of the
5 offender's home; and (C) the evaluation and treatment plan comply with
6 this subsection (~~((+5+))~~) (7) and the rules adopted by the department of
7 health.

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

18 If the court revokes the suspension and orders execution of the
19 disposition, the offender's minimum term of confinement shall be the
20 standard range disposition imposed pursuant to (a) of this subsection.
21 The offender shall become subject to the jurisdiction of the juvenile
22 sex offender disposition review board which shall determine whether the
23 offender may be released upon completion of the minimum term.

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

29 (~~((+6+))~~) (8) RCW 13.40.193 shall govern the disposition of any
30 juvenile adjudicated of possessing a firearm in violation of RCW
31 9.41.040(1)(~~((+e+))~~)(b)(iv) or any crime in which a special finding is
32 entered that the juvenile was armed with a firearm.

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

37 (~~((+8+))~~) (10) Except as provided for in subsection (4)(b) or (~~((+5+))~~)
38 (7) of this section or RCW 13.40.125, the court shall not suspend or
39 defer the imposition or the execution of the disposition.

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

4 **Sec. 3.** RCW 13.40.210 and 1994 sp.s. c 7 s 527 are each amended to
5 read as follows:

6 (1) The secretary shall, except in the case of a juvenile committed
7 by a court to a term of confinement in a state institution outside the
8 appropriate standard range for the offense(s) for which the juvenile
9 was found to be guilty established pursuant to RCW 13.40.030 and in
10 cases involving juveniles who have been found to have committed any
11 felony sex offense, set a release or discharge date for each juvenile
12 committed to its custody. The release or discharge date shall be
13 within the prescribed range to which a juvenile has been committed
14 except as provided in RCW 13.40.320 concerning offenders the department
15 determines are eligible for the juvenile offender basic training camp
16 program. Such dates shall be determined prior to the expiration of
17 sixty percent of a juvenile's minimum term of confinement included
18 within the prescribed range to which the juvenile has been committed.
19 The secretary shall release any juvenile committed to the custody of
20 the department within four calendar days prior to the juvenile's
21 release date or on the release date set under this chapter. Days spent
22 in the custody of the department shall be tolled by any period of time
23 during which a juvenile has absented himself or herself from the
24 department's supervision without the prior approval of the secretary or
25 the secretary's designee.

26 (2) The secretary shall monitor the average daily population of the
27 state's juvenile residential facilities. When the secretary concludes
28 that in-residence population of residential facilities exceeds one
29 hundred five percent of the rated bed capacity specified in statute, or
30 in absence of such specification, as specified by the department in
31 rule, the secretary may recommend reductions to the governor. On
32 certification by the governor that the recommended reductions are
33 necessary, the secretary has authority to administratively release a
34 sufficient number of offenders to reduce in-residence population to one
35 hundred percent of rated bed capacity. The secretary shall release
36 those offenders who have served the greatest proportion of their
37 sentence. However, the secretary may deny release in a particular case
38 at the request of an offender, or if the secretary finds that there is

1 no responsible custodian, as determined by the department, to whom to
2 release the offender, or if the release of the offender would pose a
3 clear danger to society. The department shall notify the committing
4 court of the release at the time of release if any such early releases
5 have occurred as a result of excessive in-residence population. In no
6 event shall an offender adjudicated of a violent offense be granted
7 release under the provisions of this subsection.

8 (3) Following the juvenile's release under subsection (1) of this
9 section, the secretary may require the juvenile to comply with a
10 program of parole to be administered by the department in his or her
11 community which shall last no longer than eighteen months, except that
12 in the case of a juvenile sentenced for rape in the first or second
13 degree, rape of a child in the first or second degree, child
14 molestation in the first degree, or indecent liberties with forcible
15 compulsion, the period of parole shall be twenty-four months. A parole
16 program is mandatory for offenders released under subsection (2) of
17 this section. The secretary shall, for the period of parole,
18 facilitate the juvenile's reintegration into his or her community and
19 to further this goal shall require the juvenile to refrain from
20 possessing a firearm or using a deadly weapon and refrain from
21 committing new offenses and may require the juvenile to: (a) Undergo
22 available medical or psychiatric treatment; (b) report as directed to
23 a parole officer; (c) pursue a course of study or vocational training;
24 and (d) remain within prescribed geographical boundaries and notify the
25 department of any change in his or her address. After termination of
26 the parole period, the juvenile shall be discharged from the
27 department's supervision.

28 (4)(a) The department may also modify parole for violation thereof.
29 If, after affording a juvenile all of the due process rights to which
30 he or she would be entitled if the juvenile were an adult, the
31 secretary finds that a juvenile has violated a condition of his or her
32 parole, the secretary shall order one of the following which is
33 reasonably likely to effectuate the purpose of the parole and to
34 protect the public: (i) Continued supervision under the same
35 conditions previously imposed; (ii) intensified supervision with
36 increased reporting requirements; (iii) additional conditions of
37 supervision authorized by this chapter; (iv) except as provided in
38 (a)(v) of this subsection, imposition of a period of confinement not to
39 exceed thirty days in a facility operated by or pursuant to a contract

1 with the state of Washington or any city or county for a portion of
2 each day or for a certain number of days each week with the balance of
3 the days or weeks spent under supervision; and (v) the secretary may
4 order any of the conditions or may return the offender to confinement
5 in an institution for the remainder of the sentence range if the
6 offense for which the offender was sentenced is rape in the first or
7 second degree, rape of a child in the first or second degree, child
8 molestation in the first degree, indecent liberties with forcible
9 compulsion, or a sex offense that is also a serious violent offense as
10 defined by RCW 9.94A.030.

11 (b) If the department finds that any juvenile in a program of
12 parole has possessed a firearm or used a deadly weapon during the
13 program of parole, the department shall modify the parole under (a) of
14 this subsection and confine the juvenile for at least thirty days.
15 Confinement shall be in a facility operated by or pursuant to a
16 contract with the state or any county.

17 (5) A parole officer of the department of social and health
18 services shall have the power to arrest a juvenile under his or her
19 supervision on the same grounds as a law enforcement officer would be
20 authorized to arrest the person.

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

24 **Sec. 4.** RCW 13.40.300 and 1994 sp.s. c 7 s 530 are each amended to
25 read as follows:

26 (1) In no case may a juvenile offender be committed by the juvenile
27 court to the department of social and health services for placement in
28 a juvenile correctional institution beyond the juvenile offender's
29 twenty-first birthday except in cases where a juvenile has been found
30 to have committed a felony sex offense. A juvenile may be under the
31 jurisdiction of the juvenile court or the authority of the department
32 of social and health services beyond the juvenile's eighteenth birthday
33 only if prior to the juvenile's eighteenth birthday:

34 (a) Proceedings are pending seeking the adjudication of a juvenile
35 offense and the court by written order setting forth its reasons
36 extends jurisdiction of juvenile court over the juvenile beyond his or
37 her eighteenth birthday;

1 (b) The juvenile has been found guilty after a fact finding or
2 after a plea of guilty and an automatic extension is necessary to allow
3 for the imposition of disposition; or

4 (c) Disposition has been held and an automatic extension is
5 necessary to allow for the execution and enforcement of the court's
6 order of disposition. If an order of disposition imposes commitment to
7 the department, then jurisdiction is automatically extended to include
8 a period of up to twelve months of parole, in no case extending beyond
9 the offender's twenty-first birthday.

10 (2) If the juvenile court previously has extended jurisdiction
11 beyond the juvenile offender's eighteenth birthday and that period of
12 extension has not expired, the court may further extend jurisdiction by
13 written order setting forth its reasons.

14 (3) In no event may the juvenile court have authority to extend
15 jurisdiction over any juvenile offender beyond the juvenile offender's
16 twenty-first birthday except for the purpose of enforcing an order of
17 restitution and except in cases where a juvenile has been found to have
18 committed a felony sex offense.

19 (4) Notwithstanding any extension of jurisdiction over a person
20 pursuant to this section, the juvenile court has no jurisdiction over
21 any offenses alleged to have been committed by a person eighteen years
22 of age or older.

23 NEW SECTION. **Sec. 5.** A juvenile sex offender disposition review
24 board is created to:

25 (1) Review dispositions of juvenile offenders who have been found
26 to have committed a felony sex offense that results in commitment by a
27 court to a term of confinement in a state institution, including
28 offenders who were sentenced under the special sex offender disposition
29 alternative whose suspended disposition was revoked, to determine
30 whether the offender should be released upon completion of the minimum
31 sentence or if the offender should remain in custody;

32 (2) Establish appropriate conditions of release for any offenders
33 who are released;

34 (3) Establish procedures to determine if an offender has violated
35 any conditions of release, and impose sanctions for such violations;

36 (4) Establish procedures for periodic review of offenders who
37 remain in confinement beyond the minimum term of confinement under
38 subsection (1) of this section; and

1 (5) Three months prior to each offender's twenty-first birthday,
2 review dispositions under subsection (1) of this section again to
3 determine whether release, transfer to the department of corrections,
4 or continued commitment to the department of social and health services
5 is appropriate.

6 NEW SECTION. **Sec. 6.** (1) The juvenile sex offender disposition
7 review board shall consist of five members, each of whom shall be
8 appointed by the governor with the consent of the senate. The
9 governor, in appointing the members, shall designate one of them to
10 serve as chair at the governor's pleasure.

11 (2) All persons appointed by the governor shall have background,
12 education, training, or experience in the treatment, supervision,
13 investigation, or prosecution of juvenile sex offenders. The governor
14 shall seek recommendations from law enforcement and from prosecutors
15 for at least two of the positions on the board. At least one or more
16 members appointed by the governor shall have current experience in the
17 evaluation and treatment of juvenile sex offenders.

18 (3) Initial appointments to the board shall be for staggered terms
19 with two members appointed for five-year terms, two members appointed
20 for three-year terms, and one member appointed for a one-year term.
21 All subsequent appointments shall be for a term of five years.

22 (4) In the event of the inability of any member to act, the
23 governor shall appoint some competent person to act in the member's
24 stead during the continuance of such inability.

25 (5) Members of the board may not be removed during their respective
26 terms except for cause determined by the superior court of Thurston
27 county.

28 (6) The members of the board and its officers and employees shall
29 not engage in any other business or profession or hold any other public
30 office; nor shall they, at the time of appointment or employment or
31 during their incumbency, serve as the representative of any political
32 party on any executive committee or other governing body thereof, or as
33 an executive officer or employee of any political committee or
34 association.

35 (7) The members of the board shall each severally receive salaries
36 fixed by the governor in accordance with RCW 43.03.040, and in addition
37 shall receive travel expenses incurred in the discharge of their
38 official duties in accordance with RCW 43.03.050 and 43.03.060.

1 (8) The board may employ and fix, with the approval of the
2 governor, the compensation of and prescribe the duties of such
3 employees, assistants, or experts as necessary, and provide necessary
4 quarters, supplies, and equipment. The board also may hire on a
5 contract basis such experts as it may find necessary to assist it in
6 its duties.

7 NEW SECTION. **Sec. 7.** The juvenile sex offender disposition review
8 board shall meet at the juvenile rehabilitation administration's
9 institutions at such times as may be necessary for a full and complete
10 study of the cases of all juvenile sex offenders whose durations of
11 confinement are to be determined by it or whose applications for
12 release come before it. Other times and places of meetings may also be
13 fixed by the board.

14 NEW SECTION. **Sec. 8.** (1) When deciding whether a juvenile sex
15 offender should be released, the review board shall give public safety
16 considerations the highest priority. An offender shall not be released
17 unless the board finds that the offender's rehabilitation has been
18 complete and the offender is a fit subject for release. All relevant
19 evidence shall be considered by the board, including but not limited
20 to, evidence relating to:

21 (a) The number and severity of the sex offenses and violent
22 offenses committed by the juvenile offender;

23 (b) Whether the offender has committed sex offenses against
24 strangers or individuals with whom a relationship was established or
25 promoted for the purpose of victimization;

26 (c) Whether the offender has a history of substance abuse, the
27 extent of any such abuse, and the offender's performance in any
28 substance abuse treatment;

29 (d) Whether there is an adequate plan for the residence, education,
30 training, or employment of the offender upon release;

31 (e) The offender's performance in any sex offender treatment,
32 refusal to participate in treatment, or lack of amenability to
33 treatment;

34 (f) The offender's future dangerousness;

35 (g) Infractions committed by the offender while in the custody of
36 the department;

1 (h) Whether the offender has a history of mental illness and the
2 current status of that condition;

3 (i) Whether the requirements of RCW 13.40.215 have been satisfied;
4 and

5 (j) Any other relevant evidence.

6 (2) The board shall not consider in any way factors relating to
7 population of the state's juvenile residential facilities when deciding
8 whether to release a juvenile sex offender.

9 NEW SECTION. **Sec. 9.** The juvenile sex offender disposition review
10 board may meet and transact business in panels. Each board panel shall
11 consist of at least three members of the board. In all matters
12 concerning the internal affairs of the board and policy-making
13 decisions, a majority of the full board must concur. The chair of the
14 board with the consent of a majority of the board may designate any
15 three members to exercise all the powers and duties of the board in
16 connection with any hearing before the board. If the three members so
17 designated cannot unanimously agree as to the disposition of the
18 hearing assigned to them, the hearing shall be reheard by the full
19 board. All actions of the full board shall be by concurrence of a
20 majority of the board members.

21 NEW SECTION. **Sec. 10.** (1) At the time of release of a juvenile
22 sex offender, the juvenile sex offender disposition review board shall
23 establish appropriate conditions of release. The conditions shall
24 include those established by the sentencing court, if any, and any
25 other conditions the board finds appropriate. When establishing the
26 conditions of release, the board shall also consider any conditions of
27 supervision made by the department in accordance with RCW 13.40.210(3).
28 At a minimum, the offender shall be required to comply with at least
29 the following:

30 (a) Refrain from committing new offenses;

31 (b) No possession or use of a firearm or use of a deadly weapon;

32 (c) No illegal drug or alcohol use;

33 (d) Report as required to the department; and

34 (e) No contact with any victims or adverse witnesses.

35 (2) If conditions of release that the juvenile sex offender
36 disposition review board finds are appropriate conflict with conditions
37 established by the sentencing court, the board shall advise the

1 sentencing court and prosecuting attorney of its recommended conditions
2 of release and the reasons the board finds those conditions
3 appropriate. The sentencing court and prosecuting attorney shall have
4 thirty days to either schedule a hearing on the board's recommended
5 conditions of release or indicate concurrence in the board's
6 recommendations.

7 NEW SECTION. **Sec. 11.** Sections 5 through 10 of this act are each
8 added to chapter 13.40 RCW.

9 NEW SECTION. **Sec. 12.** This act shall take effect July 1, 1996.

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