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SENATE BILL 6729

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State of Washington

54th Legislature

1996 Regular Session

By Senators Hargrove, Long and Winsley

Read first time 01/29/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to structured transition for juvenile offenders;  
2 reenacting and amending RCW 13.40.020; adding new sections to chapter  
3 13.40 RCW; creating a new section; prescribing penalties; and providing  
4 an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds the present system of  
7 transitioning youths from residential status to parole status to  
8 discharge is insufficient to provide adequate rehabilitation and public  
9 safety in many instances. The legislature further finds that a  
10 structured transition program based on the following principles holds  
11 much promise for positively impacting recidivism rates for juvenile  
12 offenders: (1) Progressive increase in responsibility and freedom in  
13 the community; (2) facilitation of youths' interaction and involvement  
14 with their communities; (3) involvement of both the youth and targeted  
15 community support systems such as family, peers, schools, and  
16 employers, on the qualities needed for constructive interaction and  
17 successful adjustment with the community; (4) development of new  
18 resources, supports, and opportunities where necessary; and (5) ongoing

1 monitoring and testing of youth on their ability to abide by community  
2 rules and standards.

3 The legislature intends for the department to create a structured  
4 transition program based on the principles stated in this section that  
5 will be available to all eligible juvenile offenders, at the discretion  
6 of the court, as an alternative to existing parole services. It is not  
7 the legislature's intent to replace all parole services with the  
8 structured transition program. Juvenile offenders who are not placed  
9 by the court in the structured transition program may continue to be  
10 placed on parole by the secretary as provided for in RCW 13.40.210.

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

13 For the purposes of this chapter:

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

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

17 (b) Manslaughter in the first degree; or

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

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

30 (3) "Community supervision" means an order of disposition by the  
31 court of an adjudicated youth not committed to the department or an  
32 order granting a deferred adjudication pursuant to RCW 13.40.125. A  
33 community supervision order for a single offense may be for a period of  
34 up to two years for a sex offense as defined by RCW 9.94A.030 and up to  
35 one year for other offenses. As a mandatory condition of any term of  
36 community supervision, the court shall order the juvenile to refrain  
37 from committing new offenses. As a mandatory condition of community  
38 supervision, the court shall order the juvenile to comply with the

1 mandatory school attendance provisions of chapter 28A.225 RCW and to  
2 inform the school of the existence of this requirement. Community  
3 supervision is an individualized program comprised of one or more of  
4 the following:

5 (a) Community-based sanctions;

6 (b) Community-based rehabilitation;

7 (c) Monitoring and reporting requirements;

8 (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;

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

11 (a) A fine, not to exceed one hundred dollars;

12 (b) Community service not to exceed one hundred fifty hours of  
13 service;

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

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

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

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

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

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

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

15 (10) "Department" means the department of social and health  
16 services;

17 (11) "Detention facility" means a county facility, paid for by the  
18 county, for the physical confinement of a juvenile alleged to have  
19 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 basic  
22 training camps, and electronic monitoring;

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

1 (13) "Institution" means a juvenile facility established pursuant  
2 to chapters 72.05 and 72.16 through 72.20 RCW;

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

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

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

14 (17) "Middle offender" means a person who has committed an offense  
15 and who is neither a minor or first offender nor a serious offender;

16 (18) "Minor or first offender" means a person whose current  
17 offense(s) and criminal history fall entirely within one of the  
18 following categories:

19 (a) Four misdemeanors;

20 (b) Two misdemeanors and one gross misdemeanor;

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

22 (d) Three gross misdemeanors.

23 For purposes of this definition, current violations shall be  
24 counted as misdemeanors;

25 (19) "Offense" means an act designated a violation or a crime if  
26 committed by an adult under the law of this state, under any ordinance  
27 of any city or county of this state, under any federal law, or under  
28 the law of another state if the act occurred in that state;

29 (20) "Respondent" means a juvenile who is alleged or proven to have  
30 committed an offense;

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

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

3       (22) "Risk assessment" means a method of predicting the likelihood  
4 of a juvenile offender complying with applicable laws, court orders,  
5 and conditions imposed by the department, and avoiding the commission  
6 of further offenses.

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

10       (~~(23)~~) (24) "Services" mean services which provide alternatives  
11 to incarceration for those juveniles who have pleaded or been  
12 adjudicated guilty of an offense or have signed a diversion agreement  
13 pursuant to this chapter;

14       (~~(24)~~) (25) "Sex offense" means an offense defined as a sex  
15 offense in RCW 9.94A.030;

16       (~~(25)~~) (26) "Sexual motivation" means that one of the purposes  
17 for which the respondent committed the offense was for the purpose of  
18 his or her sexual gratification;

19       (~~(26)~~) (27) "Foster care" means temporary physical care in a  
20 foster family home or group care facility as defined in RCW 74.15.020  
21 and licensed by the department, or other legally authorized care;

22       (~~(27)~~) (28) "Structured transition program" means a multiphase  
23 community reentry program that requires intensive supervision and  
24 monitoring, offers an array of individualized treatment services, and  
25 emphasizes community involvement and support in order to reduce the  
26 likelihood a juvenile offender will commit further offenses.

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

30       (~~(28)~~) (30) "Violent offense" means a violent offense as defined  
31 in RCW 9.94A.030;

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

1       (~~(30)~~) (32) "Surety" means an entity licensed under state  
2 insurance laws or by the state department of licensing, to write  
3 corporate, property, or probation bonds within the state, and justified  
4 and approved by the superior court of the county having jurisdiction of  
5 the case.

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

8       (1) At any time prior to a juvenile offender's release from  
9 confinement, a juvenile offender or the department may request the  
10 court to transfer the juvenile to the structured transition program.  
11 A juvenile offender is eligible to begin the structured transition  
12 program upon completion of his or her minimum term of confinement. The  
13 court's decision to authorize the transfer shall be based on a risk  
14 assessment of the juvenile offender conducted by the department. No  
15 transfer shall be authorized under this section if the risk assessment  
16 indicates a significant likelihood that the offender will violate the  
17 conditions of the structured transition program.

18       (2) Juvenile offenders transferred to the structured transition  
19 program pursuant to this section shall be ordered by the court to  
20 comply with, at a minimum, the following conditions:

21       (a) Reside at a specific address and be present at the address  
22 during specified hours;

23       (b) Submit to at least thirty days on electronic monitoring;

24       (c) Report daily to an assigned tracker for at least thirty days;

25       (d) Participate in training, education, and employment programs;

26       (e) Undergo available medical, psychiatric, and offense-related  
27 treatment services;

28       (f) Report at least once a week to an assigned community case  
29 manager;

30       (g) Obey all laws and refrain from any conduct that threatens  
31 public safety; and

32       (h) Meet all other requirements imposed by the community case  
33 manager related to participating in the structured transition program  
34 that are not inconsistent with the court's order.

35       (3) Violation of any conditions of the structured transition  
36 program shall be deemed a violation of parole for the purposes of  
37 processing and sanctioning noncompliance as outlined in RCW  
38 13.40.210(4)(a), except as provided in subsection (4) of this section.

1 (4) When as a result of a violation, the department determines  
2 public safety may be at risk by a juvenile offender's continued  
3 participation in the structured transition program, the department may  
4 request the court to terminate the juvenile offender from the program  
5 and return the juvenile to a secure facility to serve up to the  
6 remaining time of the offender's maximum term of confinement.

7 (5) The length of a juvenile offender's structured transition  
8 program shall be set by the court to be no shorter than one hundred  
9 twenty percent and no longer than one hundred fifty percent of the  
10 juvenile's maximum term of confinement, except that a juvenile required  
11 under RCW 13.40.210(3) to serve a period of twenty-four months on  
12 parole shall be ordered to serve no less than twenty-four months in the  
13 structured transition program.

14 (6) Prior to a juvenile offender's transfer to the structured  
15 transition program, the department shall give notice of the transfer to  
16 the appropriate law enforcement agency in the jurisdiction where the  
17 juvenile will reside. The notice shall include the name and address of  
18 the juvenile and all terms and conditions of the juvenile's structured  
19 transition program imposed by the court and the juvenile's community  
20 case manager.

21 (7) Juvenile offenders transferred to the structured transition  
22 program are subject to the provisions of RCW 9A.44.130 and 13.40.215.

23 (8) If requested and approved under chapter 13.06 RCW, the  
24 secretary shall permit a county or group of counties to perform any or  
25 all of the structured transition program components.

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

28 (1) The department shall, no later than January 1, 1997, implement  
29 a structured transition program which includes, at a minimum, the  
30 following program elements:

31 (a) A process of case management involving coordinated and  
32 comprehensive planning, information exchange, continuity and  
33 consistency, service provision and referral, and monitoring. The  
34 components of the case management system shall include assessment,  
35 classification, and selection criteria; individual case planning that  
36 incorporates a family and community perspective; a mixture of intensive  
37 surveillance and services; a balance of incentives and graduated  
38 consequences coupled with the imposition of realistic, enforceable



1 conditions; and service brokerage with community resources and linkage  
2 with social networks;

3 (b) Administration of structured transition services that transcend  
4 traditional agency boundaries and professional interests and include  
5 courts, institutions, aftercare, education, social and mental health  
6 services, substance abuse treatment, and employment and vocational  
7 training; and

8 (c) A plan for information management and program evaluation that  
9 maintains close oversight over implementation and quality control, and  
10 determines the effectiveness of both the processes and outcomes of the  
11 program.

12 (2) The department shall report annually to the legislature,  
13 beginning December 1, 1997, on the department's progress in meeting the  
14 structured transition program evaluation goals required under  
15 subsection (1)(c) of this section.

16 NEW SECTION. **Sec. 5.** Section 3 of this act shall take effect  
17 January 1, 1997.

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