

1 **3SHB 3900 - H AMD 247 WITHDRAWN 3-17-97**

2 By Representative Radcliff

3 On page 102, after line 21, insert the following:

4 "Sec. 36. RCW 72.01.410 and 1994 c 220 s 1 are each amended  
5 to read as follows:

6 (1) Whenever any child under the age of eighteen is convicted  
7 in the courts of this state of a crime amounting to a felony, and  
8 is committed for a term of confinement in a correctional  
9 institution wherein adults are confined, the secretary of  
10 corrections, after making an independent assessment and evaluation  
11 of the child and determining that the needs and correctional goals  
12 for the child could better be met by the programs and housing  
13 environment provided by the juvenile correctional institution, with  
14 the consent of the secretary of social and health services, may  
15 transfer such child to a juvenile correctional institution, or to  
16 such other institution as is now, or may hereafter be authorized by  
17 law to receive such child, until such time as the child arrives at  
18 the age of twenty-one years, whereupon the child shall be returned  
19 to the institution of original commitment. Retention within a  
20 juvenile detention facility or return to an adult correctional  
21 facility shall regularly be reviewed by the secretary of  
22 corrections and the secretary of social and health services with a  
23 determination made based on the level of maturity and  
24 sophistication of the individual, the behavior and progress while  
25 within the juvenile detention facility, security needs, and the  
26 program/treatment alternatives which would best prepare the  
27 individual for a successful return to the community. Notice of  
28 such transfers shall be given to the clerk of the committing court  
29 and the parents, guardian, or next of kin of such child, if known.

30 (2) An offender under the age of eighteen who is convicted in  
31 adult criminal court and who is committed to a term of confinement  
32 at the department of corrections must be placed in a housing unit  
33 separated from adult inmates until the offender reaches the age of  
34 eighteen.

1           NEW SECTION.   **Sec. 37.**   A new section is added to chapter  
2 72.01 RCW to read as follows:

3           (1) An offender under the age of eighteen who is convicted in  
4 adult criminal court of a crime and who is committed for a term of  
5 confinement in a jail as defined in RCW 70.48.020, must be housed  
6 in a jail unit completely separated from contact with adult  
7 offenders incarcerated in the jail, until the offender reaches the  
8 age of eighteen.

9           (2) If a court finds that the local jail is unable to comply  
10 with the requirements of subsection (1) of this section, the court  
11 shall commit the offender to the department of social and health  
12 services to be housed in a state juvenile facility operated by the  
13 juvenile rehabilitation administration until the offender reaches  
14 the age of eighteen.

15           (3) The office of financial management shall calculate the  
16 cost that the local jurisdiction would have incurred to house a  
17 transferred offender at the local jail facility. The local  
18 jurisdiction shall bear that portion of the cost of committing the  
19 offender to the state institution.

20           (4) An offender under the age of eighteen who is convicted in  
21 adult criminal court and who is transferred to the department of  
22 social and health services under subsection (2) of this section  
23 must be placed in a housing unit separated from juvenile offenders  
24 committed to the department of social and health services."

25           Renumber the remaining sections consecutively, correct internal  
26 references accordingly, and correct the title.

**EFFECT:** An offender under the age of 18 who is convicted in  
adult criminal court and sentenced to a period of confinement  
in either prison or jail must be housed in a separate housing  
unit from the adult inmate population. If the court finds  
that the local jurisdiction is not able to house the offender  
in a jail unit separated from adults, the court shall commit  
the offender to a state juvenile facility operated by the  
Department of Social and Health Services until the offender  
reaches the age of 18. The local jurisdiction must pay for a  
portion of the cost of commitment to the state juvenile  
facility in the amount the local jurisdiction would have  
incurred to house the offender at the local jail. An offender

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convicted in adult court and transferred to a state juvenile facility must be placed in a housing unit separated from juvenile offenders committed to the juvenile facility.