

# SENATE BILL REPORT

## SB 5123

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As Reported By Senate Committee On:  
Human Services & Corrections, February 19, 1997  
Ways & Means, March 10, 1997

**Title:** An act relating to the placement of sexually aggressive youth.

**Brief Description:** Protecting victims from sexually aggressive youth.

**Sponsors:** Senators Kohl, Long, Hargrove, Franklin, Zarelli, Winsley, Goings, Oke and Schow.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/11/97, 2/19/97 [DPS-WM].  
Ways & Means: 3/10/97 [DP2S].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl and Schow.

**Staff:** Andrea McNamara (786-7483)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5123 be substituted therefor, and the second substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

**Staff:** Bryon Moore (786-7726)

**Background:** In increasing numbers, the juvenile justice system is handling juveniles who have committed sexually aggressive acts or sex offenses. Often these youths are committed to state institutions where they may be housed with other juvenile offenders. Later, the youths may be placed in group homes with other juveniles.

Currently, the Juvenile Rehabilitation Administration (JRA) conducts a general risk assessment of all juvenile offenders on arrival at an institution. As part of this general assessment, the juveniles are evaluated for the risks they may pose to others and their vulnerability to being victimized.

Based on factors such as the offense the juvenile committed, the juvenile's behavior, and his/her history, institution personnel determine the specific placement for the youth. Sleeping quarters may include single, double, or multiple-bunk rooms.

Beyond the general risk assessment process, JRA does not have standard uniform assessment criteria or a standard definition for evaluating a juvenile's risk for sexually aggressive behavior or vulnerability to sexual victimization.

**Summary of Second Substitute Bill:** The Legislature intends that the Department of Social and Health Services (DSHS) develop a policy for assessing sexual aggressiveness and vulnerability to sexual victimization of youth who are placed in state-operated or state-funded residential facilities.

DSHS is directed to develop and implement a protective policy within JRA by January 1, 1998, that includes the following minimum guidelines: (1) an assessment process to identify youth with a moderate or high risk of sexually aggressive behavior; (2) an assessment process to identify youth who may be vulnerable to sexual victimization by other youth; (3) placement criteria to avoid assigning moderate or high risk youth to the same sleeping quarters as vulnerable youth; and (4) procedures for minimizing, within available funds, unsupervised contact between moderate or high risk youth and youth assessed as vulnerable to sexual victimization.

Definitions of "sleeping quarters" and "unsupervised contact" are included.

DSHS is required to report to the Legislature by December 1, 1997, on the development of the assessment tools and the implementation of the protective policy. DSHS is required to submit an additional performance evaluation by December 1, 1998.

**Second Substitute Bill Compared to Substitute Bill:** An additional performance evaluation requirement is added. The provision requiring an analysis of the operational and fiscal impacts of extending the policy to all state-funded and state-operated residential facilities where children are placed by DSHS, including out-of-home placements, foster care placements, and inpatient substance abuse and mental health treatment placements is removed.

**Substitute Bill Compared to Original Bill:** The substitute clarifies that the assessment process identify youth who pose a moderate or high risk of sexually aggressive behavior,-- rather than youth who are sexually aggressive.--

The protective policies for placement and limiting unsupervised access apply to youth who pose a moderate or high risk of sexually aggressive behavior.

Other minor technical and clarifying changes are made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Sexually aggressive youth should not be placed in the same sleeping quarters with, or allowed to have unsupervised contact with, youth who are vulnerable to victimization.

**Testimony Against:** None.

**Testified:** Debbie Ruggles, Washington Coalition of Sexual Assault Programs (pro); Sid Sidorowicz, DSHS/JRA (pro); Richard Kelley, attorney (pro).