
SUBSTITUTE SENATE BILL 5123

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl, Long, Hargrove, Franklin, Zarelli, Winsley, Goings, Oke and Schow)

Read first time 02/21/97.

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

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the placement of
5 children and youth in state-operated or state-funded residential
6 facilities must be done in such a manner as to protect children who are
7 vulnerable to sexual victimization from youth who are sexually
8 aggressive. To achieve this purpose, the legislature intends the
9 department of social and health services to develop a policy for
10 assessing sexual aggressiveness and vulnerability to sexual
11 victimization of children and youth who are placed in state-operated or
12 state-funded residential facilities.

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

15 (1) The department shall implement a policy for protecting youth
16 committed to state-operated or state-funded residential facilities
17 under this chapter who are vulnerable to sexual victimization by other

1 youth committed to those facilities who are sexually aggressive. The
2 policy shall include, at a minimum, the following elements:

3 (a) Development and use of an assessment process for identifying
4 youth who present a moderate or high risk of sexually aggressive
5 behavior for the purposes of this section. The assessment process need
6 not require that every youth who is adjudicated or convicted of a sex
7 offense as defined in RCW 9.94A.030 be determined to be sexually
8 aggressive, nor shall a sex offense adjudication or conviction be
9 required in order to determine a youth is sexually aggressive.
10 Instead, the assessment process shall consider the individual
11 circumstances of the youth, including his or her age, physical size,
12 sexual abuse history, mental and emotional condition, and other factors
13 relevant to sexual aggressiveness. The definition of "sexually
14 aggressive youth" in RCW 74.13.075 does not apply to this section to
15 the extent that it conflicts with this section;

16 (b) Development and use of an assessment process for identifying
17 youth who may be vulnerable to victimization by youth identified under
18 (a) of this subsection as presenting a moderate or high risk of
19 sexually aggressive behavior. The assessment process shall consider
20 the individual circumstances of the youth, including his or her age,
21 physical size, sexual abuse history, mental and emotional condition,
22 and other factors relevant to vulnerability;

23 (c) Development and use of placement criteria to avoid assigning
24 youth who present a moderate or high risk of sexually aggressive
25 behavior to the same sleeping quarters as youth assessed as vulnerable
26 to sexual victimization, except that they may be assigned to the same
27 multiple-person sleeping quarters if those sleeping quarters are
28 regularly monitored by visual surveillance equipment or staff checks;

29 (d) Development and use of procedures for minimizing, within
30 available funds, unsupervised contact in state-operated or state-funded
31 residential facilities between youth presenting moderate to high risk
32 of sexually aggressive behavior and youth assessed as vulnerable to
33 sexual victimization. The procedures shall include taking reasonable
34 steps to prohibit any youth committed under this chapter who present a
35 moderate to high risk of sexually aggressive behavior from entering any
36 sleeping quarters other than the one to which they are assigned, unless
37 accompanied by an authorized adult.

38 (2) For the purposes of this section, the following terms have the
39 following meanings:

1 (a) "Sleeping quarters" means the bedrooms or other rooms within a
2 residential facility where youth are assigned to sleep.

3 (b) "Unsupervised contact" means contact occurring outside the
4 sight or hearing of a responsible adult for more than a reasonable
5 period of time under the circumstances.

6 NEW SECTION. **Sec. 3.** The department of social and health services
7 shall report to the legislature by December 1, 1997, on the following:
8 (1) Development of the assessment process for identifying youth who
9 present a moderate to high risk of sexually aggressive behavior for the
10 purposes of this act; (2) development of the assessment process for
11 determining when a youth may be vulnerable to victimization by youth
12 who present a moderate to high risk of sexually aggressive behavior for
13 the purposes of this act; (3) development of the placement criteria and
14 procedures required under section 2(1)(c) and (d) of this act; and (4)
15 the operational and fiscal impacts of extending the requirements of
16 section 2 of this act to all state-funded or state-operated residential
17 facilities where children are placed by the department pursuant to
18 chapters 13.32A, 13.34, 70.96A, and 71.34 RCW.

19 NEW SECTION. **Sec. 4.** The policy developed under section 2 of this
20 act shall be implemented within the juvenile rehabilitation
21 administration by January 1, 1998.

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