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SENATE BILL 5123

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State of Washington

55th Legislature

1997 Regular Session

By Senators Kohl, Long, Hargrove, Franklin, Zarelli, Winsley, Goings, Oke and Schow

Read first time 01/15/97. Referred to Committee on Human Services & Corrections.

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 children  
16 placed in state-operated or state-funded residential facilities who are  
17 vulnerable to sexual victimization by other youth placed in those

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

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

15 (b) Development and use of an assessment process for determining  
16 when a child may be vulnerable to victimization by a sexually  
17 aggressive youth for the purposes of this section. The assessment  
18 process shall consider the individual circumstances of the child,  
19 including his or her age, physical size, sexual abuse history, mental  
20 and emotional condition, and other factors relevant to vulnerability;

21 (c) Development and use of placement criteria to avoid assigning  
22 youth who are assessed as sexually aggressive to the same sleeping  
23 quarters as children assessed as vulnerable to sexual victimization,  
24 except that they may be assigned to the same multiple-person dormitory  
25 if the dormitory is regularly monitored by visual surveillance  
26 equipment or staff checks;

27 (d) Development and use of procedures for minimizing, within  
28 available funds, unsupervised contact in state-operated or state-funded  
29 residential facilities between youth assessed as sexually aggressive  
30 and children assessed as vulnerable to sexual victimization. The  
31 procedures shall include prohibiting any youth committed under this  
32 chapter who is assessed as sexually aggressive from entering any  
33 sleeping quarters other than the one to which he or she is assigned,  
34 unless accompanied by an authorized supervisor.

35 (2) For the purposes of this section, the following terms have the  
36 following meanings:

37 (a) "Sleeping quarters" means the bedrooms or other rooms within a  
38 larger home or residential facility where youth are assigned to sleep.

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

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

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

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