

CERTIFICATION OF ENROLLMENT

SENATE BILL 5972

Chapter 51, Laws of 2001

57th Legislature
2001 Regular Session

JUVENILE OFFENDERS--RELEASE

EFFECTIVE DATE: 4/17/01

Passed by the Senate March 14, 2001
YEAS 48 NAYS 0

ROSA FRANKLIN

President of the Senate

Passed by the House April 4, 2001
YEAS 92 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CLYDE BALLARD

Speaker of the House of Representatives

Approved April 17, 2001.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5972** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

FILED

April 17, 2001 - 9:15 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5972

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senator Hargrove; by request of Department of Social and Health Services

Read first time 02/12/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to clarifying the department of social and health
2 services' parole program placement authority for all juvenile offenders
3 under the age of twenty-one and committed to the department of social
4 and health services; amending RCW 13.40.210; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read
8 as follows:

9 (1) The secretary shall(~~(, except in the case of a juvenile~~
10 ~~committed by a court to a term of confinement in a state institution~~
11 ~~outside the appropriate standard range for the offense(s) for which the~~
12 ~~juvenile was found to be guilty established pursuant to RCW~~
13 ~~13.40.030,)) set a release ((or discharge)) date for each juvenile
14 committed to its custody. The release ((or discharge)) date shall be
15 within the prescribed range to which a juvenile has been committed
16 under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
17 concerning offenders the department determines are eligible for the
18 juvenile offender basic training camp program. Such dates shall be
19 determined prior to the expiration of sixty percent of a juvenile's~~

1 minimum term of confinement included within the prescribed range to
2 which the juvenile has been committed. The secretary shall release any
3 juvenile committed to the custody of the department within four
4 calendar days prior to the juvenile's release date or on the release
5 date set under this chapter. Days spent in the custody of the
6 department shall be tolled by any period of time during which a
7 juvenile has absented himself or herself from the department's
8 supervision without the prior approval of the secretary or the
9 secretary's designee.

10 (2) The secretary shall monitor the average daily population of the
11 state's juvenile residential facilities. When the secretary concludes
12 that in-residence population of residential facilities exceeds one
13 hundred five percent of the rated bed capacity specified in statute, or
14 in absence of such specification, as specified by the department in
15 rule, the secretary may recommend reductions to the governor. On
16 certification by the governor that the recommended reductions are
17 necessary, the secretary has authority to administratively release a
18 sufficient number of offenders to reduce in-residence population to one
19 hundred percent of rated bed capacity. The secretary shall release
20 those offenders who have served the greatest proportion of their
21 sentence. However, the secretary may deny release in a particular case
22 at the request of an offender, or if the secretary finds that there is
23 no responsible custodian, as determined by the department, to whom to
24 release the offender, or if the release of the offender would pose a
25 clear danger to society. The department shall notify the committing
26 court of the release at the time of release if any such early releases
27 have occurred as a result of excessive in-residence population. In no
28 event shall an offender adjudicated of a violent offense be granted
29 release under the provisions of this subsection.

30 (3)(a) Following the ((juvenile's)) release of any juvenile under
31 subsection (1) of this section, the secretary may require the juvenile
32 to comply with a program of parole to be administered by the department
33 in his or her community which shall last no longer than eighteen
34 months, except that in the case of a juvenile sentenced for rape in the
35 first or second degree, rape of a child in the first or second degree,
36 child molestation in the first degree, or indecent liberties with
37 forcible compulsion, the period of parole shall be twenty-four months
38 and, in the discretion of the secretary, may be up to thirty-six months
39 when the secretary finds that an additional period of parole is

1 necessary and appropriate in the interests of public safety or to meet
2 the ongoing needs of the juvenile. A parole program is mandatory for
3 offenders released under subsection (2) of this section. The decision
4 to place an offender on parole shall be based on an assessment by the
5 department of the offender's risk for reoffending upon release. The
6 department shall prioritize available parole resources to provide
7 supervision and services to offenders at moderate to high risk for
8 reoffending.

9 (b) The secretary shall, for the period of parole, facilitate the
10 juvenile's reintegration into his or her community and to further this
11 goal shall require the juvenile to refrain from possessing a firearm or
12 using a deadly weapon and refrain from committing new offenses and may
13 require the juvenile to: (i) Undergo available medical, psychiatric,
14 drug and alcohol, sex offender, mental health, and other offense-
15 related treatment services; (ii) report as directed to a parole officer
16 and/or designee; (iii) pursue a course of study, vocational training,
17 or employment; (iv) notify the parole officer of the current address
18 where he or she resides; (v) be present at a particular address during
19 specified hours; (vi) remain within prescribed geographical boundaries;
20 (vii) submit to electronic monitoring; (viii) refrain from using
21 illegal drugs and alcohol, and submit to random urinalysis when
22 requested by the assigned parole officer; (ix) refrain from contact
23 with specific individuals or a specified class of individuals; (x) meet
24 other conditions determined by the parole officer to further enhance
25 the juvenile's reintegration into the community; (xi) pay any court-
26 ordered fines or restitution; and (xii) perform community service.
27 Community service for the purpose of this section means compulsory
28 service, without compensation, performed for the benefit of the
29 community by the offender. Community service may be performed through
30 public or private organizations or through work crews.

31 (c) The secretary may further require up to twenty-five percent of
32 the highest risk juvenile offenders who are placed on parole to
33 participate in an intensive supervision program. Offenders
34 participating in an intensive supervision program shall be required to
35 comply with all terms and conditions listed in (b) of this subsection
36 and shall also be required to comply with the following additional
37 terms and conditions: (i) Obey all laws and refrain from any conduct
38 that threatens public safety; (ii) report at least once a week to an
39 assigned community case manager; and (iii) meet all other requirements

1 imposed by the community case manager related to participating in the
2 intensive supervision program. As a part of the intensive supervision
3 program, the secretary may require day reporting.

4 (d) After termination of the parole period, the juvenile shall be
5 discharged from the department's supervision.

6 (4)(a) The department may also modify parole for violation thereof.
7 If, after affording a juvenile all of the due process rights to which
8 he or she would be entitled if the juvenile were an adult, the
9 secretary finds that a juvenile has violated a condition of his or her
10 parole, the secretary shall order one of the following which is
11 reasonably likely to effectuate the purpose of the parole and to
12 protect the public: (i) Continued supervision under the same
13 conditions previously imposed; (ii) intensified supervision with
14 increased reporting requirements; (iii) additional conditions of
15 supervision authorized by this chapter; (iv) except as provided in
16 (a)(v) of this subsection, imposition of a period of confinement not to
17 exceed thirty days in a facility operated by or pursuant to a contract
18 with the state of Washington or any city or county for a portion of
19 each day or for a certain number of days each week with the balance of
20 the days or weeks spent under supervision; and (v) the secretary may
21 order any of the conditions or may return the offender to confinement
22 for the remainder of the sentence range if the offense for which the
23 offender was sentenced is rape in the first or second degree, rape of
24 a child in the first or second degree, child molestation in the first
25 degree, indecent liberties with forcible compulsion, or a sex offense
26 that is also a serious violent offense as defined by RCW 9.94A.030.

27 (b) If the department finds that any juvenile in a program of
28 parole has possessed a firearm or used a deadly weapon during the
29 program of parole, the department shall modify the parole under (a) of
30 this subsection and confine the juvenile for at least thirty days.
31 Confinement shall be in a facility operated by or pursuant to a
32 contract with the state or any county.

33 (5) A parole officer of the department of social and health
34 services shall have the power to arrest a juvenile under his or her
35 supervision on the same grounds as a law enforcement officer would be
36 authorized to arrest the person.

37 (6) If so requested and approved under chapter 13.06 RCW, the
38 secretary shall permit a county or group of counties to perform
39 functions under subsections (3) through (5) of this section.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

 Passed the Senate March 14, 2001.

 Passed the House April 4, 2001.

 Approved by the Governor April 17, 2001.

 Filed in Office of Secretary of State April 17, 2001.