

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2380**

Chapter 171, Laws of 2002

57th Legislature  
2002 Regular Session

JUVENILE OFFENDERS

EFFECTIVE DATE: 3/27/02

Passed by the House March 13, 2002  
Yeas 97 Nays 0

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate March 13, 2002  
Yeas 48 Nays 0

BRAD OWEN  
**President of the Senate**

Approved March 27, 2002

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2380** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

March 27, 2002 - 8:51 a.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2380

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Dickerson, Eickmeyer, O'Brien, Kenney, Rockefeller, Ruderman, Kagi, Darneille, Tokuda, Chase, Lovick and Haigh

Read first time 01/16/2002. Referred to Committee on Juvenile Justice & Family Law.

1            AN ACT Relating to children offenders; amending RCW 72.01.410 and  
2 13.40.040; and declaring an emergency.

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

4            **Sec. 1.** RCW 72.01.410 and 1997 c 338 s 41 are each amended to read  
5 as follows:

6            (1) Whenever any child under the age of eighteen is convicted in  
7 the courts of this state of a crime amounting to a felony, and is  
8 committed for a term of confinement in a correctional institution  
9 wherein adults are confined, the secretary of corrections, after making  
10 an independent assessment and evaluation of the child and determining  
11 that the needs and correctional goals for the child could better be met  
12 by the programs and housing environment provided by the juvenile  
13 correctional institution, with the consent of the secretary of social  
14 and health services, may transfer such child to a juvenile correctional  
15 institution, or to such other institution as is now, or may hereafter  
16 be authorized by law to receive such child, until such time as the  
17 child arrives at the age of twenty-one years, whereupon the child shall  
18 be returned to the institution of original commitment. Retention  
19 within a juvenile detention facility or return to an adult correctional

1 facility shall regularly be reviewed by the secretary of corrections  
2 and the secretary of social and health services with a determination  
3 made based on the level of maturity and sophistication of the  
4 individual, the behavior and progress while within the juvenile  
5 detention facility, security needs, and the program/treatment  
6 alternatives which would best prepare the individual for a successful  
7 return to the community. Notice of such transfers shall be given to  
8 the clerk of the committing court and the parents, guardian, or next of  
9 kin of such child, if known.

10 (2)(a) Except as provided in (b) and (c) of this subsection, an  
11 offender under the age of eighteen who is convicted in adult criminal  
12 court and who is committed to a term of confinement at the department  
13 of corrections must be placed in a housing unit, or a portion of a  
14 housing unit, that is separated from offenders eighteen years of age or  
15 older, until the offender reaches the age of eighteen.

16 (b) An offender who reaches eighteen years of age may remain in a  
17 housing unit for offenders under the age of eighteen if the secretary  
18 of corrections determines that: (i) The offender's needs and the  
19 correctional goals for the offender could continue to be better met by  
20 the programs and housing environment that is separate from offenders  
21 eighteen years of age and older; and (ii) the programs or housing  
22 environment for offenders under the age of eighteen will not be  
23 substantially affected by the continued placement of the offender in  
24 that environment. The offender may remain placed in a housing unit for  
25 offenders under the age of eighteen until such time as the secretary of  
26 corrections determines that the offender's needs and correctional goals  
27 are no longer better met in that environment but in no case past the  
28 offender's twenty-first birthday.

29 (c) An offender under the age of eighteen may be housed in an  
30 intensive management unit or administrative segregation unit containing  
31 offenders eighteen years of age or older if it is necessary for the  
32 safety or security of the offender or staff. In these cases, the  
33 offender shall be kept physically separate from other offenders at all  
34 times.

35 **Sec. 2.** RCW 13.40.040 and 1999 c 167 s 2 are each amended to read  
36 as follows:

37 (1) A juvenile may be taken into custody:

1 (a) Pursuant to a court order if a complaint is filed with the  
2 court alleging, and the court finds probable cause to believe, that the  
3 juvenile has committed an offense or has violated terms of a  
4 disposition order or release order; or

5 (b) Without a court order, by a law enforcement officer if grounds  
6 exist for the arrest of an adult in identical circumstances. Admission  
7 to, and continued custody in, a court detention facility shall be  
8 governed by subsection (2) of this section; or

9 (c) Pursuant to a court order that the juvenile be held as a  
10 material witness; or

11 (d) Where the secretary or the secretary's designee has suspended  
12 the parole of a juvenile offender.

13 (2) A juvenile may not be held in detention unless there is  
14 probable cause to believe that:

15 (a) The juvenile has committed an offense or has violated the terms  
16 of a disposition order; and

17 (i) The juvenile will likely fail to appear for further  
18 proceedings; or

19 (ii) Detention is required to protect the juvenile from himself or  
20 herself; or

21 (iii) The juvenile is a threat to community safety; or

22 (iv) The juvenile will intimidate witnesses or otherwise unlawfully  
23 interfere with the administration of justice; or

24 (v) The juvenile has committed a crime while another case was  
25 pending; or

26 (b) The juvenile is a fugitive from justice; or

27 (c) The juvenile's parole has been suspended or modified; or

28 (d) The juvenile is a material witness.

29 (3) Notwithstanding subsection (2) of this section, and within  
30 available funds, a juvenile who has been found guilty of one of the  
31 following offenses shall be detained pending disposition: Rape in the  
32 first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a  
33 child in the first degree (RCW 9A.44.073).

34 (4) Upon a finding that members of the community have threatened  
35 the health of a juvenile taken into custody, at the juvenile's request  
36 the court may order continued detention pending further order of the  
37 court.

38 ((+4)) (5) Except as provided in RCW 9.41.280, a juvenile detained  
39 under this section may be released upon posting a probation bond set by

1 the court. The juvenile's parent or guardian may sign for the  
2 probation bond. A court authorizing such a release shall issue an  
3 order containing a statement of conditions imposed upon the juvenile  
4 and shall set the date of his or her next court appearance. The court  
5 shall advise the juvenile of any conditions specified in the order and  
6 may at any time amend such an order in order to impose additional or  
7 different conditions of release upon the juvenile or to return the  
8 juvenile to custody for failing to conform to the conditions imposed.  
9 In addition to requiring the juvenile to appear at the next court date,  
10 the court may condition the probation bond on the juvenile's compliance  
11 with conditions of release. The juvenile's parent or guardian may  
12 notify the court that the juvenile has failed to conform to the  
13 conditions of release or the provisions in the probation bond. If the  
14 parent notifies the court of the juvenile's failure to comply with the  
15 probation bond, the court shall notify the surety. As provided in the  
16 terms of the bond, the surety shall provide notice to the court of the  
17 offender's noncompliance. A juvenile may be released only to a  
18 responsible adult or the department of social and health services.  
19 Failure to appear on the date scheduled by the court pursuant to this  
20 section shall constitute the crime of bail jumping.

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

Passed the House March 13, 2002.

Passed the Senate March 13, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.