
SUBSTITUTE SENATE BILL 5700

State of Washington

66th Legislature

2019 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Nguyen, Darneille, Wellman, Rolfes, Kuderer, Das, Cleveland, Hasegawa, and Wilson, C.)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to the release of juveniles in the custody of
2 juvenile rehabilitation; and amending RCW 13.40.210.

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

4 **Sec. 1.** RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each
5 amended to read as follows:

6 (1)(a) The secretary shall set a release date for each juvenile
7 committed to its custody. The release date shall be within the
8 prescribed range to which a juvenile has been committed under RCW
9 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
10 concerning offenders the department determines are eligible for the
11 juvenile offender basic training camp program. Such dates shall be
12 determined prior to the expiration of sixty percent of a juvenile's
13 minimum term of confinement included within the prescribed range to
14 which the juvenile has been committed. The secretary shall release
15 any juvenile committed to the custody of the department within four
16 calendar days prior to the juvenile's release date or on the release
17 date set under this chapter. Days spent in the custody of the
18 department shall be tolled by any period of time during which a
19 juvenile has absented himself or herself from the department's
20 supervision without the prior approval of the secretary or the
21 secretary's designee.

1 (b) The secretary shall work with each person committed to its
2 custody to establish a safe release plan into safe and stable housing
3 and shall make reasonable efforts to involve the individual's family
4 or natural supports in release planning, in accordance with state
5 policy established by RCW 43.330.720.

6 (c) If the secretary is unable to establish a safe release plan,
7 the secretary may provide rental vouchers to the individual who is
8 releasing from its custody if rental assistance will result in a safe
9 release plan.

10 (i) For youth who will be released subject to a program of parole
11 pursuant to subsection (3) of this section, such rental vouchers may
12 be provided for a period of up to six months from the date of
13 release.

14 (ii) For youth releasing without parole, the secretary may
15 provide community navigation, access to services, and rental vouchers
16 for a period of up to six months. These services, including rental
17 vouchers, may be revoked at the secretary's discretion.

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

39 (3) (a) Following the release of any juvenile under subsection (1)
40 of this section, the secretary may require the juvenile to comply

1 with a program of parole to be administered by the department in his
2 or her community which shall last no longer than eighteen months,
3 except that in the case of a juvenile sentenced for rape in the first
4 or second degree, rape of a child in the first or second degree,
5 child molestation in the first degree, or indecent liberties with
6 forcible compulsion, the period of parole shall be twenty-four months
7 and, in the discretion of the secretary, may be up to thirty-six
8 months when the secretary finds that an additional period of parole
9 is necessary and appropriate in the interests of public safety or to
10 meet the ongoing needs of the juvenile. A parole program is mandatory
11 for offenders released under subsection (2) of this section and for
12 offenders who receive a juvenile residential commitment sentence for
13 theft of a motor vehicle, possession of a stolen motor vehicle, or
14 taking a motor vehicle without permission 1. A juvenile adjudicated
15 for unlawful possession of a firearm, possession of a stolen firearm,
16 theft of a firearm, or drive-by shooting may participate in
17 aggression replacement training, functional family therapy, or
18 functional family parole aftercare if the juvenile meets eligibility
19 requirements for these services. The decision to place an offender in
20 an evidence-based parole program shall be based on an assessment by
21 the department of the offender's risk for reoffending upon release
22 and an assessment of the ongoing treatment needs of the juvenile. The
23 department shall prioritize available parole resources to provide
24 supervision and services to offenders at moderate to high risk for
25 reoffending.

26 (b) The secretary shall, for the period of parole, facilitate the
27 juvenile's reintegration into his or her community and to further
28 this goal shall require the juvenile to refrain from possessing a
29 firearm or using a deadly weapon and refrain from committing new
30 offenses and may require the juvenile to: (i) Undergo available
31 medical, psychiatric, drug and alcohol, sex offender, mental health,
32 and other offense-related treatment services; (ii) report as directed
33 to a parole officer and/or designee; (iii) pursue a course of study,
34 vocational training, or employment; (iv) notify the parole officer of
35 the current address where he or she resides; (v) be present at a
36 particular address during specified hours; (vi) remain within
37 prescribed geographical boundaries; (vii) submit to electronic
38 monitoring; (viii) refrain from using illegal drugs and alcohol, and
39 submit to random urinalysis when requested by the assigned parole
40 officer; (ix) refrain from contact with specific individuals or a

1 specified class of individuals; (x) meet other conditions determined
2 by the parole officer to further enhance the juvenile's reintegration
3 into the community; (xi) pay any court-ordered fines or restitution;
4 and (xii) perform community restitution. Community restitution for
5 the purpose of this section means compulsory service, without
6 compensation, performed for the benefit of the community by the
7 offender. Community restitution may be performed through public or
8 private organizations or through work crews.

9 (c) The secretary may further require up to twenty-five percent
10 of the highest risk juvenile offenders who are placed on parole to
11 participate in an intensive supervision program. Offenders
12 participating in an intensive supervision program shall be required
13 to comply with all terms and conditions listed in (b) of this
14 subsection and shall also be required to comply with the following
15 additional terms and conditions: (i) Obey all laws and refrain from
16 any conduct that threatens public safety; (ii) report at least once a
17 week to an assigned community case manager; and (iii) meet all other
18 requirements imposed by the community case manager related to
19 participating in the intensive supervision program. As a part of the
20 intensive supervision program, the secretary may require day
21 reporting.

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

24 (4) (a) The department may also modify parole for violation
25 thereof. If, after affording a juvenile all of the due process rights
26 to which he or she would be entitled if the juvenile were an adult,
27 the secretary finds that a juvenile has violated a condition of his
28 or her parole, the secretary shall order one of the following which
29 is reasonably likely to effectuate the purpose of the parole and to
30 protect the public: (i) Continued supervision under the same
31 conditions previously imposed; (ii) intensified supervision with
32 increased reporting requirements; (iii) additional conditions of
33 supervision authorized by this chapter; (iv) except as provided in
34 (a) (v) and (vi) of this subsection, imposition of a period of
35 confinement not to exceed thirty days in a facility operated by or
36 pursuant to a contract with the state of Washington or any city or
37 county for a portion of each day or for a certain number of days each
38 week with the balance of the days or weeks spent under supervision;
39 (v) the secretary may order any of the conditions or may return the
40 offender to confinement for the remainder of the sentence range if

1 the offense for which the offender was sentenced is rape in the first
2 or second degree, rape of a child in the first or second degree,
3 child molestation in the first degree, indecent liberties with
4 forcible compulsion, or a sex offense that is also a serious violent
5 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
6 any of the conditions or may return the offender to confinement for
7 the remainder of the sentence range if the youth has completed the
8 basic training camp program as described in RCW 13.40.320.

9 (b) The secretary may modify parole and order any of the
10 conditions or may return the offender to confinement for up to
11 twenty-four weeks if the offender was sentenced for a sex offense as
12 defined under RCW 9A.44.128 and is known to have violated the terms
13 of parole. Confinement beyond thirty days is intended to only be used
14 for a small and limited number of sex offenders. It shall only be
15 used when other graduated sanctions or interventions have not been
16 effective or the behavior is so egregious it warrants the use of the
17 higher level intervention and the violation: (i) Is a known pattern
18 of behavior consistent with a previous sex offense that puts the
19 youth at high risk for reoffending sexually; (ii) consists of sexual
20 behavior that is determined to be predatory as defined in RCW
21 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to
22 a recent overt act. The total number of days of confinement for
23 violations of parole conditions during the parole period shall not
24 exceed the number of days provided by the maximum sentence imposed by
25 the disposition for the underlying offense pursuant to RCW
26 13.40.0357. The department shall not aggregate multiple parole
27 violations that occur prior to the parole revocation hearing and
28 impose consecutive twenty-four week periods of confinement for each
29 parole violation. The department is authorized to engage in rule
30 making pursuant to chapter 34.05 RCW, to implement this subsection,
31 including narrowly defining the behaviors that could lead to this
32 higher level intervention.

33 (c) If the department finds that any juvenile in a program of
34 parole has possessed a firearm or used a deadly weapon during the
35 program of parole, the department shall modify the parole under (a)
36 of this subsection and confine the juvenile for at least thirty days.
37 Confinement shall be in a facility operated by or pursuant to a
38 contract with the state or any county.

39 (5) A parole officer of the department of children, youth, and
40 families shall have the power to arrest a juvenile under his or her

1 supervision on the same grounds as a law enforcement officer would be
2 authorized to arrest the person.

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

6 (7) Nothing in this chapter is meant to imply a private right of
7 action for a violation of this section.

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