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**SUBSTITUTE HOUSE BILL 2463**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Mastin, Morris, Long, Edmondson, Padden, Appelwick, Dorn, Brough, Van Luven, Sheahan, Fuhrman, Cooke, Wood, Dyer, Chappell, Eide, Tate, Mielke, Rayburn and Springer)

Read first time 02/04/94.

1 AN ACT Relating to parole of juvenile offenders; and amending RCW  
2 13.40.210.

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

4 **Sec. 1.** RCW 13.40.210 and 1990 c 3 s 304 are each amended to read  
5 as follows:

6 (1) The secretary shall, except in the case of a juvenile committed  
7 by a court to a term of confinement in a state institution outside the  
8 appropriate standard range for the offense(s) for which the juvenile  
9 was found to be guilty established pursuant to RCW 13.40.030, ((as now  
10 or hereafter amended,)) set a release or discharge date for each  
11 juvenile committed to its custody which shall be within the prescribed  
12 range to which a juvenile has been committed. Such dates shall be  
13 determined prior to the expiration of sixty percent of a juvenile's  
14 minimum term of confinement included within the prescribed range to  
15 which the juvenile has been committed. The secretary shall release any  
16 juvenile committed to the custody of the department within four  
17 calendar days prior to the juvenile's release date or on the release  
18 date set under this chapter: PROVIDED, That days spent in the custody  
19 of the department shall be tolled by any period of time during which a

1 juvenile has absented himself or herself from the department's  
2 supervision without the prior approval of the secretary or the  
3 secretary's designee.

4 (2) The secretary shall monitor the average daily population of the  
5 state's juvenile residential facilities. When the secretary concludes  
6 that in-residence population of residential facilities exceeds one  
7 hundred five percent of the rated bed capacity specified in statute, or  
8 in absence of such specification, as specified by the department in  
9 rule, the secretary may recommend reductions to the governor. On  
10 certification by the governor that the recommended reductions are  
11 necessary, the secretary has authority to administratively release a  
12 sufficient number of offenders to reduce in-residence population to one  
13 hundred percent of rated bed capacity. The secretary shall release  
14 those offenders who have served the greatest proportion of their  
15 sentence. However, the secretary may deny release in a particular case  
16 at the request of an offender, or if the secretary finds that there is  
17 no responsible custodian, as determined by the department, to whom to  
18 release the offender, or if the release of the offender would pose a  
19 clear danger to society. The department shall notify the committing  
20 court of the release at the end of each calendar year if any such early  
21 releases have occurred during that year as a result of excessive in-  
22 residence population. In no event shall a serious offender, as defined  
23 in RCW 13.40.020(1) be granted release under the provisions of this  
24 subsection.

25 (3) Following the juvenile's release pursuant to subsection (1) of  
26 this section, the secretary may require the juvenile to comply with a  
27 program of parole to be administered by the department in his or her  
28 community which shall last no less than twelve months and no longer  
29 than eighteen months, except that in the case of a juvenile sentenced  
30 for rape in the first or second degree, rape of a child in the first or  
31 second degree, child molestation in the first degree, or indecent  
32 liberties with forcible compulsion, the period of parole shall be  
33 twenty-four months. A parole program is mandatory for offenders  
34 released under subsection (2) of this section. The secretary shall,  
35 for the period of parole, facilitate the juvenile's reintegration into  
36 his or her community and to further this goal (~~may~~) shall require the  
37 juvenile to: (a) Undergo available medical or psychiatric treatment,  
38 inpatient or outpatient substance abuse treatment, inpatient or  
39 outpatient mental health treatment, anger management counseling, or

1 other counseling or treatment; (b) report as directed to a parole  
2 officer; (c) attend school or other educational programs appropriate  
3 for the juvenile as determined by the school district, or pursue a  
4 course of study or vocational training or employment; (d) remain within  
5 prescribed geographical boundaries ((and notify the department of any  
6 change in his or her address)) and reside at a specified location  
7 approved in advance by the parole officer; ((and)) (e) refrain from  
8 committing new offenses; (f) have no alcohol or other substance use and  
9 submit to random urinalysis tests or blood tests or similar tests at  
10 the request of the supervising parole officer; (g) refrain from  
11 associating with individuals who have criminal histories or who are  
12 codefendants to the offenses for which the juvenile was committed to  
13 the department; and (h) submit to physical searches at the request of  
14 a parole officer or other law enforcement officer, who shall be of the  
15 same gender as the juvenile. The secretary may impose any or all of  
16 the above requirements as conditions of parole.

17 (4)(a) Upon the juvenile's release from residential custody, the  
18 juvenile shall serve an initial intensive monitoring period, which  
19 shall include electronic home monitoring for not less than thirty days  
20 and not more than ninety days.

21 (b) The initial intensive monitoring period described in (a) of  
22 this subsection shall be followed by an additional period of home  
23 monitoring for not less than thirty days and not more than one hundred  
24 eighty days. This period of home monitoring shall include:

25 (i) A curfew, including a designation of hours during which the  
26 juvenile must remain at home, work, school, or court-ordered treatment  
27 programs; and

28 (ii) Prohibitions on leaving or entering designated geographical  
29 areas. After termination of the parole period, the juvenile shall be  
30 discharged from the department's supervision.

31 ((+4)) (5) The department may also modify parole for violation  
32 thereof. If, after affording a juvenile all of the due process rights  
33 to which he or she would be entitled if the juvenile were an adult, the  
34 secretary finds that a juvenile has violated a condition of his or her  
35 parole, the secretary shall order one of the following which is  
36 reasonably likely to effectuate the purpose of the parole and to  
37 protect the public: (a) Continued supervision under the same  
38 conditions previously imposed; (b) intensified supervision with  
39 increased reporting requirements; (c) additional conditions of

1 supervision authorized by this chapter; (d) except as provided in (e)  
2 of this subsection, imposition of a period of confinement not to exceed  
3 thirty days per violation in a facility operated by or pursuant to a  
4 contract with the state of Washington or any city or county for a  
5 portion of each day or for a certain number of days each week with the  
6 balance of the days or weeks spent under supervision; and (e) the  
7 secretary may order any of the conditions or may return the offender to  
8 confinement in an institution for a portion or the remainder of the  
9 sentence range (~~((if the offense for which the offender was sentenced is  
10 rape in the first or second degree, rape of a child in the first or  
11 second degree, child molestation in the first degree, indecent  
12 liberties with forcible compulsion, or a sex offense that is also a  
13 serious violent offense as defined by RCW 9.94A.030))~~). If the juvenile  
14 is returned to confinement for a portion or the remainder of the  
15 disposition range, another period of parole shall be imposed upon the  
16 juvenile after his or her release from department residential custody.

17 ~~((+5))~~ (6) A parole officer of the department of social and health  
18 services shall have the power to arrest a juvenile under his or her  
19 supervision on the same grounds as a law enforcement officer would be  
20 authorized to arrest such person.

21 ~~((+6))~~ (7) If so requested and approved under chapter 13.06 RCW,  
22 the secretary shall permit a county or group of counties to perform  
23 functions under subsections (3) through ~~((+5))~~ (6) of this section.

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