
SENATE BILL 5186

State of Washington

54th Legislature

1995 Regular Session

By Senators Roach, Smith and Rasmussen

Read first time 01/13/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to terms of confinement of juvenile offenders who
2 reach eighteen years of age; and reenacting and amending RCW 13.40.280.

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

4 **Sec. 1.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8 are
5 each reenacted and amended to read as follows:

6 (1) The secretary, with the consent of the secretary of the
7 department of corrections, has the authority to transfer a juvenile
8 presently or hereafter committed to the department of social and health
9 services to the department of corrections for appropriate institutional
10 placement in accordance with this section.

11 (2) A juvenile offender who reaches eighteen years of age must be
12 transferred to a department of corrections facility to finish the
13 remaining juvenile disposition term of confinement.

14 (3) The secretary of the department of social and health services
15 may, with the consent of the secretary of the department of
16 corrections, transfer a juvenile offender to the department of
17 corrections if it is established at a hearing before a review board
18 that continued placement of the juvenile offender in an institution for
19 juvenile offenders presents a continuing and serious threat to the

1 safety of others in the institution. The department of social and
2 health services shall establish rules for the conduct of the hearing,
3 including provision of counsel for the juvenile offender.

4 ~~((+3))~~ (4) Assaults made against any staff member at a juvenile
5 corrections institution that are reported to a local law enforcement
6 agency shall require a hearing held by the department of social and
7 health services review board within ten judicial working days. The
8 board shall determine whether the accused juvenile offender represents
9 a continuing and serious threat to the safety of others in the
10 institution.

11 ~~((+4))~~ (5) Upon conviction in a court of law for custodial assault
12 as defined in RCW 9A.36.100, the department of social and health
13 services review board shall conduct a second hearing, within five
14 judicial working days, to recommend to the secretary of the department
15 of social and health services that the convicted juvenile be
16 transferred to an adult correctional facility if the review board has
17 determined the juvenile offender represents a continuing and serious
18 threat to the safety of others in the institution.

19 The juvenile has the burden to show cause why the transfer to an
20 adult correctional facility should not occur.

21 ~~((+5))~~ (6) A juvenile offender transferred to an institution
22 operated by the department of corrections shall not remain in such an
23 institution beyond the maximum term of confinement imposed by the
24 juvenile court.

25 ~~((+6))~~ (7) A juvenile offender who has been transferred to the
26 department of corrections under this section may, in the discretion of
27 the secretary of the department of social and health services and with
28 the consent of the secretary of the department of corrections, be
29 transferred from an institution operated by the department of
30 corrections to a facility for juvenile offenders deemed appropriate by
31 the secretary.

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