
SUBSTITUTE SENATE BILL 6231

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl, Long, Fairley, Strannigan, Wojahn, Hargrove, Haugen, Winsley, Bauer, Prentice and Rasmussen)

Read first time 02/02/96.

1 AN ACT Relating to the placement of sexually aggressive youth;
2 adding a new section to chapter 43.20A RCW; creating a new section; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the placement of
6 sexually aggressive youth in state-funded or state-operated placements
7 or residential facilities must be done in such a manner as to protect
8 the other children and youth in those placements or residential
9 facilities. To achieve this purpose, the legislature intends that
10 sexually aggressive youth under the department of social and health
11 services' care and custody shall not be placed in the same sleeping
12 quarters as, nor have unsupervised contact with, other children or
13 youth in those settings who are vulnerable to victimization by sexually
14 aggressive youth.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW
16 to read as follows:

17 (1) For the purposes of this section, the following terms have the
18 following meanings:

1 (a) "Sexually aggressive youth" means a juvenile who has been found
2 by the department to have committed a sexually aggressive act or other
3 violent act that is sexually aggressive in nature.

4 (b) "Sleeping quarters" means the bedrooms or other rooms within a
5 larger home or residential facility where youth are assigned to sleep.

6 (c) "Unsupervised contact" means contact that occurs for more than
7 a nominal period of time outside the sight or hearing of a responsible
8 adult.

9 (2)(a) A sexually aggressive youth under the department's care and
10 custody may not be assigned to the same sleeping quarters as any child
11 who is vulnerable to victimization by a sexually aggressive youth and
12 who is not also a sexually aggressive youth, except that youth
13 committed under chapter 13.40 RCW may be assigned to the same multiple-
14 person dormitory if the dormitory is regularly monitored by visual
15 surveillance equipment or staff checks.

16 (b) The department shall also prohibit, to the greatest extent
17 possible, unsupervised contact in a state-operated or state-funded home
18 or residential facility between sexually aggressive youth under its
19 care and custody and other children who are vulnerable to victimization
20 by sexually aggressive youth. This prohibition shall include, but not
21 be limited to, prohibiting any youth committed under chapter 13.40 RCW
22 from entering any sleeping quarters other than the one to which he or
23 she is assigned, unless accompanied by an authorized supervisor.

24 (c) The department shall make all reasonable efforts to ascertain
25 whether the children residing in a state-operated or state-funded home
26 or residential facility, regardless of whether they are under the
27 department's care and custody, have been the victims of sexual abuse or
28 are vulnerable to victimization by a sexually aggressive youth.

29 (d) The requirements of this section apply to the placement of any
30 juvenile committed to the care and custody of the department pursuant
31 to chapter 13.34, 13.40, 70.96A, or 71.34 RCW.

32 (3) The department shall implement a policy for determining when a
33 child is a sexually aggressive youth and when a child is vulnerable to
34 victimization by sexually aggressive youth for the purposes of this
35 section. Notwithstanding the provisions of RCW 74.13.075, the policy
36 need not require that every youth who is adjudicated or convicted of a
37 sex offense, as defined in RCW 9.94A.030, be determined to be sexually
38 aggressive, nor does the policy require a youth to have been
39 adjudicated or convicted of a sex offense to be determined a sexually

1 aggressive youth for the purposes of this section. Instead, the
2 department shall consider the individual circumstances of the youth,
3 including his or her age, physical size, mental and emotional
4 condition, and other factors relevant to sexual aggressiveness. In
5 determining when a youth is vulnerable to victimization by a sexually
6 aggressive youth, the department shall consider the individual
7 circumstances of the youth, including his or her age, physical size,
8 mental and emotional condition, and other factors relevant to
9 vulnerability.

10 NEW SECTION. **Sec. 3.** This act shall take effect January 1, 1997.

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