

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2380

57th Legislature
2002 Regular Session

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

Speaker of the House of Representatives

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

President of the Senate

Approved

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.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2380

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.

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