
SENATE BILL 5972

State of Washington

57th Legislature

2001 Regular Session

By Senator Hargrove; by request of Department of Social and Health Services

Read first time 02/12/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to clarifying the department of social and
2 health services' parole program placement authority for all
3 juvenile offenders under the age of twenty-one and committed to
4 the department of social and health services; amending RCW
5 13.40.210; and declaring an emergency.

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

7 **Sec. 1.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read
8 as follows:

9 (1) The secretary shall (~~(, except in the case of a juvenile~~
10 ~~committed by a court to a term of confinement in a state~~
11 ~~institution outside the appropriate standard range for the~~
12 ~~offense(s) for which the juvenile was found to be guilty~~
13 ~~established pursuant to RCW 13.40.030,)) set a release ((or~~
14 ~~discharge)) date for each juvenile committed to its custody. The
15 release ((or discharge)) date shall be within the prescribed range
16 to which a juvenile has been committed under RCW 13.40.0357 or
17 13.40.030 except as provided in RCW 13.40.320 concerning offenders
18 the department determines are eligible for the juvenile offender~~

1 basic training camp program. Such dates shall be determined prior
2 to the expiration of sixty percent of a juvenile's minimum term of
3 confinement included within the prescribed range to which the
4 juvenile has been committed. The secretary shall release any
5 juvenile committed to the custody of the department within four
6 calendar days prior to the juvenile's release date or on the
7 release date set under this chapter. Days spent in the custody of
8 the department shall be tolled by any period of time during which
9 a juvenile has absented himself or herself from the department's
10 supervision without the prior approval of the secretary or the
11 secretary's designee.

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

34 (3)(a) Following the (~~juvenile's~~) release of any juvenile
35 under subsection (1) of this section, the secretary may require
36 the juvenile to comply with a program of parole to be administered
37 by the department in his or her community which shall last no
38 longer than eighteen months, except that in the case of a juvenile

1 sentenced for rape in the first or second degree, rape of a child
2 in the first or second degree, child molestation in the first
3 degree, or indecent liberties with forcible compulsion, the period
4 of parole shall be twenty-four months and, in the discretion of
5 the secretary, may be up to thirty-six months when the secretary
6 finds that an additional period of parole is necessary and
7 appropriate in the interests of public safety or to meet the
8 ongoing needs of the juvenile. A parole program is mandatory for
9 offenders released under subsection (2) of this section. The
10 decision to place an offender on parole shall be based on an
11 assessment by the department of the offender's risk for
12 reoffending upon release. The department shall prioritize available
13 parole resources to provide supervision and services to offenders
14 at moderate to high risk for reoffending.

15 (b) The secretary shall, for the period of parole, facilitate
16 the juvenile's reintegration into his or her community and to
17 further this goal shall require the juvenile to refrain from
18 possessing a firearm or using a deadly weapon and refrain from
19 committing new offenses and may require the juvenile to: (i)
20 Undergo available medical, psychiatric, drug and alcohol, sex
21 offender, mental health, and other offense-related treatment
22 services; (ii) report as directed to a parole officer and/or
23 designee; (iii) pursue a course of study, vocational training, or
24 employment; (iv) notify the parole officer of the current address
25 where he or she resides; (v) be present at a particular address
26 during specified hours; (vi) remain within prescribed geographical
27 boundaries; (vii) submit to electronic monitoring; (viii) refrain
28 from using illegal drugs and alcohol, and submit to random
29 urinalysis when requested by the assigned parole officer; (ix)
30 refrain from contact with specific individuals or a specified
31 class of individuals; (x) meet other conditions determined by the
32 parole officer to further enhance the juvenile's reintegration
33 into the community; (xi) pay any court-ordered fines or
34 restitution; and (xii) perform community service. Community service
35 for the purpose of this section means compulsory service, without
36 compensation, performed for the benefit of the community by the
37 offender. Community service may be performed through public or
38 private organizations or through work crews.

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

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

16 (4)(a) The department may also modify parole for violation
17 thereof. If, after affording a juvenile all of the due process
18 rights to which he or she would be entitled if the juvenile were
19 an adult, the secretary finds that a juvenile has violated a
20 condition of his or her parole, the secretary shall order one of
21 the following which is reasonably likely to effectuate the purpose
22 of the parole and to protect the public: (i) Continued
23 supervision under the same conditions previously imposed; (ii)
24 intensified supervision with increased reporting requirements;
25 (iii) additional conditions of supervision authorized by this
26 chapter; (iv) except as provided in (a)(v) of this subsection,
27 imposition of a period of confinement not to exceed thirty days in
28 a facility operated by or pursuant to a contract with the state of
29 Washington or any city or county for a portion of each day or for
30 a certain number of days each week with the balance of the days or
31 weeks spent under supervision; and (v) the secretary may order any
32 of the conditions or may return the offender to confinement for
33 the remainder of the sentence range if the offense for which the
34 offender was sentenced is rape in the first or second degree, rape
35 of a child in the first or second degree, child molestation in the
36 first degree, indecent liberties with forcible compulsion, or a
37 sex offense that is also a serious violent offense as defined by
38 RCW 9.94A.030.

1 (b) If the department finds that any juvenile in a program of
2 parole has possessed a firearm or used a deadly weapon during the
3 program of parole, the department shall modify the parole under
4 (a) of this subsection and confine the juvenile for at least
5 thirty days. Confinement shall be in a facility operated by or
6 pursuant to a contract with the state or any county.

7 (5) A parole officer of the department of social and health
8 services shall have the power to arrest a juvenile under his or
9 her supervision on the same grounds as a law enforcement officer
10 would be authorized to arrest the person.

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

14 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and
17 takes effect immediately.

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