
**Juvenile Justice & Family Law
Committee**

SSB 5596

Brief Description: Requiring that custodial assaults at juvenile rehabilitation facilities and institutions be reported to law enforcement.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens, Hargrove, McAuliffe, Parlette and Winsley).

Brief Summary of Substitute Bill

- Requires the Juvenile Rehabilitation Administration to establish rules relating to custodial assaults and to report custodial assaults to local law enforcement.

Hearing Date:

Staff: Sonja Hallum (786-7092).

Background:

The Juvenile Rehabilitation Administration (JRA) is a division of the Department of Social and Health Services (DSHS). The JRA operates five secure residential corrections facilities which house youthful offenders from throughout the state. There are three institutions, one forestry camp, and a basic training camp. These facilities offer basic education, vocational training, health care, offense-specific treatment, and recreational programs.

The county juvenile courts commit the most serious offenders in Washington to the JRA. The JRA clients have either been adjudicated for at least one violent offense, or a large number of various offenses.

In Washington, it is a crime to commit an assault upon a corrections officer. A person is guilty of a custodial assault under RCW 9A.36.100 if he or she assaults a full or part-time staff member or volunteer, educational personnel, personal service provider, vendor or agent, or community corrections officer, at any corrections institution or detention facility, who is performing official duties at the time of the assault. Behavior which would be classified as a gross misdemeanor assault may be classified as a Class C felony assault when the assault is inflicted upon a corrections officer.

Washington recognizes three definitions of assault: (1) an attempt, with unlawful force, to inflict bodily injury upon another; (2) an unlawful touching with criminal intent; and (3) putting another in apprehension of harm whether or not the actor intends to inflict or is incapable of inflicting that harm. Under this definition, a wide range of intentional behaviors may constitute an assault.

The JRA does not currently have a uniform written policy defining what behaviors would constitute an assault and must be reported to law enforcement.

If an employee of the DSHS, the Department of Natural Resources, or the Department of Veterans Affairs is assaulted by a resident, patient or juvenile offender, some of the employees costs attributable to the assault may be reimbursed under RCW 72.01.045. This statute has a somewhat different definition of "assault" than in criminal law and defines an "assault" as an "unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee."

Summary of Bill:

The JRA is required to establish rules related to custodial assaults which are consistent with RCW 72.01.045, the statute regarding the reimbursement of costs for assaults on state employees. JRA is also required to report to local law enforcement any custodial assault as defined by the custodial assault statute RCW 9A.36.100.

Appropriation: None.

Fiscal Note: Requested on March 21, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.