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SENATE BILL 6364

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Darneille and Cleveland

Read first time 01/18/16. Referred to Committee on Law & Justice.

1            AN ACT Relating to expanding the categories of offenses eligible  
2 for the parenting program with the department of corrections; and  
3 amending RCW 9.94A.655.

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

5            **Sec. 1.** RCW 9.94A.655 and 2010 c 224 s 2 are each amended to  
6 read as follows:

7            (1) An offender is eligible for the parenting sentencing  
8 alternative if:

9            (a) The high end of the standard sentence range for the current  
10 offense is greater than one year;

11            (b) The offender has no prior or current conviction for a felony  
12 that is a sex offense or a serious violent offense;

13            (c) The offender has not been found by the United States attorney  
14 general to be subject to a deportation detainer or order and does not  
15 become subject to a deportation order during the period of the  
16 sentence;

17            (d) The offender signs any release of information waivers  
18 required to allow information regarding current or prior child  
19 welfare cases to be shared with the department and the court; and

1 (e) The offender has physical custody of his or her minor child  
2 or is a legal guardian or custodian with physical custody of a child  
3 under the age of eighteen at the time of the current offense.

4 (2) To assist the court in making its determination, the court  
5 may order the department to complete either a risk assessment report  
6 or a chemical dependency screening report as provided in RCW  
7 9.94A.500, or both reports prior to sentencing.

8 (3) If the court is considering this alternative, the court shall  
9 request that the department contact the children's administration of  
10 the Washington state department of social and health services to  
11 determine if the agency has an open child welfare case or prior  
12 substantiated referral of abuse or neglect involving the offender or  
13 if the agency is aware of any substantiated case of abuse or neglect  
14 with a tribal child welfare agency involving the offender.

15 (a) If the offender has an open child welfare case, the  
16 department will provide the release of information waiver and request  
17 that the children's administration or the tribal child welfare agency  
18 provide a report to the court. The children's administration shall  
19 provide a report within seven business days of the request that  
20 includes, at the minimum, the following:

21 (i) Legal status of the child welfare case;

22 (ii) Length of time the children's administration has been  
23 involved with the offender;

24 (iii) Legal status of the case and permanent plan;

25 (iv) Any special needs of the child;

26 (v) Whether or not the offender has been cooperative with  
27 services ordered by a juvenile court under a child welfare case; and

28 (vi) If the offender has been convicted of a crime against a  
29 child.

30 (b) If a report is required from a tribal child welfare agency,  
31 the department shall attempt to obtain information that is similar to  
32 what is required for the report provided by the children's  
33 administration in a timely manner.

34 (c) If the offender does not have an open child welfare case with  
35 the children's administration or with a tribal child welfare agency  
36 but has prior involvement, the department will obtain information  
37 from the children's administration on the number and type of past  
38 substantiated referrals of abuse or neglect and report that  
39 information to the court. If the children's administration has never

1 had any substantiated referrals or an open case with the offender,  
2 the department will inform the court.

3 (4) If the sentencing court determines that the offender is  
4 eligible for a sentencing alternative under this section and that the  
5 sentencing alternative is appropriate and should be imposed, the  
6 court shall waive imposition of a sentence within the standard  
7 sentence range and impose a sentence consisting of twelve months of  
8 community custody. The court shall consider the offender's criminal  
9 history when determining if the alternative is appropriate.

10 (5) When a court imposes a sentence of community custody under  
11 this section:

12 (a) The court may impose conditions as provided in RCW 9.94A.703  
13 and may impose other affirmative conditions as the court considers  
14 appropriate.

15 (b) The department may impose conditions as authorized in RCW  
16 9.94A.704 that may include, but are not limited to:

- 17 (i) Parenting classes;
- 18 (ii) Chemical dependency treatment;
- 19 (iii) Mental health treatment;
- 20 (iv) Vocational training;
- 21 (v) Offender change programs;
- 22 (vi) Life skills classes.

23 (c) The department shall report to the court if the offender  
24 commits any violations of his or her sentence conditions.

25 (6) The department shall provide the court with quarterly  
26 progress reports regarding the offender's progress in required  
27 programming, treatment, and other supervision conditions. When an  
28 offender has an open child welfare case, the department will seek to  
29 coordinate services with the children's administration.

30 (7)(a) The court may bring any offender sentenced under this  
31 section back into court at any time during the period of community  
32 custody on its own initiative to evaluate the offender's progress in  
33 treatment, or to determine if any violations of the conditions of the  
34 sentence have occurred.

35 (b) If the offender is brought back to court, the court may  
36 modify the conditions of community custody or impose sanctions under  
37 (c) of this subsection.

38 (c) The court may order the offender to serve a term of total  
39 confinement within the standard range of the offender's current  
40 offense at any time during the period of community custody, if the

1 offender violates the conditions or requirements of the sentence or  
2 if the offender is failing to make satisfactory progress in  
3 treatment.

4 (d) An offender ordered to serve a term of total confinement  
5 under (c) of this subsection shall receive credit for any time  
6 previously served in confinement under this section.

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