

**E2SSB 5290** - H AMD TO HSEL COMM AMD (H-2423.2/19) **505**  
By Representative Walsh

**NOT ADOPTED 04/09/2019**

1 On page 1, beginning on line 3, strike all of sections 1 and 2

2 Renumber the remaining sections consecutively and correct any  
3 internal references accordingly.

4 On page 3, beginning on line 16, after "(e)" strike all material  
5 through "13.32A.250" on line 18 and insert "~~((In cases))~~ (i) Under  
6 chapters 13.32A, 13.34, and 28A.225 RCW"

7 On page 3, line 27, after "(ii)" strike all material through "at-  
8 risk" and insert "Prior to committing any"

9 On page 3, beginning on line 28, after "under" strike all  
10 material through "chapter" on line 29 and insert "chapters 13.34,  
11 28A.225, and"

12 On page 3, line 40, after "youth" strike "i;" and insert "."

13 On page 4, beginning on line 1, after "(iii)" strike all material  
14 through "period" on line 8 and insert "Detention imposed as a  
15 contempt sanction under chapters 13.32A, 13.34, and 28A.225 RCW shall  
16 be imposed no more than twice, for no more than seventy-two hours for  
17 each sanction, in any thirty-day period.

18 (iv) The court may not order detention pursuant to this  
19 subsection if placement is available in a secure crisis residential  
20 center or other secure juvenile facility in the county in which the  
21 action is pending"

22 Beginning on page 4, line 19, strike all of section 4

23 Renumber the remaining sections consecutively and correct any  
24 internal references accordingly.

25 On page 6, line 19, after "party" strike "in an at-risk youth  
26 proceeding"

1 On page 6, line 23, after "(3)" strike "For at-risk youth  
2 proceedings only:"

3 On page 6, at the beginning of line 36 insert "subject to the  
4 limitations provided under RCW 7.21.030(2)(e)"

5 Beginning on page 6, line 39, after "available" strike all  
6 material through "period" on page 7, line 4

7 On page 7, beginning on line 9, after "~~((5))~~" strike all  
8 material through "section." on line 10

9 On page 7, line 15, after "(5)" strike "For at-risk youth  
10 proceedings only, whenever" and insert "Whenever"

11 Beginning on page 8, line 1, strike all of section 6

12 Renumber the remaining sections consecutively and correct any  
13 internal references accordingly.

14 Beginning on page 10, line 33, after "(2)" strike all material  
15 through "~~(4))~~" on page 11, line 1 and insert "(a) If the child fails  
16 to comply with the court order, the court may impose:

- 17 (i) Community restitution;
- 18 (ii) Nonresidential programs with intensive wraparound services;
- 19 (iii) A requirement that the child meet with a mentor for a  
20 specified number of times; or
- 21 (iv) Other services and interventions that the court deems  
22 appropriate.

23 (b) The maximum term of confinement that may be imposed as a  
24 remedial sanction for contempt of court under this section is  
25 confinement for up to ~~(seven days)~~ seventy-two hours subject to the  
26 limitations provided under RCW 7.21.030(2)(e) if (i) one of the less  
27 restrictive alternatives under (a) of this subsection has been  
28 attempted and another violation of the order occurred, or (ii) the  
29 court makes a finding that none of the less restrictive alternatives  
30 is available.

31 (3) A child held for contempt under this section shall be  
32 confined only in a secure juvenile detention facility operated by or  
33 pursuant to a contract with a county.

34 (4) "

1 On page 11, at the beginning of line 5, strike "~~((5))~~ (3)" and  
2 insert "(5)"

3 On page 12, line 25, after "(2)" strike "~~((a))~~" and insert  
4 "(a)"

5 On page 12, at the beginning of line 27, strike "~~((i))~~ (a)" and  
6 insert "(i)"

7 On page 12, at the beginning of line 28, strike "~~((ii))~~ (b)"  
8 and insert "(ii)"

9 On page 12, at the beginning of line 30, strike "~~((iii))~~ (c)"  
10 and insert "(iii)"

11 On page 12, at the beginning of line 32, strike "~~((iv))~~ (d)"  
12 and insert "(iv)"

13 Beginning on page 12, line 34, strike all material through  
14 "~~present-))~~" on page 13, line 8, and insert "(b) If the child  
15 continues to fail to comply with the court order and the court makes  
16 a finding that other measures to secure compliance have been tried  
17 but have been unsuccessful and no less restrictive alternative is  
18 available, the court may order the child to be subject to detention,  
19 as provided in RCW 7.21.030(2)(e). Failure by a child to comply with  
20 an order issued under this subsection shall not be subject to  
21 detention for a period greater than that permitted pursuant to a  
22 civil contempt proceeding against a child under chapter 13.32A RCW.  
23 Detention ordered under this subsection may be for no longer than  
24 ~~((seven days))~~ seventy-two hours subject to the limitations provided  
25 under RCW 7.21.030(2)(e). Detention ordered under this subsection  
26 shall preferably be served at a secure crisis residential center  
27 close to the child's home rather than in a juvenile detention  
28 facility. A warrant of arrest for a child under this subsection may  
29 not be served on a child inside of school during school hours in a  
30 location where other students are present."

31 On page 13, beginning on line 29, after "may" strike all material  
32 through "~~may))~~" on line 30 and insert "order the child to be subject  
33 to detention, as provided in RCW 7.21.030(2)(e), or may"

34 Beginning on page 14, line 1, strike all of section 10

1 Renumber the remaining sections consecutively and correct any  
2 internal references accordingly.

3 On page 16, line 32, after "43.185C.260(1)(c)" strike "~~((  
4 -d-))~~" and insert "or (d)"

5 On page 16, line 37, strike all material through "center." on  
6 page 17, line 5 and insert "center's secure facility. If the secure  
7 facility is not available, not located within a reasonable distance,  
8 or full, the officer shall take the child to a semi-secure crisis  
9 residential center. An officer taking a child into custody under RCW  
10 43.185C.260(1)(d) may place the child in a juvenile detention  
11 facility as provided in RCW 43.185C.270 or a secure facility, except  
12 that the child shall be taken to detention whenever the officer has  
13 been notified that a juvenile court has entered a detention order  
14 under this chapter or chapter 13.34 RCW."

15 On page 18, beginning on line 16, after "petition." strike all  
16 material through "petitions." on line 25 and insert "The  
17 administrative office of the courts shall ensure that the annual  
18 statewide report delivered to the legislature in 2021 provides  
19 sufficient information to measure the impacts of this act on reducing  
20 the use of juvenile detention as a remedy for contempt of a valid  
21 court order for youth referenced in this subsection."

22 Beginning on page 18, line 32, strike all of sections 14 and 15

23 Correct any internal references accordingly.

EFFECT: Makes the following changes to the underlying striking amendment:

(1) Limits the use of detention as a sanction for contempt of court in at-risk youth, child in need of services, dependency, and truancy court proceedings a maximum of 72 hours, which can be imposed no more than twice in any 30 day period. Prohibits a court from ordering detention in these proceedings if placement is available in a secure crisis residential center or other secure juvenile facility in the county in which the action is pending. The underlying striking amendment eliminates the use of detention as a contempt of court sanction for these proceedings.

(2) Specifies that in at-risk youth, child in need of services, and dependency court proceedings courts may impose remedial sanctions that include community restitution, nonresidential programs with intensive wraparound services, a requirement that the child meet with a mentor for a specified number of times, or other services and interventions that the court deems appropriate. The authority for

these specific remedial sanctions already exist for truancy proceedings.

(3) Restores the requirement that law enforcement take a child into custody when notified by the juvenile court that probable cause exists to believe that a child has violated a dependency court placement order or the court has issued a pick up order for a child. The amendment also restores the authority for law enforcement to place such children in a semi-secure facility, semi-secure crisis residential center, or juvenile detention.

(4) Replaces the proposed reporting requirements for the Administrative Office of the Courts (AOC) with a requirement that AOC include in the annual statewide juvenile detention report some measure of the effects of this act on reducing the use of juvenile detention as a remedy for contempt of a valid court order.

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