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HOUSE BILL 1753

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Leonard, Cooke, Ogden, Finkbeiner, King and H. Myers; by request of Department of Social and Health Services

Read first time 02/08/93. Referred to Committee on Human Services.

1 AN ACT Relating to juvenile structured transition services;  
2 amending RCW 13.40.040; and adding a new section to chapter 13.40 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40 RCW  
5 to read as follows:

6 (1) The legislature finds that juvenile offenders committed to the  
7 department benefit from a period of community custody prior to full  
8 release from commitment. The legislature further finds public safety  
9 is enhanced and youth rehabilitation is accelerated during community  
10 custody by the provisions of structured transition services and  
11 supervision. Therefore, a juvenile serving a term of confinement under  
12 the supervision of the department may be transferred to a structured  
13 transition program in the community under specific conditions intended  
14 to safeguard the public and accelerate the rehabilitation of the  
15 juvenile offender.

16 (2) A juvenile serving a term of confinement under the supervision  
17 of the department may, under specific conditions, be transferred from  
18 physical custody after serving seventy-two percent of the minimum term  
19 of confinement, if the secretary determines the juvenile will benefit

1 from structured transition offered within the community and is eligible  
2 to participate based on a youth classification instrument. A juvenile  
3 pursuant to a written structured transition contract may be required  
4 to: (a) Reside at a specific address and be present at that address  
5 during specified hours; (b) submit to electronic monitoring, tracker  
6 services, or both; (c) participate in training, education, and  
7 employment programs; (d) undergo treatment services; (e) report as  
8 directed to an assigned community case manager; (f) refrain from  
9 further offenses; and (g) meet other requirements imposed by the  
10 community case manager related to transition services.

11 (3) Prior to transfer to structured transition status, the  
12 secretary shall give notice of the transfer to the appropriate law  
13 enforcement agency in the jurisdiction in which the juvenile will  
14 reside. The notice shall include the identity of the juvenile, the  
15 time period, the residence of the juvenile, and the identity of the  
16 person responsible for supervising the juvenile in the residence.

17 (4) All juveniles eligible to participate in structured transition  
18 are subject to the requirements set forth in RCW 9A.44.130 and  
19 13.40.215.

20 (5) A juvenile who violates a condition of structured transition  
21 may be taken into custody and transferred to a more secure facility in  
22 the same manner as an adult in identical circumstances.

23 (6) If so requested and approved under chapter 13.06 RCW, the  
24 secretary shall permit a county or group of counties to perform the  
25 functions under this section.

26 **Sec. 2.** RCW 13.40.040 and 1979 c 155 s 57 are each amended to read  
27 as follows:

28 (1) A juvenile may be taken into custody:

29 (a) Pursuant to a court order if a complaint is filed with the  
30 court alleging, and the court finds probable cause to believe, that the  
31 juvenile has committed an offense or has violated terms of a  
32 disposition order or release order; or

33 (b) Without a court order, by a law enforcement officer if grounds  
34 exist for the arrest of an adult in identical circumstances. Admission  
35 to, and continued custody in, a court detention facility shall be  
36 governed by subsection (2) of this section; or

37 (c) Pursuant to a court order that the juvenile be held as a  
38 material witness; or

1 (d) Without a court order, where the secretary or the secretary's  
2 designee has suspended the parole ((of a juvenile offender)) or  
3 terminated the juvenile offender's involvement in the structured  
4 transition program.

5 (2) A juvenile may not be held in detention unless there is  
6 probable cause to believe that:

7 (a) The juvenile has committed an offense or has violated the terms  
8 of a disposition order; and

9 (i) The juvenile will likely fail to appear for further  
10 proceedings; or

11 (ii) Detention is required to protect the juvenile from himself or  
12 herself; or

13 (iii) The juvenile is a threat to community safety; or

14 (iv) The juvenile will intimidate witnesses or otherwise unlawfully  
15 interfere with the administration of justice; or

16 (v) The juvenile has committed a crime while another case was  
17 pending; or

18 (b) The juvenile is a fugitive from justice; or

19 (c) The juvenile's parole has been suspended or modified; or

20 (d) The juvenile is a material witness.

21 (3) Upon a finding that members of the community have threatened  
22 the health of a juvenile taken into custody, at the juvenile's request  
23 the court may order continued detention pending further order of the  
24 court.

25 (4) A juvenile detained under this section may be released upon  
26 posting bond set by the court. A court authorizing such a release  
27 shall issue an order containing a statement of conditions imposed upon  
28 the juvenile and shall set the date of his or her next court  
29 appearance. The court shall advise the juvenile of any conditions  
30 specified in the order and may at any time amend such an order in order  
31 to impose additional or different conditions of release upon the  
32 juvenile or to return the juvenile to custody for failing to conform to  
33 the conditions imposed. Failure to appear on the date scheduled by the  
34 court pursuant to this section shall constitute the crime of bail  
35 jumping.

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