
HOUSE BILL 2384

State of Washington

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By Representatives Lemmon, Ogden, Morris, Roland, Grant, Hansen, Orr, Quall, Long, Campbell, Finkbeiner, Eide, Karahalios, Linville, Kessler, Johanson, J. Kohl, Patterson, G. Fisher, Foreman, Heavey, Scott, R. Meyers, Brough, Talcott, Van Luven, Sheahan, Fuhrman, Brumsickle, B. Thomas, Cooke, Schmidt, Wood, Forner, Silver, Lisk, Cothorn, Basich, Kremen, Dyer, Dunshee, Backlund, Chandler, Wolfe, Chappell, Conway, Holm, Mastin, Jones, Sheldon, Tate, Mielke, Rayburn, L. Johnson, Springer and McMorris

Read first time 01/14/94. Referred to Committee on Corrections.

1 AN ACT Relating to disposition of juvenile offenders; amending RCW
2 13.40.030 and 13.40.160; adding a new section to chapter 13.40 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the number of
6 juvenile offenders and the severity of their crimes is increasing
7 rapidly state-wide. These juvenile offenders are younger than ever
8 before and their crimes more often include violent and gang-related
9 behavior. In addition, many juvenile offenders continue to reoffend
10 after they are released from the juvenile justice system causing
11 disproportionately high and expensive rates of recidivism.

12 The legislature further finds that juvenile criminal behavior is
13 often the result of a lack of self-discipline, the lack of systematic
14 work habits and ethics, the inability to deal with authority figures,
15 and an unstable or unstructured living environment. Together these
16 factors are combining to produce a serious public safety hazard and the
17 need to develop more effective and stringent juvenile punishment and
18 rehabilitation options.

1 The legislature intends that juvenile offenders who enter the state
2 rehabilitation system have the opportunity and are given the
3 responsibility to become more effective participants in society by
4 enhancing their personal development, work ethics, and life skills.
5 The legislature recognizes that structured incarceration programs for
6 juvenile offenders such as juvenile offender boot camps, can instill
7 the self-discipline, accountability, self-esteem, and work ethic skills
8 that could discourage many offenders from returning to the criminal
9 justice system. Juvenile offender boot camp incarceration programs
10 generally emphasize life skills training, prevocational work skills
11 training, anger management, dealing with difficult at-home family
12 problems and/or abuses, discipline, physical training, structured and
13 intensive work activities, and educational classes. The legislature
14 further recognizes that juvenile offenders can benefit from a highly
15 structured boot camp environment and the public can also benefit
16 through increased public protection and reduced cost due to lowered
17 rates of recidivism.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
19 to read as follows:

20 (1) The department of social and health services shall establish
21 and operate a juvenile offender boot camp program. The department
22 shall site juvenile offender boot camp facilities in the most cost-
23 effective facilities possible and shall review the possibility of using
24 existing and available state, federally, or military-owned land and
25 facilities in geographically balanced locations state-wide.

26 (2) The juvenile offender boot camp shall be a structured and
27 regimented model emphasizing the building up of an offender's self-
28 esteem, confidence, and discipline. The juvenile offender boot camp
29 shall provide participants with basic education, prevocational
30 training, work-based learning, live work, work ethic skills, conflict
31 resolution counseling, substance abuse intervention, anger management
32 counseling, and structured intensive physical training. The juvenile
33 offender boot camp program shall have a curriculum training and work
34 schedule that incorporates a balanced assignment of these or other
35 rehabilitation and training components for no less than sixteen hours
36 per day, six days a week.

37 The department shall adopt rules for the safe and effective
38 operation of the juvenile offender camp program, standards for

1 successful program completion, and rules for the continued after-care
2 supervision of offenders who have successfully completed the program.

3 (3) All juvenile offenders sentenced to the juvenile offender boot
4 camp sentencing option shall be sentenced for one hundred eighty days.
5 The juvenile offender boot camp program cycle shall consist of two
6 ninety-day segments for all offender participants, however, the
7 secretary shall release an offender at any time after ninety days if
8 the juvenile offender has successfully completed the program as
9 determined by the secretary according to rules adopted by the
10 department. If the juvenile offender does not successfully complete
11 the program during the first ninety-day boot camp cycle, as determined
12 by the secretary according to rules adopted by the department, the
13 secretary shall extend the offender's participation in the boot camp
14 for up to an additional ninety days or when it has been determined by
15 the secretary that the offender has completed the program. If the
16 juvenile offender's activities while in the juvenile offender boot camp
17 are so disruptive to the juvenile boot camp program, as determined by
18 the secretary according to rules adopted by the department, as to
19 result in the removal of the juvenile offender from the juvenile
20 offender boot camp program, the secretary shall require that the
21 offender be committed to a juvenile institution to serve the entire
22 remainder of his or her sentence. The secretary shall release an
23 offender sentenced to boot camp after one hundred eighty days.

24 (4) The sentencing judge may order placement of juvenile offenders
25 to the juvenile offender boot camp option who are at least thirteen
26 years of age but less than eighteen years of age at the time of
27 adjudication and who have been committed to the department as a serious
28 offender or middle offender for a term of at least twelve weeks. The
29 program shall focus on offenders who have committed gang and drug-
30 involved offenses or who have demonstrated a rapid increase in criminal
31 behavior. The sentencing judge may order that a juvenile be placed in
32 the juvenile offender boot camp program even when the sentencing
33 standards do not provide for a term of at least twelve weeks if the
34 sentencing judge makes a finding that ordering a lesser term would
35 create a manifest injustice. No juvenile offender shall be sentenced
36 to the juvenile boot camp more than two times.

37 (5) Juvenile offenders who successfully complete the boot camp
38 program may volunteer to return to the boot camp as a boot camp
39 squadron leader for an additional ninety to one hundred eighty days.

1 The secretary shall select from among the squadron leader program
2 volunteers those juvenile offenders considered to be the most
3 outstanding candidates to become juvenile offender boot camp squadron
4 leaders. Juvenile offender boot camp squadron leaders shall have the
5 opportunity to learn advanced leadership and personal development
6 skills. The department shall develop a rewards and incentives system
7 for all those graduates who are selected to become boot camp squadron
8 leaders.

9 (6) The department shall develop a comprehensive postprogram
10 follow-up component for all participants who successfully complete the
11 juvenile offender boot camp. The follow up program shall monitor and
12 assist postprogram juvenile offenders successfully reintegration into
13 the community. The department shall determine the length of time for
14 the postprogram follow-up component and level of offender monitoring.

15 (7) No juvenile who suffers from any mental or physical problems
16 that could endanger his or her health or drastically affect his or her
17 performance in the program shall be admitted to or retained in the
18 juvenile offender boot camp program.

19 (8) The department shall also develop and maintain a database to
20 measure recidivism rates specific to this incarceration program. The
21 data base shall maintain data on all juvenile offenders sentenced to a
22 juvenile offender boot camp for a period of two years after they have
23 completed the program. The data base shall also maintain data on the
24 criminal activity, educational progress, and employment activities of
25 all juvenile offenders who participated in the program. The department
26 shall produce an outcome evaluation report on the progress of the
27 juvenile offender boot camp program to the appropriate committees of
28 the legislature no later than December 12, 1996.

29 **Sec. 3.** RCW 13.40.030 and 1989 c 407 s 3 are each amended to read
30 as follows:

31 (1)(a) The juvenile disposition standards commission shall
32 recommend to the legislature no later than November 1st of each year
33 disposition standards for all offenses. The standards shall establish,
34 in accordance with the purposes of this chapter, ranges which may
35 include terms of confinement, including the juvenile offender boot camp
36 program established in section 2 of this act, and/or community
37 supervision established on the basis of a youth's age, the instant
38 offense, and the history and seriousness of previous offenses, but in

1 no case may the period of confinement and supervision exceed that to
2 which an adult may be subjected for the same offense(s). Standards
3 recommended for offenders listed in RCW 13.40.020(1) shall include a
4 range of confinement which may not be less than thirty days. No
5 standard range may include a period of confinement which includes both
6 more than thirty, and thirty or less, days. Disposition standards
7 recommended by the commission shall provide that in all cases where a
8 youth is sentenced to a term of confinement in excess of thirty days
9 the department may impose an additional period of parole not to exceed
10 eighteen months. Standards of confinement which may be proposed may
11 relate only to the length of the proposed terms and not to the nature
12 of the security to be imposed. In developing recommended disposition
13 standards, the commission shall consider the capacity of the state
14 juvenile facilities and the projected impact of the proposed standards
15 on that capacity.

16 (b) The secretary shall submit guidelines pertaining to the nature
17 of the security to be imposed on youth placed in his or her custody
18 based on the age, offense(s), and criminal history of the juvenile
19 offender. Such guidelines shall be submitted to the legislature for
20 its review no later than November 1st of each year. At the same time
21 the secretary shall submit a report on security at juvenile facilities
22 during the preceding year. The report shall include the number of
23 escapes from each juvenile facility, the most serious offense for which
24 each escapee had been confined, the number and nature of offenses found
25 to have been committed by juveniles while on escape status, the number
26 of authorized leaves granted, the number of failures to comply with
27 leave requirements, the number and nature of offenses committed while
28 on leave, and the number and nature of offenses committed by juveniles
29 while in the community on minimum security status; to the extent this
30 information is available to the secretary. The department shall
31 include security status definitions in the security guidelines it
32 submits to the legislature pursuant to this section.

33 (2) In developing recommendations for the permissible ranges of
34 confinement under this section the commission shall be subject to the
35 following limitations:

36 (a) Where the maximum term in the range is ninety days or less, the
37 minimum term in the range may be no less than fifty percent of the
38 maximum term in the range;

1 (b) Where the maximum term in the range is greater than ninety days
2 but not greater than one year, the minimum term in the range may be no
3 less than seventy-five percent of the maximum term in the range; and

4 (c) Where the maximum term in the range is more than one year, the
5 minimum term in the range may be no less than eighty percent of the
6 maximum term in the range.

7 **Sec. 4.** RCW 13.40.160 and 1992 c 45 s 6 are each amended to read
8 as follows:

9 (1) When the respondent is found to be a serious offender, the
10 court shall commit the offender to the department for the standard
11 range of disposition for the offense, as indicated in option A of
12 schedule D-3, RCW 13.40.0357 except as provided in subsection (5) of
13 this section or section 2 of this act.

14 If the court concludes, and enters reasons for its conclusion, that
15 disposition within the standard range would effectuate a manifest
16 injustice the court shall impose a disposition outside the standard
17 range, as indicated in option B of schedule D-3, RCW 13.40.0357. The
18 court's finding of manifest injustice shall be supported by clear and
19 convincing evidence.

20 A disposition outside the standard range shall be determinate and
21 shall be comprised of confinement or community supervision, or a
22 combination thereof. When a judge finds a manifest injustice and
23 imposes a sentence of confinement exceeding thirty days, the court
24 shall sentence the juvenile to a maximum term, and the provisions of
25 RCW 13.40.030(2), as now or hereafter amended, shall be used to
26 determine the range. A disposition outside the standard range is
27 appealable under RCW 13.40.230, as now or hereafter amended, by the
28 state or the respondent. A disposition within the standard range is
29 not appealable under RCW 13.40.230 as now or hereafter amended.

30 (2) Where the respondent is found to be a minor or first offender,
31 the court shall order that the respondent serve a term of community
32 supervision as indicated in option A or option B of schedule D-1, RCW
33 13.40.0357 except as provided in subsection (5) of this section. If
34 the court determines that a disposition of community supervision would
35 effectuate a manifest injustice the court may impose another
36 disposition under option C of schedule D-1, RCW 13.40.0357. Except as
37 provided in subsection (5) of this section, a disposition other than a
38 community supervision may be imposed only after the court enters

1 reasons upon which it bases its conclusions that imposition of
2 community supervision would effectuate a manifest injustice. When a
3 judge finds a manifest injustice and imposes a sentence of confinement
4 exceeding thirty days, the court shall sentence the juvenile to a
5 maximum term, and the provisions of RCW 13.40.030(2), as now or
6 hereafter amended, shall be used to determine the range. The court's
7 finding of manifest injustice shall be supported by clear and
8 convincing evidence.

9 Except for disposition of community supervision or a disposition
10 imposed pursuant to subsection (5) of this section, a disposition may
11 be appealed as provided in RCW 13.40.230, as now or hereafter amended,
12 by the state or the respondent. A disposition of community supervision
13 or a disposition imposed pursuant to subsection (5) of this section may
14 not be appealed under RCW 13.40.230 as now or hereafter amended.

15 (3) Where a respondent is found to have committed an offense for
16 which the respondent declined to enter into a diversion agreement, the
17 court shall impose a term of community supervision limited to the
18 conditions allowed in a diversion agreement as provided in RCW
19 13.40.080(2) as now or hereafter amended.

20 (4) If a respondent is found to be a middle offender:

21 (a) The court shall impose a determinate disposition within the
22 standard range(s) for such offense, as indicated in option A of
23 schedule D-2, RCW 13.40.0357 except as provided in subsection (5) of
24 this section or section 2 of this act: PROVIDED, That if the standard
25 range includes a term of confinement exceeding thirty days, commitment
26 shall be to the department for the standard range of confinement; or

27 (b) The court shall impose a determinate disposition of community
28 supervision and/or up to thirty days confinement, as indicated in
29 option B of schedule D-2, RCW 13.40.0357 in which case, if confinement
30 has been imposed, the court shall state either aggravating or
31 mitigating factors as set forth in RCW 13.40.150 as now or hereafter
32 amended.

33 (c) Only if the court concludes, and enters reasons for its
34 conclusions, that disposition as provided in subsection (4)(a) or (b)
35 of this section would effectuate a manifest injustice, the court shall
36 sentence the juvenile to a maximum term, and the provisions of RCW
37 13.40.030(2), as now or hereafter amended, shall be used to determine
38 the range. The court's finding of manifest injustice shall be
39 supported by clear and convincing evidence.

1 (d) A disposition pursuant to subsection (4)(c) of this section is
2 appealable under RCW 13.40.230, as now or hereafter amended, by the
3 state or the respondent. A disposition pursuant to subsection (4) (a)
4 or (b) of this section is not appealable under RCW 13.40.230 as now or
5 hereafter amended.

6 (5) When a serious, middle, or minor first offender is found to
7 have committed a sex offense, other than a sex offense that is also a
8 serious violent offense as defined by RCW 9.94A.030, and has no history
9 of a prior sex offense, the court, on its own motion or the motion of
10 the state or the respondent, may order an examination to determine
11 whether the respondent is amenable to treatment.

12 The report of the examination shall include at a minimum the
13 following: The respondent's version of the facts and the official
14 version of the facts, the respondent's offense history, an assessment
15 of problems in addition to alleged deviant behaviors, the respondent's
16 social, educational, and employment situation, and other evaluation
17 measures used. The report shall set forth the sources of the
18 evaluator's information.

19 The examiner shall assess and report regarding the respondent's
20 amenability to treatment and relative risk to the community. A
21 proposed treatment plan shall be provided and shall include, at a
22 minimum:

23 (a)(i) Frequency and type of contact between the offender and
24 therapist;

25 (ii) Specific issues to be addressed in the treatment and
26 description of planned treatment modalities;

27 (iii) Monitoring plans, including any requirements regarding living
28 conditions, lifestyle requirements, and monitoring by family members,
29 legal guardians, or others;

30 (iv) Anticipated length of treatment; and

31 (v) Recommended crime-related prohibitions.

32 The court on its own motion may order, or on a motion by the state
33 shall order, a second examination regarding the offender's amenability
34 to treatment. The evaluator shall be selected by the party making the
35 motion. The defendant shall pay the cost of any second examination
36 ordered unless the court finds the defendant to be indigent in which
37 case the state shall pay the cost.

38 After receipt of reports of the examination, the court shall then
39 consider whether the offender and the community will benefit from use

1 of this special sex offender disposition alternative and consider the
2 victim's opinion whether the offender should receive a treatment
3 disposition under this section. If the court determines that this
4 special sex offender disposition alternative is appropriate, then the
5 court shall impose a determinate disposition within the standard range
6 for the offense, and the court may suspend the execution of the
7 disposition and place the offender on community supervision for up to
8 two years. As a condition of the suspended disposition, the court may
9 impose the conditions of community supervision and other conditions,
10 including up to thirty days of confinement and requirements that the
11 offender do any one or more of the following:

12 (b)(i) Devote time to a specific education, employment, or
13 occupation;

14 (ii) Undergo available outpatient sex offender treatment for up to
15 two years, or inpatient sex offender treatment not to exceed the
16 standard range of confinement for that offense. A community mental
17 health center may not be used for such treatment unless it has an
18 appropriate program designed for sex offender treatment. The
19 respondent shall not change sex offender treatment providers or
20 treatment conditions without first notifying the prosecutor, the
21 probation counselor, and the court, and shall not change providers
22 without court approval after a hearing if the prosecutor or probation
23 counselor object to the change;

24 (iii) Remain within prescribed geographical boundaries and notify
25 the court or the probation counselor prior to any change in the
26 offender's address, educational program, or employment;

27 (iv) Report to the prosecutor and the probation counselor prior to
28 any change in a sex offender treatment provider. This change shall
29 have prior approval by the court;

30 (v) Report as directed to the court and a probation counselor;

31 (vi) Pay all court-ordered legal financial obligations, perform
32 community service, or any combination thereof; or

33 (vii) Make restitution to the victim for the cost of any counseling
34 reasonably related to the offense.

35 The sex offender treatment provider shall submit quarterly reports
36 on the respondent's progress in treatment to the court and the parties.
37 The reports shall reference the treatment plan and include at a minimum
38 the following: Dates of attendance, respondent's compliance with
39 requirements, treatment activities, the respondent's relative progress

1 in treatment, and any other material specified by the court at the time
2 of the disposition.

3 At the time of the disposition, the court may set treatment review
4 hearings as the court considers appropriate.

5 Except as provided in this subsection (5), after July 1, 1991,
6 examinations and treatment ordered pursuant to this subsection shall
7 only be conducted by sex offender treatment providers certified by the
8 department of health pursuant to chapter 18.155 RCW. A sex offender
9 therapist who examines or treats a juvenile sex offender pursuant to
10 this subsection does not have to be certified by the department of
11 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
12 offender has already moved to another state or plans to move to another
13 state for reasons other than circumventing the certification
14 requirements; (B) no certified providers are available for treatment
15 within a reasonable geographical distance of the offender's home; and
16 (C) the evaluation and treatment plan comply with this subsection (5)
17 and the rules adopted by the department of health.

18 If the offender violates any condition of the disposition or the
19 court finds that the respondent is failing to make satisfactory
20 progress in treatment, the court may revoke the suspension and order
21 execution of the sentence. The court shall give credit for any
22 confinement time previously served if that confinement was for the
23 offense for which the suspension is being revoked.

24 For purposes of this section, "victim" means any person who has
25 sustained emotional, psychological, physical, or financial injury to
26 person or property as a direct result of the crime charged. "Victim"
27 may also include a known parent or guardian of a victim who is a minor
28 child unless the parent or guardian is the perpetrator of the offense.

29 (6) Whenever a juvenile offender is entitled to credit for time
30 spent in detention prior to a dispositional order, the dispositional
31 order shall specifically state the number of days of credit for time
32 served.

33 (7) Except as provided for in subsection (5) of this section, the
34 court shall not suspend or defer the imposition or the execution of the
35 disposition.

1 (8) In no case shall the term of confinement imposed by the court
2 at disposition exceed that to which an adult could be subjected for the
3 same offense.

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