

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2198

Chapter 78, Laws of 1994

53rd Legislature
1994 Regular Session

JUVENILE SEX OFFENDERS--SCHOOL ATTENDANCE RESTRICTIONS

EFFECTIVE DATE: 6/9/94

Passed by the House February 14, 1994
Yeas 95 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 2, 1994
Yeas 43 Nays 0

R. LORRAINE WOJAHN

President of the Senate

Approved March 23, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2198** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 23, 1994 - 9:39 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2198

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Campbell, Horn, Long, Wood, Appelwick, Ballard, Karahalios, Reams, Wineberry, Foreman, Kessler, Cooke, Dyer, Schoesler, Casada, B. Thomas, Carlson, Van Luven, Silver, Schmidt, Brumsickle, Brough, J. Kohl, King, Flemming, Roland, Kremen, Sheldon, Chandler, Eide, Johanson, Lisk, Sehlin and Springer)

Read first time 02/04/94.

1 AN ACT Relating to juvenile sex offenders; and amending RCW
2 13.40.215.

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

4 **Sec. 1.** RCW 13.40.215 and 1993 c 27 s 1 are each amended to read
5 as follows:

6 (1)(a) Except as provided in subsection (2) of this section, at the
7 earliest possible date, and in no event later than ten days before
8 discharge, parole, or any other authorized leave or release, or before
9 transfer to a community residential facility, the secretary shall send
10 written notice of the discharge, parole, authorized leave or release,
11 or transfer of a juvenile found to have committed a violent offense, a
12 sex offense, or stalking, to the following:

13 (i) The chief of police of the city, if any, in which the juvenile
14 will reside; and

15 (ii) The sheriff of the county in which the juvenile will reside.

16 (b) The same notice as required by (a) of this subsection shall be
17 sent to the following, if such notice has been requested in writing
18 about a specific juvenile:

1 (i) The victim of the offense for which the juvenile was found to
2 have committed or the victim's next of kin if the crime was a homicide;
3 (ii) Any witnesses who testified against the juvenile in any court
4 proceedings involving the offense; and
5 (iii) Any person specified in writing by the prosecuting attorney.
6 Information regarding victims, next of kin, or witnesses requesting the
7 notice, information regarding any other person specified in writing by
8 the prosecuting attorney to receive the notice, and the notice are
9 confidential and shall not be available to the juvenile. The notice to
10 the chief of police or the sheriff shall include the identity of the
11 juvenile, the residence where the juvenile will reside, the identity of
12 the person, if any, responsible for supervising the juvenile, and the
13 time period of any authorized leave.

14 (2)(a) If a juvenile found to have committed a violent offense, a
15 sex offense, or stalking escapes from a facility of the department, the
16 secretary shall immediately notify, by the most reasonable and
17 expedient means available, the chief of police of the city and the
18 sheriff of the county in which the juvenile resided immediately before
19 the juvenile's arrest. If previously requested, the secretary shall
20 also notify the witnesses and the victim of the offense which the
21 juvenile was found to have committed or the victim's next of kin if the
22 crime was a homicide. If the juvenile is recaptured, the secretary
23 shall send notice to the persons designated in this subsection as soon
24 as possible but in no event later than two working days after the
25 department learns of such recapture.

26 (b) The secretary may authorize a leave, for a juvenile found to
27 have committed a violent offense, a sex offense, or stalking, which
28 shall not exceed forty-eight hours plus travel time, to meet an
29 emergency situation such as a death or critical illness of a member of
30 the juvenile's family. The secretary may authorize a leave, which
31 shall not exceed the time medically necessary, to obtain medical care
32 not available in a juvenile facility maintained by the department.
33 Prior to the commencement of an emergency or medical leave, the
34 secretary shall give notice of the leave to the appropriate law
35 enforcement agency in the jurisdiction in which the juvenile will be
36 during the leave period. The notice shall include the identity of the
37 juvenile, the time period of the leave, the residence of the juvenile
38 during the leave, and the identity of the person responsible for
39 supervising the juvenile during the leave. If previously requested,

1 the department shall also notify the witnesses and victim of the
2 offense which the juvenile was found to have committed or the victim's
3 next of kin if the offense was a homicide.

4 In case of an emergency or medical leave the secretary may waive
5 all or any portion of the requirements for leaves pursuant to RCW
6 13.40.205 (2)(a), (3), (4), and (5).

7 (3) If the victim, the victim's next of kin, or any witness is
8 under the age of sixteen, the notice required by this section shall be
9 sent to the parents or legal guardian of the child.

10 (4) The secretary shall send the notices required by this chapter
11 to the last address provided to the department by the requesting party.
12 The requesting party shall furnish the department with a current
13 address.

14 (5) Upon discharge, parole, or other authorized leave or release,
15 a convicted juvenile sex offender shall not attend a public elementary,
16 middle, or high school that is attended by a victim of the sex
17 offender. The parents or legal guardians of the convicted juvenile sex
18 offender shall be responsible for transportation or other costs
19 associated with or required by the sex offender's change in school that
20 otherwise would be paid by a school district. Upon discharge, parole,
21 or other authorized leave or release of a convicted juvenile sex
22 offender, the secretary shall send written notice of the discharge,
23 parole, or other authorized leave or release and the requirements of
24 this subsection to the common school district board of directors of the
25 district in which the sex offender intends to reside or the district in
26 which the sex offender last attended school, whichever is appropriate.

27 (6) For purposes of this section the following terms have the
28 following meanings:

29 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

30 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

31 (c) "Stalking" means the crime of stalking as defined in RCW
32 9A.46.110;

33 (d) "Next of kin" means a person's spouse, parents, siblings, and
34 children.

Passed the House February 14, 1994.

Passed the Senate March 2, 1994.

Approved by the Governor March 23, 1994.

Filed in Office of Secretary of State March 23, 1994.