

2 **E2SSB 6231** - H COMM AMD  
3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that the placement of  
8 children and youth in state-operated or state-funded residential  
9 facilities must be done in such a manner as to protect children who are  
10 vulnerable to sexual victimization from youth who are sexually  
11 aggressive. To achieve this purpose, the legislature intends that the  
12 department of social and health services develop a policy for assessing  
13 sexual aggressiveness and vulnerability to sexual victimization of  
14 children and youth who are placed in state-operated or state-funded  
15 residential facilities.

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

18 (1) The department shall implement a policy for protecting children  
19 placed in state-operated or state-funded residential facilities who are  
20 vulnerable to sexual victimization by other youth placed in those  
21 facilities who are sexually aggressive. The policy shall include, at  
22 a minimum, the following elements:

23 (a) Development and use of an assessment process for determining  
24 when a youth is sexually aggressive for the purposes of this section.  
25 The assessment process need not require that every youth who is  
26 adjudicated or convicted of a sex offense as defined in RCW 9.94A.030  
27 be determined to be sexually aggressive, nor shall a sex offense  
28 adjudication or conviction be required in order to determine a youth is  
29 sexually aggressive. Instead, the assessment process shall consider  
30 the individual circumstances of the youth, including his or her age,  
31 physical size, mental and emotional condition, and other factors  
32 relevant to sexual aggressiveness. The definition of "sexually  
33 aggressive youth" in RCW 74.13.075 does not apply to this section to  
34 the extent that it conflicts with this section.

1 (b) Development and use of an assessment process for determining  
2 when a child may be vulnerable to victimization by a sexually  
3 aggressive youth for the purposes of this section. The assessment  
4 process shall consider the individual circumstances of the child,  
5 including his or her age, physical size, mental and emotional  
6 condition, and other factors relevant to vulnerability.

7 (c) Development and use of placement criteria to avoid assigning  
8 youth who are assessed as sexually aggressive to the same sleeping  
9 quarters as children assessed as vulnerable to sexual victimization,  
10 except that they may be assigned to the same multiple-person dormitory  
11 if the dormitory is regularly monitored by visual surveillance  
12 equipment or staff checks.

13 (d) Development and use of procedures for minimizing, within  
14 available funds, unsupervised contact in state-operated or state-funded  
15 residential facilities between youth assessed as sexually aggressive  
16 and children assessed as vulnerable to sexual victimization. The  
17 procedures shall include prohibiting any youth committed under this  
18 chapter who is assessed as sexually aggressive from entering any  
19 sleeping quarters other than the one to which he or she is assigned,  
20 unless accompanied by an authorized supervisor.

21 (2) For the purposes of this section, the following terms have the  
22 following meanings:

23 (a) "Sleeping quarters" means the bedrooms or other rooms within a  
24 larger home or residential facility where youth are assigned to sleep.

25 (b) "Unsupervised contact" means contact occurring outside the  
26 sight or hearing of a responsible adult for more than a reasonable  
27 period of time under the circumstances.

28 NEW SECTION. **Sec. 3.** The department of social and health services  
29 shall report to the legislature by December 1, 1996, on the following:

30 (1) Development of the assessment process for determining when a youth  
31 is sexually aggressive for the purposes of this act; (2) development of  
32 the assessment process for determining when a child may be vulnerable  
33 to victimization by a sexually aggressive youth for the purposes of  
34 this act; (3) development of the placement criteria and procedures  
35 required under section 2(1)(c) and (d) of this act; and (4) the  
36 operational and fiscal impacts of extending the requirements of section  
37 2 of this act to all state-funded or state-operated residential

1 facilities where children are placed by the department pursuant to  
2 chapters 13.32A, 13.34, 70.96A, and 71.34 RCW.

3 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this  
4 act, referencing this act by bill or chapter number, is not provided by  
5 June 30, 1996, in the supplemental omnibus appropriations act, this act  
6 is null and void.

7 NEW SECTION. **Sec. 5.** The policy developed under section 2 of this  
8 act shall be implemented within the juvenile rehabilitation  
9 administration by January 1, 1997."

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