

2 **2SSB 6231** - S AMD - 173

3 By Senators Kohl, Long and Hargrove

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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.** The policy developed under section 2 of this
4 act shall be implemented within the juvenile rehabilitation
5 administration by January 1, 1997."

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9 On page 1, line 1 of the title, after "youth;" strike the remainder
10 of the title and insert "adding a new section to chapter 13.40 RCW; and
11 creating new sections."

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