
HOUSE BILL 2297

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By Representatives Thompson, McMorris, Beeksma, Sterk, Buck, Pelesky, Delvin, McMahan, Mulliken and Cooke

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1 AN ACT Relating to a youth responsibility camp; reenacting and
2 amending RCW 13.40.020; 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 department of social and health services shall develop a
7 plan to establish and operate a secure juvenile offender youth
8 responsibility camp to confine offenders under county jurisdiction for
9 up to thirty days. The department shall contract with the counties for
10 their use of the youth responsibility camp and shall develop a
11 cost-sharing formula. The department shall review the possibility of
12 using an existing abandoned or available state, federally, or
13 military-owned site or facility when selecting a site for the youth
14 responsibility camp and shall make an effort to select the most
15 cost-effective site.

16 (2) The department may contract under this chapter with private
17 companies, the national guard, or other federal, state, or local
18 agencies to operate the juvenile offender youth responsibility camp,
19 notwithstanding the provisions of RCW 41.06.380.

1 (3) The juvenile offender youth responsibility camp must
2 accommodate at least one thousand offenders under county jurisdiction.
3 The plan must provide that the beds may not be used to confine
4 offenders under jurisdiction of the department of social and health
5 services unless county bed requirements are less than the designed
6 capacity.

7 (4) The youth responsibility camp must be a structured model
8 designed to teach offenders that negative consequences result from
9 delinquent behavior and that they must take responsibility for their
10 actions and develop goals, direction, ethics, mutual respect, team
11 building skills, conflict resolution skills, and discipline. Programs
12 at the youth responsibility camp must emphasize these principles.

13 (5) The department must adopt rules for the safe and effective
14 operation of the juvenile offender youth responsibility camp.

15 (6) An offender is eligible for the youth responsibility camp
16 disposition option if the offender is under the jurisdiction of the
17 county because the offender's confinement term is less than thirty
18 days, has no current or prior adjudications for any sex or violent
19 offenses, and is at least fourteen years old or is under fourteen years
20 old and the court determines that the offender is sufficiently mature
21 to attend the youth responsibility camp.

22 (7) The plan must provide for the following:

23 (a) If the court determines that the offender is eligible for the
24 youth responsibility camp disposition option, the court may recommend
25 that the county place the offender in the program. The county will
26 evaluate the offender and may place the offender in the program subject
27 to available capacity, unless the county determines that the offender
28 has physical or mental impairments that would prevent participation and
29 completion of the program. The evaluation must include, at a minimum,
30 a risk assessment developed by the county and designed to determine the
31 offender's suitability for the program. No juvenile who is assessed as
32 a high-risk offender or suffers from any mental or physical problems
33 that could endanger his or her health or drastically affect his or her
34 performance in the program may be admitted to or retained in the youth
35 responsibility camp program.

36 (b) If the juvenile offender's activities while in the youth
37 responsibility camp are disruptive to the program, as determined by the
38 secretary, or if the offender cannot complete the program due to
39 medical problems, the secretary shall return the offender to the county

1 detention facility to serve the entire remainder of his or her
2 disposition, less the amount of time already served in the youth
3 responsibility camp program.

4 (c) Following release from the youth responsibility camp, the
5 offender must complete the remaining provisions of the disposition.

6 (d) Incentives must be developed to motivate offenders to comply
7 with the responsibility program.

8 (8) The department shall begin operating the youth responsibility
9 camp no later than October 1, 1997.

10 (9) The department shall report to the legislature by December 1,
11 1996, about the plan to establish and operate a youth responsibility
12 camp and the feasibility of operating another youth responsibility camp
13 on the other side of the state.

14 **Sec. 2.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are
15 each reenacted and amended to read as follows:

16 For the purposes of this chapter:

17 (1) "Serious offender" means a person fifteen years of age or older
18 who has committed an offense which if committed by an adult would be:

19 (a) A class A felony, or an attempt to commit a class A felony;

20 (b) Manslaughter in the first degree; or

21 (c) Assault in the second degree, extortion in the first degree,
22 child molestation in the second degree, kidnapping in the second
23 degree, robbery in the second degree, residential burglary, or burglary
24 in the second degree, where such offenses include the infliction of
25 bodily harm upon another or where during the commission of or immediate
26 withdrawal from such an offense the perpetrator is armed with a deadly
27 weapon;

28 (2) "Community service" means compulsory service, without
29 compensation, performed for the benefit of the community by the
30 offender as punishment for committing an offense. Community service
31 may be performed through public or private organizations or through
32 work crews;

33 (3) "Community supervision" means an order of disposition by the
34 court of an adjudicated youth not committed to the department or an
35 order granting a deferred adjudication pursuant to RCW 13.40.125. A
36 community supervision order for a single offense may be for a period of
37 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
38 one year for other offenses. As a mandatory condition of any term of

1 community supervision, the court shall order the juvenile to refrain
2 from committing new offenses. As a mandatory condition of community
3 supervision, the court shall order the juvenile to comply with the
4 mandatory school attendance provisions of chapter 28A.225 RCW and to
5 inform the school of the existence of this requirement. Community
6 supervision is an individualized program comprised of one or more of
7 the following:

8 (a) Community-based sanctions;

9 (b) Community-based rehabilitation;

10 (c) Monitoring and reporting requirements;

11 (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;

12 (4) Community-based sanctions may include one or more of the
13 following:

14 (a) A fine, not to exceed one hundred dollars;

15 (b) Community service not to exceed one hundred fifty hours of
16 service;

17 (5) "Community-based rehabilitation" means one or more of the
18 following: Attendance of information classes; counseling, outpatient
19 substance abuse treatment programs, outpatient mental health programs,
20 anger management classes, education or outpatient treatment programs to
21 prevent animal cruelty, or other services; or attendance at school or
22 other educational programs appropriate for the juvenile as determined
23 by the school district. Placement in community-based rehabilitation
24 programs is subject to available funds;

25 (6) "Monitoring and reporting requirements" means one or more of
26 the following: Curfews; requirements to remain at home, school, work,
27 or court-ordered treatment programs during specified hours;
28 restrictions from leaving or entering specified geographical areas;
29 requirements to report to the probation officer as directed and to
30 remain under the probation officer's supervision; and other conditions
31 or limitations as the court may require which may not include
32 confinement;

33 (7) "Confinement" means physical custody by the department of
34 social and health services in a facility operated by or pursuant to a
35 contract with the state, or physical custody in a detention facility
36 operated by or pursuant to a contract with any county. The county may
37 operate or contract with vendors to operate county detention
38 facilities. The department may operate or contract to operate
39 detention facilities for juveniles committed to the department. A

1 county may contract with the state to confine offenders under county
2 jurisdiction in a youth responsibility camp operated by the state or a
3 vendor under contract with the state. Pretrial confinement or
4 confinement of less than thirty-one days imposed as part of a
5 disposition or modification order may be served consecutively or
6 intermittently, in the discretion of the court;

7 (8) "Court", when used without further qualification, means the
8 juvenile court judge(s) or commissioner(s);

9 (9) "Criminal history" includes all criminal complaints against the
10 respondent for which, prior to the commission of a current offense:

11 (a) The allegations were found correct by a court. If a respondent
12 is convicted of two or more charges arising out of the same course of
13 conduct, only the highest charge from among these shall count as an
14 offense for the purposes of this chapter; or

15 (b) The criminal complaint was diverted by a prosecutor pursuant to
16 the provisions of this chapter on agreement of the respondent and after
17 an advisement to the respondent that the criminal complaint would be
18 considered as part of the respondent's criminal history. A
19 successfully completed deferred adjudication shall not be considered
20 part of the respondent's criminal history;

21 (10) "Department" means the department of social and health
22 services;

23 (11) "Detention facility" means a county facility, paid for by the
24 county, for the physical confinement of a juvenile alleged to have
25 committed an offense or an adjudicated offender subject to a
26 disposition or modification order. "Detention facility" includes
27 county group homes, inpatient substance abuse programs, juvenile basic
28 training camps, and electronic monitoring;

29 (12) "Diversion unit" means any probation counselor who enters into
30 a diversion agreement with an alleged youthful offender, or any other
31 person, community accountability board, or other entity except a law
32 enforcement official or entity, with whom the juvenile court
33 administrator has contracted to arrange and supervise such agreements
34 pursuant to RCW 13.40.080, or any person, community accountability
35 board, or other entity specially funded by the legislature to arrange
36 and supervise diversion agreements in accordance with the requirements
37 of this chapter. For purposes of this subsection, "community
38 accountability board" means a board comprised of members of the local
39 community in which the juvenile offender resides. The superior court

1 shall appoint the members. The boards shall consist of at least three
2 and not more than seven members. If possible, the board should include
3 a variety of representatives from the community, such as a law
4 enforcement officer, teacher or school administrator, high school
5 student, parent, and business owner, and should represent the cultural
6 diversity of the local community;

7 (13) "Institution" means a juvenile facility established pursuant
8 to chapters 72.05 and 72.16 through 72.20 RCW;

9 (14) "Juvenile," "youth," and "child" mean any individual who is
10 under the chronological age of eighteen years and who has not been
11 previously transferred to adult court pursuant to RCW 13.40.110 or who
12 is otherwise under adult court jurisdiction;

13 (15) "Juvenile offender" means any juvenile who has been found by
14 the juvenile court to have committed an offense, including a person
15 eighteen years of age or older over whom jurisdiction has been extended
16 under RCW 13.40.300;

17 (16) "Manifest injustice" means a disposition that would either
18 impose an excessive penalty on the juvenile or would impose a serious,
19 and clear danger to society in light of the purposes of this chapter;

20 (17) "Middle offender" means a person who has committed an offense
21 and who is neither a minor or first offender nor a serious offender;

22 (18) "Minor or first offender" means a person whose current
23 offense(s) and criminal history fall entirely within one of the
24 following categories:

25 (a) Four misdemeanors;

26 (b) Two misdemeanors and one gross misdemeanor;

27 (c) One misdemeanor and two gross misdemeanors; and

28 (d) Three gross misdemeanors.

29 For purposes of this definition, current violations shall be
30 counted as misdemeanors;

31 (19) "Offense" means an act designated a violation or a crime if
32 committed by an adult under the law of this state, under any ordinance
33 of any city or county of this state, under any federal law, or under
34 the law of another state if the act occurred in that state;

35 (20) "Respondent" means a juvenile who is alleged or proven to have
36 committed an offense;

37 (21) "Restitution" means financial reimbursement by the offender to
38 the victim, and shall be limited to easily ascertainable damages for
39 injury to or loss of property, actual expenses incurred for medical

1 treatment for physical injury to persons, lost wages resulting from
2 physical injury, and costs of the victim's counseling reasonably
3 related to the offense if the offense is a sex offense. Restitution
4 shall not include reimbursement for damages for mental anguish, pain
5 and suffering, or other intangible losses. Nothing in this chapter
6 shall limit or replace civil remedies or defenses available to the
7 victim or offender;

8 (22) "Secretary" means the secretary of the department of social
9 and health services. "Assistant secretary" means the assistant
10 secretary for juvenile rehabilitation for the department;

11 (23) "Services" mean services which provide alternatives to
12 incarceration for those juveniles who have pleaded or been adjudicated
13 guilty of an offense or have signed a diversion agreement pursuant to
14 this chapter;

15 (24) "Sex offense" means an offense defined as a sex offense in RCW
16 9.94A.030;

17 (25) "Sexual motivation" means that one of the purposes for which
18 the respondent committed the offense was for the purpose of his or her
19 sexual gratification;

20 (26) "Foster care" means temporary physical care in a foster family
21 home or group care facility as defined in RCW 74.15.020 and licensed by
22 the department, or other legally authorized care;

23 (27) "Violation" means an act or omission, which if committed by an
24 adult, must be proven beyond a reasonable doubt, and is punishable by
25 sanctions which do not include incarceration;

26 (28) "Violent offense" means a violent offense as defined in RCW
27 9.94A.030;

28 (29) "Probation bond" means a bond, posted with sufficient security
29 by a surety justified and approved by the court, to secure the
30 offender's appearance at required court proceedings and compliance with
31 court-ordered community supervision or conditions of release ordered
32 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of
33 cash or posting of other collateral in lieu of a bond if approved by
34 the court;

35 (30) "Surety" means an entity licensed under state insurance laws
36 or by the state department of licensing, to write corporate, property,
37 or probation bonds within the state, and justified and approved by the
38 superior court of the county having jurisdiction of the case;

1 (31) "Youth responsibility camp" means an alternative confinement
2 program using tents or structures similar to tents for offenders whose
3 confinement term is less than thirty days. Participating offenders
4 must be required to engage in programs in a setting similar to a camp.
5 Programs must emphasize that consequences exist for delinquent
6 behavior. Offenders must take responsibility for their conduct,
7 develop goals and direction, and develop work ethic, conflict
8 resolution, and team building skills.

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