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SENATE BILL 5466

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State of Washington

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1999 Regular Session

By Senators Costa, Long, Hargrove and Winsley; by request of Department of Social and Health Services

Read first time 01/22/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to sanctions for violating conditions of the  
2 juvenile offender basic training camp program; amending RCW 13.40.320  
3 and 13.40.210; and prescribing penalties.

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

5 **Sec. 1.** RCW 13.40.320 and 1997 c 338 s 38 are each amended to read  
6 as follows:

7 (1) The department of social and health services shall establish  
8 and operate a medium security juvenile offender basic training camp  
9 program. The department shall site a juvenile offender basic training  
10 camp facility in the most cost-effective facility possible and shall  
11 review the possibility of using an existing abandoned and/or available  
12 state, federally, or military-owned site or facility.

13 (2) The department may contract under this chapter with private  
14 companies, the national guard, or other federal, state, or local  
15 agencies to operate the juvenile offender basic training camp,  
16 notwithstanding the provisions of RCW 41.06.380. Requests for  
17 proposals from possible contractors shall not call for payment on a per  
18 diem basis.

1 (3) The juvenile offender basic training camp shall accommodate at  
2 least seventy offenders. The beds shall count as additions to, and not  
3 be used as replacements for, existing bed capacity at existing  
4 department of social and health services juvenile facilities.

5 (4) The juvenile offender basic training camp shall be a structured  
6 and regimented model lasting one hundred twenty days emphasizing the  
7 building up of an offender's self-esteem, confidence, and discipline.  
8 The juvenile offender basic training camp program shall provide  
9 participants with basic education, prevocational training, work-based  
10 learning, live work, work ethic skills, conflict resolution counseling,  
11 substance abuse intervention, anger management counseling, and  
12 structured intensive physical training. The juvenile offender basic  
13 training camp program shall have a curriculum training and work  
14 schedule that incorporates a balanced assignment of these or other  
15 rehabilitation and training components for no less than sixteen hours  
16 per day, six days a week.

17 The department shall adopt rules for the safe and effective  
18 operation of the juvenile offender basic training camp program,  
19 standards for an offender's successful program completion, and rules  
20 for the continued after-care supervision of offenders who have  
21 successfully completed the program.

22 (5) Offenders eligible for the juvenile offender basic training  
23 camp option shall be those with a disposition of not more than sixty-  
24 five weeks. Violent and sex offenders shall not be eligible for the  
25 juvenile offender basic training camp program.

26 (6) If the court determines that the offender is eligible for the  
27 juvenile offender basic training camp option, the court may recommend  
28 that the department place the offender in the program. The department  
29 shall evaluate the offender and may place the offender in the program.  
30 The evaluation shall include, at a minimum, a risk assessment developed  
31 by the department and designed to determine the offender's suitability  
32 for the program. No juvenile who is assessed as a high risk offender  
33 or suffers from any mental or physical problems that could endanger his  
34 or her health or drastically affect his or her performance in the  
35 program shall be admitted to or retained in the juvenile offender basic  
36 training camp program.

37 (7) All juvenile offenders eligible for the juvenile offender basic  
38 training camp sentencing option shall spend one hundred twenty days of  
39 their disposition in a juvenile offender basic training camp. If the

1 juvenile offender's activities while in the juvenile offender basic  
2 training camp are so disruptive to the juvenile offender basic training  
3 camp program, as determined by the secretary according to rules adopted  
4 by the department, as to result in the removal of the juvenile offender  
5 from the juvenile offender basic training camp program, or if the  
6 offender cannot complete the juvenile offender basic training camp  
7 program due to medical problems, the secretary shall require that the  
8 offender be committed to a juvenile institution to serve the entire  
9 remainder of his or her disposition, less the amount of time already  
10 served in the juvenile offender basic training camp program.

11 (8) All offenders who successfully graduate from the one hundred  
12 twenty day juvenile offender basic training camp program shall spend  
13 the remainder of their disposition on parole in a ~~((division of))~~  
14 juvenile rehabilitation administration intensive aftercare program in  
15 the local community. A violation of conditions of parole is subject to  
16 sanctions specified in RCW 13.40.210(4). The program shall provide for  
17 the needs of the offender based on his or her progress in the aftercare  
18 program as indicated by ongoing assessment of those needs and progress.  
19 The intensive aftercare program shall monitor postprogram juvenile  
20 offenders and assist them to successfully reintegrate into the  
21 community. In addition, the program shall develop a process for  
22 closely monitoring and assessing public safety risks. The intensive  
23 aftercare program shall be designed and funded by the department of  
24 social and health services.

25 (9) The department shall also develop and maintain a data base to  
26 measure recidivism rates specific to this incarceration program. The  
27 data base shall maintain data on all juvenile offenders who complete  
28 the juvenile offender basic training camp program for a period of two  
29 years after they have completed the program. The data base shall also  
30 maintain data on the criminal activity, educational progress, and  
31 employment activities of all juvenile offenders who participated in the  
32 program.

33 **Sec. 2.** RCW 13.40.210 and 1997 c 338 s 32 are each amended to read  
34 as follows:

35 (1) The secretary shall, except in the case of a juvenile committed  
36 by a court to a term of confinement in a state institution outside the  
37 appropriate standard range for the offense(s) for which the juvenile  
38 was found to be guilty established pursuant to RCW 13.40.030, set a

1 release or discharge date for each juvenile committed to its custody.  
2 The release or discharge date shall be within the prescribed range to  
3 which a juvenile has been committed except as provided in RCW 13.40.320  
4 concerning offenders the department determines are eligible for the  
5 juvenile offender basic training camp program. Such dates shall be  
6 determined prior to the expiration of sixty percent of a juvenile's  
7 minimum term of confinement included within the prescribed range to  
8 which the juvenile has been committed. The secretary shall release any  
9 juvenile committed to the custody of the department within four  
10 calendar days prior to the juvenile's release date or on the release  
11 date set under this chapter. Days spent in the custody of the  
12 department shall be tolled by any period of time during which a  
13 juvenile has absented himself or herself from the department's  
14 supervision without the prior approval of the secretary or the  
15 secretary's designee.

16 (2) The secretary shall monitor the average daily population of the  
17 state's juvenile residential facilities. When the secretary concludes  
18 that in-residence population of residential facilities exceeds one  
19 hundred five percent of the rated bed capacity specified in statute, or  
20 in absence of such specification, as specified by the department in  
21 rule, the secretary may recommend reductions to the governor. On  
22 certification by the governor that the recommended reductions are  
23 necessary, the secretary has authority to administratively release a  
24 sufficient number of offenders to reduce in-residence population to one  
25 hundred percent of rated bed capacity. The secretary shall release  
26 those offenders who have served the greatest proportion of their  
27 sentence. However, the secretary may deny release in a particular case  
28 at the request of an offender, or if the secretary finds that there is  
29 no responsible custodian, as determined by the department, to whom to  
30 release the offender, or if the release of the offender would pose a  
31 clear danger to society. The department shall notify the committing  
32 court of the release at the time of release if any such early releases  
33 have occurred as a result of excessive in-residence population. In no  
34 event shall an offender adjudicated of a violent offense be granted  
35 release under the provisions of this subsection.

36 (3)(a) Following the juvenile's release under subsection (1) of  
37 this section, the secretary may require the juvenile to comply with a  
38 program of parole to be administered by the department in his or her  
39 community which shall last no longer than eighteen months, except that

1 in the case of a juvenile sentenced for rape in the first or second  
2 degree, rape of a child in the first or second degree, child  
3 molestation in the first degree, or indecent liberties with forcible  
4 compulsion, the period of parole shall be twenty-four months and, in  
5 the discretion of the secretary, may be up to thirty-six months when  
6 the secretary finds that an additional period of parole is necessary  
7 and appropriate in the interests of public safety or to meet the  
8 ongoing needs of the juvenile. A parole program is mandatory for  
9 offenders released under subsection (2) of this section. The decision  
10 to place an offender on parole shall be based on an assessment by the  
11 department of the offender's risk for reoffending upon release. The  
12 department shall prioritize available parole resources to provide  
13 supervision and services to offenders at moderate to high risk for  
14 reoffending.

15 (b) The secretary shall, for the period of parole, facilitate the  
16 juvenile's reintegration into his or her community and to further this  
17 goal shall require the juvenile to refrain from possessing a firearm or  
18 using a deadly weapon and refrain from committing new offenses and may  
19 require the juvenile to: (i) Undergo available medical, psychiatric,  
20 drug and alcohol, sex offender, mental health, and other offense-  
21 related treatment services; (ii) report as directed to a parole officer  
22 and/or designee; (iii) pursue a course of study, vocational training,  
23 or employment; (iv) notify the parole officer of the current address  
24 where he or she resides; (v) be present at a particular address during  
25 specified hours; (vi) remain within prescribed geographical boundaries;  
26 (vii) submit to electronic monitoring; (viii) refrain from using  
27 illegal drugs and alcohol, and submit to random urinalysis when  
28 requested by the assigned parole officer; (ix) refrain from contact  
29 with specific individuals or a specified class of individuals; (x) meet  
30 other conditions determined by the parole officer to further enhance  
31 the juvenile's reintegration into the community; (xi) pay any court-  
32 ordered fines or restitution; and (xii) perform community service.  
33 Community service for the purpose of this section means compulsory  
34 service, without compensation, performed for the benefit of the  
35 community by the offender. Community service may be performed through  
36 public or private organizations or through work crews.

37 (c) The secretary may further require up to twenty-five percent of  
38 the highest risk juvenile offenders who are placed on parole to  
39 participate in an intensive supervision program. Offenders

1 participating in an intensive supervision program shall be required to  
2 comply with all terms and conditions listed in (b) of this subsection  
3 and shall also be required to comply with the following additional  
4 terms and conditions: (i) Obey all laws and refrain from any conduct  
5 that threatens public safety; (ii) report at least once a week to an  
6 assigned community case manager; and (iii) meet all other requirements  
7 imposed by the community case manager related to participating in the  
8 intensive supervision program. As a part of the intensive supervision  
9 program, the secretary may require day reporting.

10 (d) After termination of the parole period, the juvenile shall be  
11 discharged from the department's supervision.

12 (4)(a) The department may also modify parole for violation thereof.  
13 If, after affording a juvenile all of the due process rights to which  
14 he or she would be entitled if the juvenile were an adult, the  
15 secretary finds that a juvenile has violated a condition of his or her  
16 parole, the secretary shall order one of the following which is  
17 reasonably likely to effectuate the purpose of the parole and to  
18 protect the public: (i) Continued supervision under the same  
19 conditions previously imposed; (ii) intensified supervision with  
20 increased reporting requirements; (iii) additional conditions of  
21 supervision authorized by this chapter; (iv) except as provided in  
22 (a)(v) and (vi) of this subsection, imposition of a period of  
23 confinement not to exceed thirty days in a facility operated by or  
24 pursuant to a contract with the state of Washington or any city or  
25 county for a portion of each day or for a certain number of days each  
26 week with the balance of the days or weeks spent under supervision;  
27 ~~((and))~~ (v) the secretary may order any of the conditions or may return  
28 the offender to confinement for the remainder of the sentence range if  
29 the offense for which the offender was sentenced is rape in the first  
30 or second degree, rape of a child in the first or second degree, child  
31 molestation in the first degree, indecent liberties with forcible  
32 compulsion, or a sex offense that is also a serious violent offense as  
33 defined by RCW 9.94A.030; and (vi) the secretary may order any of the  
34 conditions or may return the offender to confinement for the remainder  
35 of the sentence range if the youth has completed the basic training  
36 camp as described in RCW 13.40.320.

37 (b) If the department finds that any juvenile in a program of  
38 parole has possessed a firearm or used a deadly weapon during the  
39 program of parole, the department shall modify the parole under (a) of

1 this subsection and confine the juvenile for at least thirty days.  
2 Confinement shall be in a facility operated by or pursuant to a  
3 contract with the state or any county.

4 (5) A parole officer of the department of social and health  
5 services shall have the power to arrest a juvenile under his or her  
6 supervision on the same grounds as a law enforcement officer would be  
7 authorized to arrest the person.

8 (6) If so requested and approved under chapter 13.06 RCW, the  
9 secretary shall permit a county or group of counties to perform  
10 functions under subsections (3) through (5) of this section.

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