

**ESSB 5903 - H AMD 541**

By Representative Dickerson

ADOPTED 04/27/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 72.05 RCW  
4 to read as follows:

5 (1) It is the intent of the legislature that appropriate treatment  
6 services be provided to juvenile offenders in order to achieve  
7 rehabilitation. The treatment should be provided at either local  
8 detention facilities or at state institutions depending upon which  
9 facility best meets the needs of the individual juvenile offender.

10 (2) No juvenile rehabilitation administration institution shall be  
11 closed without specific authorization in an act of the legislature.

12 (3) If a juvenile rehabilitation administration institution is  
13 closed by the legislature, the department of corrections shall be  
14 prohibited from operating the institution and the institution shall not  
15 be used to incarcerate adult offenders.

16 **Sec. 2.** RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are  
17 each reenacted and amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

.....

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D

1	D	Reckless Burning 2 (9A.48.050)	E
2	B	Malicious Mischief 1 (9A.48.070)	C
3	C	Malicious Mischief 2 (9A.48.080)	D
4	D	Malicious Mischief 3 (<\$50 is E class)	
5		(9A.48.090)	E
6	E	Tampering with Fire Alarm Apparatus	
7		(9.40.100)	E
8	A	Possession of Incendiary Device (9.40.120)	B+
9		<b>Assault and Other Crimes Involving</b>	
10		<b>Physical Harm</b>	
11	A	Assault 1 (9A.36.011)	B+
12	B+	Assault 2 (9A.36.021)	C+
13	C+	Assault 3 (9A.36.031)	D+
14	D+	Assault 4 (9A.36.041)	E
15	B+	Drive-By Shooting (9A.36.045)	C+
16	D+	Reckless Endangerment (9A.36.050)	E
17	C+	Promoting Suicide Attempt (9A.36.060)	D+
18	D+	Coercion (9A.36.070)	E
19	C+	Custodial Assault (9A.36.100)	D+
20		<b>Burglary and Trespass</b>	
21	B+	Burglary 1 (9A.52.020)	C+
22	B	Residential Burglary (9A.52.025)	C
23	B	Burglary 2 (9A.52.030)	C
24	D	Burglary Tools (Possession of) (9A.52.060)	E
25	D	Criminal Trespass 1 (9A.52.070)	E
26	E	Criminal Trespass 2 (9A.52.080)	E
27	C	Vehicle Prowling 1 (9A.52.095)	D
28	D	Vehicle Prowling 2 (9A.52.100)	E
29		<b>Drugs</b>	
30	E	Possession/Consumption of Alcohol	
31		(66.44.270)	E
32	C	Illegally Obtaining Legend Drug	
33		(69.41.020)	D
34	C+	Sale, Delivery, Possession of Legend Drug	
35		with Intent to Sell (69.41.030)	D+
36	E	Possession of Legend Drug (69.41.030)	E

1	B+	Violation of Uniform Controlled	
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam Sale	
4		(69.50.401(a)(1) (i) or (ii))	B+
5	C	Violation of Uniform Controlled	
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(a)(1)(iii))	C
8	E	Possession of Marihuana <40 grams	
9		(69.50.401(e))	E
10	C	Fraudulently Obtaining Controlled	
11		Substance (69.50.403)	C
12	C+	Sale of Controlled Substance for Profit	
13		(69.50.410)	C+
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam	
18		Counterfeit Substances (69.50.401(b)(1) (i)	
19		or (ii))	B
20	C	Violation of Uniform Controlled	
21		Substances Act - Nonnarcotic Counterfeit	
22		Substances (69.50.401(b)(1) (iii), (iv), (v))	C
23	C	Violation of Uniform Controlled	
24		Substances Act - Possession of a Controlled	
25		Substance (69.50.401(d))	C
26	C	Violation of Uniform Controlled	
27		Substances Act - Possession of a Controlled	
28		Substance (69.50.401(c))	C
29		<b>Firearms and Weapons</b>	
30	B	Theft of Firearm (9A.56.300)	C
31	B	Possession of Stolen Firearm (9A.56.310)	C
32	E	Carrying Loaded Pistol Without Permit	
33		(9.41.050)	E
34	C	Possession of Firearms by Minor (<18)	
35		(9.41.040(1)(b)(iii))	C
36	D+	Possession of Dangerous Weapon	
37		(9.41.250)	E

1	D	Intimidating Another Person by use of	
2		Weapon (9A.41.270)	E
3		<b>Homicide</b>	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		<b>Kidnapping</b>	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment (9A.40.040)	D+
13		<b>Obstructing Governmental Operation</b>	
14	D	Obstructing a Law Enforcement Officer	
15		(9A.76.020)	E
16	E	Resisting Arrest (9A.76.040)	E
17	B	Introducing Contraband 1 (9A.76.140)	C
18	C	Introducing Contraband 2 (9A.76.150)	D
19	E	Introducing Contraband 3 (9A.76.160)	E
20	B+	Intimidating a Public Servant (9A.76.180)	C+
21	B+	Intimidating a Witness (9A.72.110)	C+
22		<b>Public Disturbance</b>	
23	C+	Riot with Weapon (9A.84.010)	D+
24	D+	Riot Without Weapon (9A.84.010)	E
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		<b>Sex Crimes</b>	
28	A	Rape 1 (9A.44.040)	B+
29	A-	Rape 2 (9A.44.050)	B+
30	C+	Rape 3 (9A.44.060)	D+
31	A-	Rape of a Child 1 (9A.44.073)	B+
32	B+	Rape of a Child 2 (9A.44.076)	C+
33	B	Incest 1 (9A.64.020(1))	C
34	C	Incest 2 (9A.64.020(2))	D
35	D+	Indecent Exposure (Victim <14)	
36		(9A.88.010)	E

1	E	Indecent Exposure (Victim 14 or over)	
2		(9A.88.010)	E
3	B+	Promoting Prostitution 1 (9A.88.070)	C+
4	C+	Promoting Prostitution 2 (9A.88.080)	D+
5	E	O & A (Prostitution) (9A.88.030)	E
6	B+	Indecent Liberties (9A.44.100)	C+
7	A-	Child Molestation 1 (9A.44.083)	B+
8	B	Child Molestation 2 (9A.44.086)	C+
9		<b>Theft, Robbery, Extortion, and Forgery</b>	
10	B	Theft 1 (9A.56.030)	C
11	C	Theft 2 (9A.56.040)	D
12	D	Theft 3 (9A.56.050)	E
13	B	Theft of Livestock (9A.56.080)	C
14	C	Forgery (9A.60.020)	D
15	A	Robbery 1 (9A.56.200)	B+
16	B+	Robbery 2 (9A.56.210)	C+
17	B+	Extortion 1 (9A.56.120)	C+
18	C+	Extortion 2 (9A.56.130)	D+
19	C	Identity Theft 1 (9.35.020(2)(a))	D
20	D	Identity Theft 2 (9.35.020(2)(b))	E
21	D	Improperly Obtaining Financial	
22		Information (9.35.010)	E
23	B	Possession of Stolen Property 1	
24		(9A.56.150)	C
25	C	Possession of Stolen Property 2	
26		(9A.56.160)	D
27	D	Possession of Stolen Property 3	
28		(9A.56.170)	E
29	C	Taking Motor Vehicle Without Permission	
30		1 and 2 (9A.56.070 (1) and (2))	D
31		<b>Motor Vehicle Related Crimes</b>	
32	E	Driving Without a License (46.20.005)	E
33	B+	Hit and Run - Death (46.52.020(4)(a))	C+
34	C	Hit and Run - Injury (46.52.020(4)(b))	D
35	D	Hit and Run-Attended (46.52.020(5))	E
36	E	Hit and Run-Unattended (46.52.010)	E
37	C	Vehicular Assault (46.61.522)	D

1	C	Attempting to Elude Pursuing Police	
2		Vehicle (46.61.024)	D
3	E	Reckless Driving (46.61.500)	E
4	D	Driving While Under the Influence	
5		(46.61.502 and 46.61.504)	E
6		<b>Other</b>	
7	B	Bomb Threat (9.61.160)	C
8	C	Escape 1 <sup>1</sup> (9A.76.110)	C
9	C	Escape 2 <sup>1</sup> (9A.76.120)	C
10	D	Escape 3 (9A.76.130)	E
11	E	Obscene, Harassing, Etc., Phone Calls	
12		(9.61.230)	E
13	A	Other Offense Equivalent to an Adult Class	
14		A Felony	B+
15	B	Other Offense Equivalent to an Adult Class	
16		B Felony	C
17	C	Other Offense Equivalent to an Adult Class	
18		C Felony	D
19	D	Other Offense Equivalent to an Adult	
20		Gross Misdemeanor	E
21	E	Other Offense Equivalent to an Adult	
22		Misdemeanor	E
23	V	Violation of Order of Restitution,	
24		Community Supervision, or Confinement	
25		(13.40.200) <sup>2</sup>	V

26 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
27 and the standard range is established as follows:

28 1st escape or attempted escape during 12-month period - 4 weeks  
29 confinement

30 2nd escape or attempted escape during 12-month period - 8 weeks  
31 confinement

32 3rd and subsequent escape or attempted escape during 12-month  
33 period - 12 weeks confinement

34 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
35 it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, ((~~C~~)) C, D, or section 4 of this act.

**OPTION A  
JUVENILE OFFENDER SENTENCING GRID  
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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Current Offense Category	B+	15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B	LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS
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C+	LS			15-36 WEEKS	
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C	LS				15-36 WEEKS
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Local Sanctions:  
0 to 30 Days

D+	LS	0 to 12 Months Community Supervision 0 to 150 Hours Community Restitution			
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D LS \$0 to \$500 Fine

E LS

0            1            2            3            4  
or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

1 (1) The vertical axis of the grid is the current offense category.  
2 The current offense category is determined by the offense of  
3 adjudication.

4 (2) The horizontal axis of the grid is the number of prior  
5 adjudications included in the juvenile's criminal history. Each prior  
6 felony adjudication shall count as one point. Each prior violation,  
7 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
8 point. Fractional points shall be rounded down.

9 (3) The standard range disposition for each offense is determined  
10 by the intersection of the column defined by the prior adjudications  
11 and the row defined by the current offense category.

12 (4) RCW 13.40.180 applies if the offender is being sentenced for  
13 more than one offense.

14 (5) A current offense that is a violation is equivalent to an  
15 offense category of E. However, a disposition for a violation shall  
16 not include confinement.

17 OR

18 OPTION B

19 SUSPENDED DISPOSITION ALTERNATIVE

20 (1) If the offender is subject to a standard range disposition  
21 involving confinement by the department, the court may impose the  
22 standard range and suspend the disposition on condition that the  
23 offender comply with one or more local sanctions and any educational or  
24 treatment requirement. The treatment programs provided to the offender  
25 must be research-based best practice programs as identified by the  
26 Washington state institute for public policy or the joint legislative  
27 audit and review committee.

28 (2) If the offender fails to comply with the suspended disposition,  
29 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke  
30 the suspended disposition and order the disposition's execution.

31 (3) An offender is ineligible for the suspended disposition option  
32 under this section if the offender is:

33 (a) Adjudicated of an A+ offense;

34 (b) Fourteen years of age or older and is adjudicated of one or  
35 more of the following offenses:

1 (i) A class A offense, or an attempt, conspiracy, or solicitation  
2 to commit a class A offense;

3 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

4 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
5 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW  
6 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential  
7 burglary (RCW 9A.52.025), burglary in the second degree (RCW  
8 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW  
9 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a  
10 witness (RCW 9A.72.110), violation of the uniform controlled substances  
11 act (RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2 (RCW  
12 9A.32.070), when the offense includes infliction of bodily harm upon  
13 another or when during the commission or immediate withdrawal from the  
14 offense the respondent was armed with a deadly weapon;

15 (c) Ordered to serve a disposition for a firearm violation under  
16 RCW 13.40.193; or

17 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

18 **OR**

19 **OPTION C**

20 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

21 If the juvenile offender is subject to a standard range disposition  
22 of local sanctions or 15 to 36 weeks of confinement and has not  
23 committed an A- or B+ offense, the court may impose a disposition  
24 under RCW 13.40.160(4) and 13.40.165.

25 **OR**

26 **OPTION ((E)) D**

27 **MANIFEST INJUSTICE**

28 If the court determines that a disposition under option A (~~(E)~~), B, or  
29 C would effectuate a manifest injustice, the court shall impose a  
30 disposition outside the standard range under RCW 13.40.160(2).

31 **Sec. 3.** RCW 13.40.160 and 2002 c 175 s 22 are each amended to read  
32 as follows:

33 (1) The standard range disposition for a juvenile adjudicated of an  
34 offense is determined according to RCW 13.40.0357.

1 (a) When the court sentences an offender to a local sanction as  
2 provided in RCW 13.40.0357 option A, the court shall impose a  
3 determinate disposition within the standard ranges, except as provided  
4 in subsection(~~(s)~~) (2), (3), (~~(and)~~) (4), (5), or (6) of this section.  
5 The disposition may be comprised of one or more local sanctions.

6 (b) When the court sentences an offender to a standard range as  
7 provided in RCW 13.40.0357 option A that includes a term of confinement  
8 exceeding thirty days, commitment shall be to the department for the  
9 standard range of confinement, except as provided in subsection(~~(s)~~)  
10 (2), (3), (~~(and)~~) (4), (5), or (6) of this section.

11 (2) If the court concludes, and enters reasons for its conclusion,  
12 that disposition within the standard range would effectuate a manifest  
13 injustice the court shall impose a disposition outside the standard  
14 range, as indicated in option (~~(E)~~) D of RCW 13.40.0357. The court's  
15 finding of manifest injustice shall be supported by clear and  
16 convincing evidence.

17 A disposition outside the standard range shall be determinate and  
18 shall be comprised of confinement or community supervision, or a  
19 combination thereof. When a judge finds a manifest injustice and  
20 imposes a sentence of confinement exceeding thirty days, the court  
21 shall sentence the juvenile to a maximum term, and the provisions of  
22 RCW 13.40.030(2) shall be used to determine the range. A disposition  
23 outside the standard range is appealable under RCW 13.40.230 by the  
24 state or the respondent. A disposition within the standard range is  
25 not appealable under RCW 13.40.230.

26 (3) When a juvenile offender is found to have committed a sex  
27 offense, other than a sex offense that is also a serious violent  
28 offense as defined by RCW 9.94A.030, and has no history of a prior sex  
29 offense, the court, on its own motion or the motion of the state or the  
30 respondent, may order an examination to determine whether the  
31 respondent is amenable to treatment.

32 The report of the examination shall include at a minimum the  
33 following: The respondent's version of the facts and the official  
34 version of the facts, the respondent's offense history, an assessment  
35 of problems in addition to alleged deviant behaviors, the respondent's  
36 social, educational, and employment situation, and other evaluation

1 measures used. The report shall set forth the sources of the  
2 evaluator's information.

3 The examiner shall assess and report regarding the respondent's  
4 amenability to treatment and relative risk to the community. A  
5 proposed treatment plan shall be provided and shall include, at a  
6 minimum:

7 (a)(i) Frequency and type of contact between the offender and  
8 therapist;

9 (ii) Specific issues to be addressed in the treatment and  
10 description of planned treatment modalities;

11 (iii) Monitoring plans, including any requirements regarding living  
12 conditions, lifestyle requirements, and monitoring by family members,  
13 legal guardians, or others;

14 (iv) Anticipated length of treatment; and

15 (v) Recommended crime-related prohibitions.

16 The court on its own motion may order, or on a motion by the state  
17 shall order, a second examination regarding the offender's amenability  
18 to treatment. The evaluator shall be selected by the party making the  
19 motion. The defendant shall pay the cost of any second examination  
20 ordered unless the court finds the defendant to be indigent in which  
21 case the state shall pay the cost.

22 After receipt of reports of the examination, the court shall then  
23 consider whether the offender and the community will benefit from use  
24 of this special sex offender disposition alternative and consider the  
25 victim's opinion whether the offender should receive a treatment  
26 disposition under this section. If the court determines that this  
27 special sex offender disposition alternative is appropriate, then the  
28 court shall impose a determinate disposition within the standard range  
29 for the offense, or if the court concludes, and enters reasons for its  
30 conclusions, that such disposition would cause a manifest injustice,  
31 the court shall impose a disposition under option ((E)) D, and the  
32 court may suspend the execution of the disposition and place the  
33 offender on community supervision for at least two years. As a  
34 condition of the suspended disposition, the court may impose the  
35 conditions of community supervision and other conditions, including up  
36 to thirty days of confinement and requirements that the offender do any  
37 one or more of the following:

1 (b)(i) Devote time to a specific education, employment, or  
2 occupation;

3 (ii) Undergo available outpatient sex offender treatment for up to  
4 two years, or inpatient sex offender treatment not to exceed the  
5 standard range of confinement for that offense. A community mental  
6 health center may not be used for such treatment unless it has an  
7 appropriate program designed for sex offender treatment. The  
8 respondent shall not change sex offender treatment providers or  
9 treatment conditions without first notifying the prosecutor, the  
10 probation counselor, and the court, and shall not change providers  
11 without court approval after a hearing if the prosecutor or probation  
12 counselor object to the change;

13 (iii) Remain within prescribed geographical boundaries and notify  
14 the court or the probation counselor prior to any change in the  
15 offender's address, educational program, or employment;

16 (iv) Report to the prosecutor and the probation counselor prior to  
17 any change in a sex offender treatment provider. This change shall  
18 have prior approval by the court;

19 (v) Report as directed to the court and a probation counselor;

20 (vi) Pay all court-ordered legal financial obligations, perform  
21 community restitution, or any combination thereof;

22 (vii) Make restitution to the victim for the cost of any counseling  
23 reasonably related to the offense;

24 (viii) Comply with the conditions of any court-ordered probation  
25 bond; or

26 (ix) The court shall order that the offender may not attend the  
27 public or approved private elementary, middle, or high school attended  
28 by the victim or the victim's siblings. The parents or legal guardians  
29 of the offender are responsible for transportation or other costs  
30 associated with the offender's change of school that would otherwise be  
31 paid by the school district. The court shall send notice of the  
32 disposition and restriction on attending the same school as the victim  
33 or victim's siblings to the public or approved private school the  
34 juvenile will attend, if known, or if unknown, to the approved private  
35 schools and the public school district board of directors of the  
36 district in which the juvenile resides or intends to reside. This

1 notice must be sent at the earliest possible date but not later than  
2 ten calendar days after entry of the disposition.

3 The sex offender treatment provider shall submit quarterly reports  
4 on the respondent's progress in treatment to the court and the parties.  
5 The reports shall reference the treatment plan and include at a minimum  
6 the following: Dates of attendance, respondent's compliance with  
7 requirements, treatment activities, the respondent's relative progress  
8 in treatment, and any other material specified by the court at the time  
9 of the disposition.

10 At the time of the disposition, the court may set treatment review  
11 hearings as the court considers appropriate.

12 Except as provided in this subsection (3), after July 1, 1991,  
13 examinations and treatment ordered pursuant to this subsection shall  
14 only be conducted by sex offender treatment providers certified by the  
15 department of health pursuant to chapter 18.155 RCW. A sex offender  
16 therapist who examines or treats a juvenile sex offender pursuant to  
17 this subsection does not have to be certified by the department of  
18 health pursuant to chapter 18.155 RCW if the court finds that: (A) The  
19 offender has already moved to another state or plans to move to another  
20 state for reasons other than circumventing the certification  
21 requirements; (B) no certified providers are available for treatment  
22 within a reasonable geographical distance of the offender's home; and  
23 (C) the evaluation and treatment plan comply with this subsection (3)  
24 and the rules adopted by the department of health.

25 If the offender violates any condition of the disposition or the  
26 court finds that the respondent is failing to make satisfactory  
27 progress in treatment, the court may revoke the suspension and order  
28 execution of the disposition or the court may impose a penalty of up to  
29 thirty days' confinement for violating conditions of the disposition.  
30 The court may order both execution of the disposition and up to thirty  
31 days' confinement for the violation of the conditions of the  
32 disposition. The court shall give credit for any confinement time  
33 previously served if that confinement was for the offense for which the  
34 suspension is being revoked.

35 For purposes of this section, "victim" means any person who has  
36 sustained emotional, psychological, physical, or financial injury to

1 person or property as a direct result of the crime charged. "Victim"  
2 may also include a known parent or guardian of a victim who is a minor  
3 child unless the parent or guardian is the perpetrator of the offense.

4 A disposition entered under this subsection (3) is not appealable  
5 under RCW 13.40.230.

6 (4) If the juvenile offender is subject to a standard range  
7 disposition of local sanctions or 15 to 36 weeks of confinement and has  
8 not committed an A- or B+ offense, the court may impose the disposition  
9 alternative under RCW 13.40.165.

10 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of  
11 confinement, the court may impose the disposition alternative under  
12 section 4 of this act.

13 (6) When the offender is subject to a standard range commitment of  
14 15 to 36 weeks and is ineligible for a suspended disposition  
15 alternative, a manifest injustice disposition below the standard range,  
16 special sex offender disposition alternative, chemical dependency  
17 disposition alternative, or mental health disposition alternative, the  
18 court in a county with a pilot program under section 5 of this act may  
19 impose the disposition alternative under section 5 of this act.

20 (7) RCW 13.40.193 shall govern the disposition of any juvenile  
21 adjudicated of possessing a firearm in violation of RCW  
22 9.41.040(1)(b)(iii) or any crime in which a special finding is entered  
23 that the juvenile was armed with a firearm.

24 ((+6)) (8) Whenever a juvenile offender is entitled to credit for  
25 time spent in detention prior to a dispositional order, the  
26 dispositional order shall specifically state the number of days of  
27 credit for time served.

28 ((+7)) (9) Except as provided under subsection (3) ((+8)) (4),  
29 (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW  
30 13.40.127, the court shall not suspend or defer the imposition or the  
31 execution of the disposition.

32 ((+8)) (10) In no case shall the term of confinement imposed by  
33 the court at disposition exceed that to which an adult could be  
34 subjected for the same offense.

35 NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW  
36 to read as follows:

1 (1) When an offender is subject to a standard range commitment of  
2 15 to 65 weeks, the court may:

3 (a) Impose the standard range; or

4 (b) Suspend the standard range disposition on condition that the  
5 offender complies with the terms of this mental health disposition  
6 alternative.

7 (2) The court may impose this disposition alternative when the  
8 court finds the following:

9 (a) The offender has a current diagnosis, consistent with the  
10 American psychiatry association diagnostic and statistical manual of  
11 mental disorders, of axis I psychiatric disorder, excluding youth that  
12 are diagnosed as solely having a conduct disorder, oppositional defiant  
13 disorder, substance abuse disorder, paraphilia, or pedophilia;

14 (b) An appropriate treatment option is available in the local  
15 community;

16 (c) The plan for the offender identifies and addresses requirements  
17 for successful participation and completion of the treatment  
18 intervention program including: Incentives and graduated sanctions  
19 designed specifically for amenable youth, including the use of  
20 detention, detoxication, and in-patient or outpatient substance abuse  
21 treatment and psychiatric hospitalization, and structured community  
22 support consisting of mental health providers, probation, educational  
23 and vocational advocates, child welfare services, and family and  
24 community support. For any mental health treatment ordered for an  
25 offender under this section, the treatment option selected shall be  
26 chosen from among programs which have been successful in addressing  
27 mental health needs of juveniles and successful in mental health  
28 treatment of juveniles and identified as research-based best practice  
29 programs. A list of programs which meet these criteria shall be agreed  
30 upon by: The Washington association of juvenile court administrators,  
31 the juvenile rehabilitation administration of the department of social  
32 and health services, a representative of the division of public  
33 behavioral health and justice policy at the University of Washington,  
34 and the Washington institute for public policy. The list of programs  
35 shall be created not later than July 1, 2003. The group shall provide  
36 the list to all superior courts, its own membership, the legislature,

1 and the governor. The group shall meet annually and revise the list as  
2 appropriate; and

3 (d) The offender, offender's family, and community will benefit  
4 from use of the mental health disposition alternative.

5 (3) The court on its own motion may order, or on motion by either  
6 party, shall order a comprehensive mental health evaluation to  
7 determine if the offender has a designated mental disorder. The court  
8 may also order a chemical dependency evaluation to determine if the  
9 offender also has a co-occurring chemical dependency disorder. The  
10 evaluation shall include at a minimum the following: The offender's  
11 version of the facts and the official version of the facts, the  
12 offender's offense, an assessment of the offender's mental health and  
13 drug-alcohol problems and previous treatment attempts, and the  
14 offender's social, criminal, educational, and employment history and  
15 living situation.

16 (4) The evaluator shall determine if the offender is amenable to  
17 research-based treatment. A proposed case management and treatment  
18 plan shall include at a minimum:

- 19 (a) The availability of treatment;
- 20 (b) Anticipated length of treatment;
- 21 (c) Whether one or more treatment interventions are proposed and  
22 the anticipated sequence of those treatment interventions;
- 23 (d) The education plan;
- 24 (e) The residential plan; and
- 25 (f) The monitoring plan.

26 (5) The court on its own motion may order, or on motion by either  
27 party, shall order a second mental health or chemical dependency  
28 evaluation. The party making the motion shall select the evaluator.  
29 The requesting party shall pay the cost of any examination ordered  
30 under this subsection and subsection (3) of this section unless the  
31 court finds the offender is indigent and no third party insurance  
32 coverage is available, in which case the state shall pay the cost.

33 (6) Upon receipt of the assessments, evaluations, and reports the  
34 court shall consider whether the offender and the community will  
35 benefit from use of the mental health disposition alternative. The  
36 court shall consider the victim's opinion whether the offender should  
37 receive the option.

1 (7) If the court determines that the mental health disposition  
2 alternative is appropriate, the court shall impose a standard range  
3 disposition of not more than 65 weeks, suspend execution of the  
4 disposition, and place the offender on community supervision up to one  
5 year and impose one or more other local sanctions. Confinement in a  
6 secure county detention facility, other than county group homes,  
7 inpatient psychiatric treatment facilities, and substance abuse  
8 programs, shall be limited to thirty days. As a condition of a  
9 suspended disposition, the court shall require the offender to  
10 participate in the recommended treatment interventions.

11 (8) The treatment providers shall submit monthly reports to the  
12 court and parties on the offender's progress in treatment. The report  
13 shall reference the treatment plan and include at a minimum the  
14 following: Dates of attendance, offender's compliance with  
15 requirements, treatment activities, medication management, the  
16 offender's relative progress in treatment, and any other material  
17 specified by the court at the time of the disposition.

18 (9) If the offender fails to comply with the suspended disposition,  
19 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke  
20 the suspended disposition and order the disposition's execution.

21 (10) An offender is ineligible for the mental health disposition  
22 option under this section if the offender is adjudicated of a sex or  
23 violent offense as defined in RCW 9.94A.030.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW  
25 to read as follows:

26 Any charter county with a population of not more than seventy  
27 thousand shall establish a pilot program to implement the community  
28 commitment disposition alternative contained in this section. The  
29 pilot project shall be limited to five beds.

30 (1) When the offender is subject to a standard range commitment of  
31 15 to 36 weeks and is ineligible for a suspended disposition  
32 alternative, a manifest injustice disposition below the standard range,  
33 special sex offender disposition alternative, chemical dependency  
34 disposition alternative, or mental health disposition alternative, the  
35 court in a county with a pilot program under this section may impose a  
36 community commitment disposition alternative and:

1 (a) Retain juvenile court jurisdiction over the youth;

2 (b) Confine the youth in a county detention facility for a period  
3 of time not to exceed thirty days; and

4 (c) Impose a term of postrelease community supervision for up to  
5 one year.

6 If the youth receives a standard range disposition, the court shall  
7 set the release date within the standard range. The court shall  
8 determine the release date prior to expiration of sixty percent of the  
9 juvenile's minimum term of confinement.

10 (2) The court may impose this community commitment disposition  
11 alternative if the court finds the following:

12 (a) Placement in a local detention facility in close proximity to  
13 the youth's family or local support systems will facilitate a smoother  
14 reintegration to the youth's family and community;

15 (b) Placement in the local detention facility will allow the youth  
16 to benefit from locally provided family intervention programs and other  
17 research-based treatment programs, school, employment, and drug and  
18 alcohol or mental health counseling; or

19 (c) Confinement in a facility operated by the department would  
20 result in a negative disruption to local services, school, or  
21 employment or impede or delay developing those services and support  
22 systems in the community.

23 (3) The court shall consider the youth's offense, prior criminal  
24 history, security classification, risk level, and treatment needs and  
25 history when determining whether the youth is appropriate for the  
26 community commitment disposition alternative. If the court finds that  
27 a community commitment disposition alternative is appropriate, the  
28 court shall order the youth into secure detention while the details of  
29 the reintegration program are developed.

30 (4) Upon approval of the treatment and community reintegration  
31 plan, the court may order the youth to serve the term of confinement in  
32 one or more of the following placements or combination of placements:  
33 Secure detention, an alternative to secure detention such as electronic  
34 home monitoring, county group care, day or evening reporting, or home  
35 detention. The court may order the youth to serve time in detention on  
36 weekends or intermittently. The court shall set periodic reviews to

1 review the youth's progress in the program. At least fifty percent of  
2 the term of confinement shall be served in secure detention.

3 (5) If the youth violates the conditions of the community  
4 commitment program, the court may impose sanctions under RCW 13.40.200  
5 or modify the terms of the reintegration plan and order the youth to  
6 serve all or a portion of the remaining confinement term in secure  
7 detention.

8 (6) A county may enter into interlocal agreements with other  
9 counties to develop joint community commitment programs or to allow one  
10 county to send a youth appropriate for this alternative to another  
11 county that has a community commitment program.

12 (7) Implementation of this alternative is subject to available  
13 state funding for the costs of the community commitment program,  
14 including costs of detention and community supervision.

15 The Washington association of juvenile court administrators shall  
16 submit an interim report on the pilot program established in this  
17 section to the legislature and appropriate committees by December 31,  
18 2004, and submit a final report to the legislature and the appropriate  
19 committees by June 30, 2005.

20 This section expires July 1, 2005.

21 **Sec. 6.** RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are  
22 each reenacted and amended to read as follows:

23 (1) The purpose of this disposition alternative is to ensure that  
24 successful treatment options to reduce recidivism are available to  
25 eligible youth, pursuant to RCW 70.96A.520. The court must consider  
26 eligibility for the chemical dependency disposition alternative when a  
27 juvenile offender is subject to a standard range disposition of local  
28 sanctions or 15 to 36 weeks of confinement and has not committed an A-  
29 or B+ offense, other than a first time B+ offense under chapter 69.50  
30 RCW. The court, on its own motion or the motion of the state or the  
31 respondent if the evidence shows that the offender may be chemically  
32 dependent or substance abusing, may order an examination by a chemical  
33 dependency counselor from a chemical dependency treatment facility  
34 approved under chapter 70.96A RCW to determine if the youth is  
35 chemically dependent or substance abusing. The offender shall pay the

1 cost of any examination ordered under this subsection unless the court  
2 finds that the offender is indigent and no third party insurance  
3 coverage is available, in which case the state shall pay the cost.

4 (2) The report of the examination shall include at a minimum the  
5 following: The respondent's version of the facts and the official  
6 version of the facts, the respondent's offense history, an assessment  
7 of drug-alcohol problems and previous treatment attempts, the  
8 respondent's social, educational, and employment situation, and other  
9 evaluation measures used. The report shall set forth the sources of  
10 the examiner's information.

11 (3) The examiner shall assess and report regarding the respondent's  
12 relative risk to the community. A proposed treatment plan shall be  
13 provided and shall include, at a minimum:

14 (a) Whether inpatient and/or outpatient treatment is recommended;

15 (b) Availability of appropriate treatment;

16 (c) Monitoring plans, including any requirements regarding living  
17 conditions, lifestyle requirements, and monitoring by family members,  
18 legal guardians, or others;

19 (d) Anticipated length of treatment; and

20 (e) Recommended crime-related prohibitions.

21 (4) The court on its own motion may order, or on a motion by the  
22 state or the respondent shall order, a second examination. The  
23 evaluator shall be selected by the party making the motion. The  
24 requesting party shall pay the cost of any examination ordered under  
25 this subsection unless the requesting party is the offender and the  
26 court finds that the offender is indigent and no third party insurance  
27 coverage is available, in which case the state shall pay the cost.

28 (5)(a) After receipt of reports of the examination, the court shall  
29 then consider whether the offender and the community will benefit from  
30 use of this chemical dependency disposition alternative and consider  
31 the victim's opinion whether the offender should receive a treatment  
32 disposition under this section.

33 (b) If the court determines that this chemical dependency  
34 disposition alternative is appropriate, then the court shall impose the  
35 standard range for the offense, or if the court concludes, and enters  
36 reasons for its conclusion, that such disposition would effectuate a  
37 manifest injustice, the court shall impose a disposition above the

1 standard range as indicated in option ((E)) D of RCW 13.40.0357 if the  
2 disposition is an increase from the standard range and the confinement  
3 of the offender does not exceed a maximum of fifty-two weeks, suspend  
4 execution of the disposition, and place the offender on community  
5 supervision for up to one year. As a condition of the suspended  
6 disposition, the court shall require the offender to undergo available  
7 outpatient drug/alcohol treatment and/or inpatient drug/alcohol  
8 treatment. For purposes of this section, inpatient treatment may not  
9 exceed ninety days. As a condition of the suspended disposition, the  
10 court may impose conditions of community supervision and other  
11 sanctions, including up to thirty days of confinement, one hundred  
12 fifty hours of community restitution, and payment of legal financial  
13 obligations and restitution.

14 (6) The drug/alcohol treatment provider shall submit monthly  
15 reports on the respondent's progress in treatment to the court and the  
16 parties. The reports shall reference the treatment plan and include at  
17 a minimum the following: Dates of attendance, respondent's compliance  
18 with requirements, treatment activities, the respondent's relative  
19 progress in treatment, and any other material specified by the court at  
20 the time of the disposition.

21 At the time of the disposition, the court may set treatment review  
22 hearings as the court considers appropriate.

23 If the offender violates any condition of the disposition or the  
24 court finds that the respondent is failing to make satisfactory  
25 progress in treatment, the court may impose sanctions pursuant to RCW  
26 13.40.200 or revoke the suspension and order execution of the  
27 disposition. The court shall give credit for any confinement time  
28 previously served if that confinement was for the offense for which the  
29 suspension is being revoked.

30 (7) For purposes of this section, "victim" means any person who has  
31 sustained emotional, psychological, physical, or financial injury to  
32 person or property as a direct result of the offense charged.

33 (8) Whenever a juvenile offender is entitled to credit for time  
34 spent in detention prior to a dispositional order, the dispositional  
35 order shall specifically state the number of days of credit for time  
36 served.

1 (9) In no case shall the term of confinement imposed by the court  
2 at disposition exceed that to which an adult could be subjected for the  
3 same offense.

4 (10) A disposition under this section is not appealable under RCW  
5 13.40.230.

6 NEW SECTION. **Sec. 7.** Because model adherence and competent  
7 delivery of research-based intervention programs is critical for  
8 reducing recidivism, the Washington state institute for public policy  
9 shall develop adherence and outcome standards for measuring  
10 effectiveness of treatment programs referred to in this act. The  
11 standards shall be developed and presented to the governor and  
12 legislature no later than January 1, 2004. The standards shall include  
13 methods for measuring competent delivery of interventions as well as  
14 success factors following treatment. The standards shall include, but  
15 not be limited to hiring, training and retaining qualified providers,  
16 managing and overseeing the delivery of treatment services, and  
17 developing quality assurance measures. The department shall utilize  
18 these standards to assess program effectiveness. The courts shall also  
19 utilize these standards in determining their continued use of these  
20 alternatives. The courts shall not continue to use programs that do  
21 not comply with these standards.

22 NEW SECTION. **Sec. 8.** (1) A task force is created for the purpose  
23 of examining the coordination of information, education services, and  
24 matters of public safety when juvenile offenders are placed into public  
25 schools, following their conviction.

26 (2) The task force shall be chaired by the superintendent of public  
27 instruction and include a representative from the juvenile  
28 rehabilitation administration of the department of social and health  
29 services, the state board of education, associations which represent  
30 school teachers, administrators, and school boards, superior court  
31 judges, the Washington association of juvenile court administrators,  
32 prosecuting attorneys, the governor, attorneys whose practice includes  
33 criminal defense work for juvenile defendants, three groups whose  
34 primary purpose is the delivery of services to families and children,

1 and law enforcement. The three groups who deliver services shall be  
2 selected by the superintendent of public instruction.

3 (3) The task force shall identify specific policies and statutory,  
4 administrative, and practice processes and barriers that may operate to  
5 impede: (a) The identification and delivery of appropriate and  
6 coordinated services to juvenile offenders who are placed in, or  
7 returned to public schools following conviction of an offense; and (b)  
8 transmittal of information regarding juvenile offenders who are  
9 returned to, or placed in, public schools following conviction of an  
10 offense. The task force shall recommend specific statutory and  
11 administrative changes as it finds appropriate to eliminate or reduce  
12 the barriers identified as a result of this subsection (3).

13 (4) The task force shall report its findings and recommendations to  
14 the governor, the legislature, and the agencies represented on the task  
15 force not later than December 1, 2003.

16 NEW SECTION. **Sec. 9.** Sections 7 and 8 of this act expire December  
17 31, 2003.

18 NEW SECTION. **Sec. 10.** If specific funding for the purposes of  
19 this act, referencing this act by bill or chapter number, is not  
20 provided by June 30, 2003, in the omnibus appropriations act, this act  
21 is null and void."

22 Correct the title.

EFFECT: (1) No Juvenile Rehabilitation Administration (JRA)  
institution can be closed without the specific authorization of the  
Legislature. In the event that a JRA institution is closed by the  
Legislature, the property cannot be operated by the Department of  
Corrections and cannot be used to incarcerate adult offenders.

(2) Specifies that the court may order the offender to follow an  
educational program or treatment requirement as a part of the Suspended  
Sentence Disposition Alternative.

(3) Requires the treatment programs used under the Suspended  
Disposition Alternative and the Mental Health Disposition Alternative  
to be a research-based best practice program.

(4) Establishes the Community Commitment Disposition Alternative as a pilot project.

(5) Adds a null and void clause which clarifies that the provisions of the act will be null and void if funding is not provided.

--- END ---