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**HOUSE BILL 1447**

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**State of Washington****58th Legislature****2003 Regular Session**

**By** Representatives Sommers, Fromhold and Wallace; by request of Office of Financial Management

Read first time 01/27/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to human services-related statutory changes  
2 necessary to implement the 2003-2005 omnibus operating appropriations  
3 bill; amending RCW 13.40.510, 43.70.555, 69.50.520, 74.14A.060,  
4 74.14C.005, 43.70.545, 43.70.580, 13.32A.040, 13.32A.100, 13.32A.140,  
5 13.32A.150, 13.32A.160, 13.32A.191, 13.32A.194, 13.32A.196, 13.32A.010,  
6 13.32A.030, 13.32A.170, 70.96A.235, 13.32A.050, 13.60.020, 74.13.036,  
7 13.32A.110, 13.32A.120, 13.32A.192, 13.32A.197, 74.15.220, 74.15.240,  
8 74.20A.030, 13.34.270, 74.13.350, 74.14D.020, 74.14D.030, 13.34.160,  
9 74.13.031, 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.030,  
10 43.190.030, 74.04.005, 74.08A.100, 74.09.010, 74.09.035, 74.46.431,  
11 74.46.433, 74.46.435, 74.46.437, 74.46.506, 74.46.521, 70.47.060,  
12 70.96A.350, 9.94A.728, 9.94A.500, 9.94A.545, 9.94A.690, 9.94A.700,  
13 9.94A.705, 9.94A.710, 9.94A.715, 9.94A.720, 9.94A.780, 9.92.060,  
14 9.95.204, 9.95.210, 9.94A.750, 9.94A.760, 9.94A.760, 4.56.100,  
15 9.94A.780, and 71.09.300; amending 2002 c 290 s 30 (uncodified);  
16 amending 2002 c 290 s 31 (uncodified); reenacting and amending RCW  
17 13.32A.060, 13.32A.065, 74.15.020, 9.94A.728, and 9.94A.753; adding a  
18 new section to chapter 74.46 RCW; adding a new section to chapter 9.94A  
19 RCW; adding a new section to chapter 43.20B RCW; creating new sections;  
20 repealing RCW 43.06A.010, 43.06A.020, 43.06A.030, 43.06A.050,  
21 43.06A.060, 43.06A.070, 43.06A.080, 43.06A.085, 43.06A.090, 43.06A.100,

1 43.06A.900, 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040,  
2 43.121.050, 43.121.060, 43.121.070, 43.121.080, 43.121.100, 43.121.110,  
3 43.121.120, 43.121.130, 43.121.140, 43.121.150, 43.121.910, 43.330.135,  
4 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050,  
5 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085,  
6 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150,  
7 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920,  
8 74.14C.050, 13.32A.125, 13.32A.042, 13.32A.090, 13.32A.095, 13.32A.130,  
9 74.13.032, 74.13.033, 74.13.034, 43.41.190, 43.41.195, 74.13.035,  
10 74.13.0321, 74.14D.040, 71.24.450, 71.24.455, 71.24.460, and 71.09.270;  
11 providing effective dates; providing expiration dates; and declaring an  
12 emergency.

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

14 **Sec. 1.** RCW 13.40.510 and 1997 c 338 s 61 are each amended to read  
15 as follows:

16 (1) In order to receive funds under RCW 13.40.500 through  
17 13.40.540, local governments may, through their respective agencies  
18 that administer funding for consolidated juvenile services, submit  
19 proposals that establish community juvenile accountability programs  
20 within their communities. These proposals must be submitted to the  
21 juvenile rehabilitation administration of the department of social and  
22 health services for certification.

23 (2) The proposals must:

24 (a) Demonstrate that the proposals were developed with ~~((the input~~  
25 ~~of the community public health and safety networks established under~~  
26 ~~RCW 70.190.060, and))~~ the local law and justice councils established  
27 under RCW 72.09.300;

28 (b) Describe how local community groups or members are involved in  
29 the implementation of the programs funded under RCW 13.40.500 through  
30 13.40.540;

31 (c) Include a description of how the grant funds will contribute to  
32 the expected outcomes of the program and the reduction of youth  
33 violence and juvenile crime in their community. ~~((Data approaches are~~  
34 ~~not required to be replicated if the networks have information that~~  
35 ~~addresses risks in the community for juvenile offenders.))~~

1 (3) A local government receiving a grant under this section shall  
2 agree that any funds received must be used efficiently to encourage the  
3 use of community-based programs that reduce the reliance on secure  
4 confinement as the sole means of holding juvenile offenders accountable  
5 for their crimes. The local government shall also agree to account for  
6 the expenditure of all funds received under the grant and to submit to  
7 audits for compliance with the grant criteria developed under RCW  
8 13.40.520.

9 (4) The juvenile rehabilitation administration, in consultation  
10 with the Washington association of juvenile court administrators((~~7~~))  
11 and the state law and justice advisory council, ((~~and the family policy~~  
12 ~~council,~~)) shall establish guidelines for programs that may be funded  
13 under RCW 13.40.500 through 13.40.540. The guidelines must:

14 (a) Target diverted and adjudicated juvenile offenders;

15 (b) Include assessment methods to determine services, programs, and  
16 intervention strategies most likely to change behaviors and norms of  
17 juvenile offenders;

18 (c) Provide maximum structured supervision in the community.  
19 Programs should use natural surveillance and community guardians such  
20 as employers, relatives, teachers, clergy, and community mentors to the  
21 greatest extent possible;

22 (d) Promote good work ethic values and educational skills and  
23 competencies necessary for the juvenile offender to function  
24 effectively and positively in the community;

25 (e) Maximize the efficient delivery of treatment services aimed at  
26 reducing risk factors associated with the commission of juvenile  
27 offenses;

28 (f) Maximize the reintegration of the juvenile offender into the  
29 community upon release from confinement;

30 (g) Maximize the juvenile offender's opportunities to make full  
31 restitution to the victims and amends to the community;

32 (h) Support and encourage increased court discretion in imposing  
33 community-based intervention strategies;

34 (i) Be compatible with research that shows which prevention and  
35 early intervention strategies work with juvenile offenders;

36 (j) Be outcome-based in that it describes what outcomes will be  
37 achieved or what outcomes have already been achieved;

38 (k) Include an evaluation component; and

1 (1) Recognize the diversity of local needs.

2 (5) The state law and justice advisory council, with the assistance  
3 of the (~~(family policy council and the)~~) governor's juvenile justice  
4 advisory committee, may provide support and technical assistance to  
5 local governments for training and education regarding community-based  
6 prevention and intervention strategies.

7 **Sec. 2.** RCW 43.70.555 and 1998 c 245 s 77 are each amended to read  
8 as follows:

9 The department(~~(, in consultation with the family policy council~~  
10 ~~created in chapter 70.190 RCW,)~~) shall establish, by rule, standards  
11 for local health departments and networks to use in assessment,  
12 performance measurement, policy development, and assurance regarding  
13 social development to prevent health problems caused by risk factors  
14 empirically linked to: Violent criminal acts by juveniles, teen  
15 substance abuse, teen pregnancy and male parentage, teen suicide  
16 attempts, dropping out of school, child abuse or neglect, and domestic  
17 violence. The standards shall be based on the standards set forth in  
18 the public health services improvement plan as required by RCW  
19 43.70.550.

20 **Sec. 3.** RCW 69.50.520 and 2002 c 371 s 920 are each amended to  
21 read as follows:

22 The violence reduction and drug enforcement account is created in  
23 the state treasury. All designated receipts from RCW 9.41.110(8),  
24 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5),  
25 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989  
26 shall be deposited into the account. Expenditures from the account may  
27 be used only for funding services and programs under chapter 271, Laws  
28 of 1989 and chapter 7, Laws of 1994 sp. sess., including state  
29 incarceration costs. Funds from the account may also be appropriated  
30 to reimburse local governments for costs associated with implementing  
31 criminal justice legislation including chapter 338, Laws of 1997.  
32 During the 2001-2003 biennium, funds from the account may also be used  
33 for costs associated with providing grants to local governments in  
34 accordance with chapter 338, Laws of 1997, the replacement of the  
35 department of corrections' offender-based tracking system, maintenance  
36 and operating costs of the Washington association of sheriffs and

1 police chiefs jail reporting system, civil indigent legal  
2 representation, and for multijurisdictional narcotics task forces.  
3 ~~((After July 1, 2003, at least seven and one half percent of  
4 expenditures from the account shall be used for providing grants to  
5 community networks under chapter 70.190 RCW by the family policy  
6 council.))~~

7 **Sec. 4.** RCW 74.14A.060 and 2000 c 219 s 2 are each amended to read  
8 as follows:

9 The secretary of the department of social and health services shall  
10 charge appropriated funds to support blended funding projects for youth  
11 subject to any current or future waiver the department receives to the  
12 requirements of IV-E funding. To be eligible for blended funding a  
13 child must be eligible for services designed to address a behavioral,  
14 mental, emotional, or substance abuse issue from the department of  
15 social and health services and require services from more than one  
16 categorical service delivery system. ~~((Before any blended funding  
17 project is established by the secretary, any entity or person proposing  
18 the project shall seek input from the public health and safety network  
19 or networks established in the catchment area of the project. The  
20 network or networks shall submit recommendations on the blended funding  
21 project to the family policy council. The family policy council shall  
22 advise the secretary whether to approve the proposed blended funding  
23 project. The network shall review the proposed blended funding project  
24 pursuant to its authority to examine the decategorization of program  
25 funds under RCW 70.190.110, within the current appropriation level.))~~  
26 The department shall document the number of children who participate in  
27 blended funding projects, the total blended funding amounts per child,  
28 the amount charged to each appropriation by program, and services  
29 provided to each child through each blended funding project and report  
30 this information to the appropriate committees of the legislature by  
31 December 1st of each year, beginning in December 1, 2000.

32 **Sec. 5.** RCW 74.14C.005 and 1995 c 311 s 1 are each amended to read  
33 as follows:

34 (1) The legislature believes that protecting the health and safety  
35 of children is paramount. The legislature recognizes that the number  
36 of children entering out-of-home care is increasing and that a number

1 of children receive long-term foster care protection. Reasonable  
2 efforts by the department to shorten out-of-home placement or avoid it  
3 altogether should be a major focus of the child welfare system. It is  
4 intended that providing up-front services decrease the number of  
5 children entering out-of-home care and have the effect of eventually  
6 lowering foster care expenditures and strengthening the family unit.

7 Within available funds, the legislature directs the department to  
8 focus child welfare services on protecting the child, strengthening  
9 families and, to the extent possible, providing necessary services in  
10 the family setting, while drawing upon the strengths of the family.  
11 The legislature intends services be locally based and offered as early  
12 as possible to avoid disruption to the family, out-of-home placement of  
13 the child, and entry into the dependency system. The legislature also  
14 intends that these services be used for those families whose children  
15 are returning to the home from out-of-home care. These services are  
16 known as family preservation services and intensive family preservation  
17 services and are characterized by the following values, beliefs, and  
18 goals:

19 (a) Safety of the child is always the first concern;

20 (b) Children need their families and should be raised by their own  
21 families whenever possible;

22 (c) Interventions should focus on family strengths and be  
23 responsive to the individual family's cultural values and needs;

24 (d) Participation should be voluntary; and

25 (e) Improvement of family functioning is essential in order to  
26 promote the child's health, safety, and welfare and thereby allow the  
27 family to remain intact and allow children to remain at home.

28 (2) Subject to the availability of funds for such purposes, the  
29 legislature intends for these services to be made available to all  
30 eligible families on a statewide basis through a phased-in process.  
31 Except as otherwise specified by statute, the department of social and  
32 health services shall have the authority and discretion to implement  
33 and expand these services as provided in this chapter. ((The  
34 department shall consult with the community public health and safety  
35 networks when assessing a community's resources and need for  
36 services.))

37 (3) It is the legislature's intent that, within available funds,  
38 the department develop services in accordance with this chapter.

1 (4) Nothing in this chapter shall be construed to create an  
2 entitlement to services nor to create judicial authority to order the  
3 provision of preservation services to any person or family if the  
4 services are unavailable or unsuitable or that the child or family are  
5 not eligible for such services.

6 **Sec. 6.** RCW 43.70.545 and 1998 c 245 s 76 are each amended to read  
7 as follows:

8 (1) The department of health shall develop, based on  
9 recommendations in the public health services improvement plan and in  
10 consultation with affected groups or agencies, comprehensive rules for  
11 the collection and reporting of data relating to acts of violence, at-  
12 risk behaviors, and risk and protective factors. The data collection  
13 and reporting rules shall be used by any public or private entity that  
14 is required to report data relating to these behaviors and conditions.  
15 The department may require any agency or program that is state-funded  
16 or that accepts state funds and any licensed or regulated person or  
17 professional to report these behaviors and conditions. To the extent  
18 possible the department shall require the reports to be filed through  
19 existing data systems. The department may also require reporting of  
20 attempted acts of violence and of nonphysical injuries. For the  
21 purposes of this section "acts of violence" means self-directed and  
22 interpersonal behaviors that can result in suicide, homicide, and  
23 nonfatal intentional injuries. (~~("At risk behaviors," "protective  
24 factors," and "risk factors" have the same meanings as provided in RCW  
25 70.190.010.~~)) A copy of the data used by a school district to prepare  
26 and submit a report to the department shall be retained by the district  
27 and, in the copy retained by the district, identify the reported acts  
28 or behaviors by school site.

29 (2) The department is designated as the statewide agency for the  
30 coordination of all information relating to violence and other  
31 intentional injuries, at-risk behaviors, and risk and protective  
32 factors.

33 (~~(3) (The department shall provide necessary data to the local  
34 health departments for use in planning by or evaluation of any  
35 community network authorized under RCW 70.190.060.~~

36 ~~(4))~~) The department shall by rule establish requirements for local  
37 health departments to perform assessment related to at-risk behaviors

1 and risk and protective factors and to assist community networks in  
2 policy development and in planning and other duties under chapter 7,  
3 Laws of 1994 sp. sess.

4 (5) The department may, consistent with its general authority and  
5 directives under RCW 43.70.540 through 43.70.560, contract with a  
6 college or university that has experience in data collection relating  
7 to the health and overall welfare of children to provide assistance to:

8 (a) State and local health departments in developing new sources of  
9 data to track acts of violence, at-risk behaviors, and risk and  
10 protective factors; and

11 (b) Local health departments to compile and effectively communicate  
12 data in their communities.

13 **Sec. 7.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read  
14 as follows:

15 The primary responsibility of the public health system, is to take  
16 those actions necessary to protect, promote, and improve the health of  
17 the population. In order to accomplish this, the department shall:

18 (1) Identify, as part of the public health improvement plan, the  
19 key health outcomes sought for the population and the capacity needed  
20 by the public health system to fulfill its responsibilities in  
21 improving health outcomes.

22 (2)(a) Distribute state funds that, in conjunction with local  
23 revenues, are intended to improve the capacity of the public health  
24 system. The distribution methodology shall encourage system-wide  
25 effectiveness and efficiency and provide local health jurisdictions  
26 with the flexibility both to determine governance structures and  
27 address their unique needs.

28 (b) Enter into with each local health jurisdiction performance-  
29 based contracts that establish clear measures of the degree to which  
30 the local health jurisdiction is attaining the capacity necessary to  
31 improve health outcomes. The contracts negotiated between the local  
32 health jurisdictions and the department of health must identify the  
33 specific measurable progress that local health jurisdictions will make  
34 toward achieving health outcomes. A community assessment conducted by  
35 the local health jurisdiction according to the public health  
36 improvement plan(~~(, which shall include the results of the~~  
37 ~~comprehensive plan prepared according to RCW 70.190.130,)) will be used~~



1 as the basis for identifying the health outcomes. The contracts shall  
2 include provisions to encourage collaboration among local health  
3 jurisdictions. State funds shall be used solely to expand and  
4 complement, but not to supplant city and county government support for  
5 public health programs.

6 (3) Develop criteria to assess the degree to which capacity is  
7 being achieved and ensure compliance by public health jurisdictions.

8 (4) Adopt rules necessary to carry out the purposes of chapter 43,  
9 Laws of 1995.

10 (5) Biennially, within the public health improvement plan, evaluate  
11 the effectiveness of the public health system, assess the degree to  
12 which the public health system is attaining the capacity to improve the  
13 status of the public's health, and report progress made by each local  
14 health jurisdiction toward improving health outcomes.

15 **Sec. 8.** RCW 13.32A.040 and 2000 c 123 s 3 are each amended to read  
16 as follows:

17 Families who are in conflict or who are experiencing problems with  
18 at-risk youth or a child who may be in need of services may request  
19 family reconciliation services from the department. The department may  
20 involve a local multidisciplinary team in its response in determining  
21 the services to be provided and in providing those services. Such  
22 services (~~shall~~) may be provided to alleviate personal or family  
23 situations which present a serious and imminent threat to the health or  
24 stability of the child or family and to maintain families intact  
25 wherever possible. Family reconciliation services shall be designed to  
26 develop skills and supports within families to resolve problems related  
27 to at-risk youth, children in need of services, or family conflicts.  
28 These services may include but are not limited to referral to services  
29 for suicide prevention, psychiatric or other medical care, or  
30 psychological, mental health, drug or alcohol treatment, welfare,  
31 legal, educational, or other social services, as appropriate to the  
32 needs of the child and the family, and training in parenting, conflict  
33 management, and dispute resolution skills.

34 **Sec. 9.** RCW 13.32A.100 and 2000 c 123 s 13 are each amended to  
35 read as follows:

36 Where a child is placed in an out-of-home placement (~~pursuant to~~

1 RCW ~~13.32A.090(3)(d)(ii))~~, the department (~~(shall)~~) may make available  
2 family reconciliation services in order to facilitate the reunification  
3 of the family. Any such placement may continue as long as there is  
4 agreement by the child and parent.

5 **Sec. 10.** RCW 13.32A.140 and 2000 c 123 s 16 are each amended to  
6 read as follows:

7 Unless the department files a dependency petition, the department  
8 (~~(shall)~~) may file a child in need of services petition to approve an  
9 out-of-home placement on behalf of a child under any of the following  
10 sets of circumstances:

11 (1) The child has been (~~(admitted to a crisis residential center or~~  
12 ~~has been)~~) placed by the department in an out-of-home placement, and:

13 (a) The parent has been notified that the child was so admitted or  
14 placed;

15 (b) The child cannot return home, and legal authorization is needed  
16 for out-of-home placement beyond seventy-two hours;

17 (c) No agreement between the parent and the child as to where the  
18 child shall live has been reached;

19 (d) No child in need of services petition has been filed by either  
20 the child or parent;

21 (e) The parent has not filed an at-risk youth petition; and

22 (f) The child has no suitable place to live other than the home of  
23 his or her parent.

24 (2) (~~(The child has been admitted to a crisis residential center~~  
25 ~~and:~~

26 ~~(a) Seventy two hours, including Saturdays, Sundays, and holidays,~~  
27 ~~have passed since such placement;~~

28 ~~(b) The staff, after searching with due diligence, have been unable~~  
29 ~~to contact the parent of such child; and~~

30 ~~(c) The child has no suitable place to live other than the home of~~  
31 ~~his or her parent.~~

32 ~~(3))~~ An agreement between parent and child made pursuant to (~~(RCW~~  
33 ~~13.32A.090(3)(d)(ii) or pursuant to)~~) RCW 13.32A.120(1) is no longer  
34 acceptable to parent or child, and:

35 (a) The party to whom the arrangement is no longer acceptable has  
36 so notified the department;

1 (b) Seventy-two hours, including Saturdays, Sundays, and holidays,  
2 have passed since such notification;

3 (c) No new agreement between parent and child as to where the child  
4 shall live has been reached;

5 (d) No child in need of services petition has been filed by either  
6 the child or the parent;

7 (e) The parent has not filed an at-risk youth petition; and

8 (f) The child has no suitable place to live other than the home of  
9 his or her parent.

10 Under the circumstances of subsection(~~(3)~~) (1)(~~(7)~~) or (2)(~~(7-  
11 +3)~~)) of this section, the child (~~(shall)~~) may remain in an out-of-home  
12 licensed or certified placement until a child in need of services  
13 petition filed by the department on behalf of the child is reviewed and  
14 resolved by the juvenile court. The department may authorize emergency  
15 medical or dental care for a child (~~(admitted to a crisis residential  
16 center or)~~) placed in an out-of-home placement by the department. The  
17 state, when the department files a child in need of services petition  
18 under this section, shall be represented as provided for in RCW  
19 13.04.093.

20 **Sec. 11.** RCW 13.32A.150 and 2000 c 123 s 17 are each amended to  
21 read as follows:

22 (1) Except as otherwise provided in this chapter, the juvenile  
23 court shall not accept the filing of a child in need of services  
24 petition by the child or the parents or the filing of an at-risk youth  
25 petition by the parent, unless verification is provided that the  
26 department has completed a family assessment. The family assessment  
27 shall involve the multidisciplinary team if one exists. The family  
28 assessment (~~(or plan of services developed by the multidisciplinary  
29 team)~~) shall be aimed at family reconciliation, reunification, and  
30 avoidance of the out-of-home placement of the child. If the department  
31 is unable to complete an assessment within (~~(two))~~ ten working days  
32 following a request for assessment, the child or the parents may  
33 proceed under subsection (2) of this section or the parent may proceed  
34 under RCW 13.32A.191.

35 (2) A child or a child's parent may file with the juvenile court a  
36 child in need of services petition to approve an out-of-home placement  
37 for the child. The department (~~(shall)~~) may, when requested, assist

1 either a parent or child in the filing of the petition. The petition  
2 must be filed in the county where the parent resides. The petition  
3 shall allege that the child is a child in need of services and shall  
4 ask only that the placement of a child outside the home of his or her  
5 parent be approved. The filing of a petition to approve the placement  
6 is not dependent upon the court's having obtained any prior  
7 jurisdiction over the child or his or her parent, and confers upon the  
8 court a special jurisdiction to approve or disapprove an out-of-home  
9 placement under this chapter.

10 (3) A petition may not be filed if the child is the subject of a  
11 proceeding under chapter 13.34 RCW.

12 **Sec. 12.** RCW 13.32A.160 and 2000 c 123 s 19 are each amended to  
13 read as follows:

14 (1) When a proper child in need of services petition to approve an  
15 out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or  
16 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding  
17 hearing to be held: (A) For a child who resides in a place other than  
18 his or her parent's home and other than an out-of-home placement,  
19 within five calendar days unless the last calendar day is a Saturday,  
20 Sunday, or holiday, in which case the hearing shall be held on the  
21 preceding judicial day; or (B) for a child living at home or in an out-  
22 of-home placement, within ten days; and (ii) notify the parent, child,  
23 and the department of such date; (b) notify the parent of the right to  
24 be represented by counsel and, if indigent, to have counsel appointed  
25 for him or her by the court; (c) appoint legal counsel for the child;  
26 (d) inform the child and his or her parent of the legal consequences of  
27 the court approving or disapproving a child in need of services  
28 petition; (e) notify the parents of their rights under this chapter and  
29 chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to  
30 file an at-risk youth petition, the right to submit an application for  
31 admission of their child to a treatment facility for alcohol, chemical  
32 dependency, or mental health treatment, and the right to file a  
33 guardianship petition; and (f) notify all parties, including the  
34 department, of their right to present evidence at the fact-finding  
35 hearing.

36 (2) Upon filing of a child in need of services petition, the child  
37 may be placed, if not already placed, by the department in a (~~erisis~~

1 ~~residential center,~~) foster family home, group home facility licensed  
2 under chapter 74.15 RCW, or any other suitable residence (~~(other than~~  
3 ~~a HOPE center)~~) to be determined by the department. (~~(The court may~~  
4 ~~place a child in a crisis residential center for a temporary out-of-~~  
5 ~~home placement as long as the requirements of RCW 13.32A.125 are met.)~~)

6 (3) If the child has been placed in a foster family home or group  
7 care facility under chapter 74.15 RCW, the child shall remain there, or  
8 in any other suitable residence as determined by the department,  
9 pending resolution of the petition by the court. Any placement may be  
10 reviewed by the court within three judicial days upon the request of  
11 the juvenile or the juvenile's parent.

12 **Sec. 13.** RCW 13.32A.191 and 2000 c 123 s 22 are each amended to  
13 read as follows:

14 (1) A child's parent may file with the juvenile court a petition in  
15 the interest of a child alleged to be an at-risk youth. The department  
16 (~~(shall)~~) may, when requested, assist the parent in filing the  
17 petition. The petition shall be filed in the county where the  
18 petitioner resides. The petition shall set forth the name, age, and  
19 residence of the child and the names and residence of the child's  
20 parents and shall allege that:

- 21 (a) The child is an at-risk youth;
- 22 (b) The petitioner has the right to legal custody of the child;
- 23 (c) Court intervention and supervision are necessary to assist the  
24 parent to maintain the care, custody, and control of the child; and
- 25 (d) Alternatives to court intervention have been attempted or there  
26 is good cause why such alternatives have not been attempted.

27 (2) The petition shall set forth facts that support the allegations  
28 in this section and shall generally request relief available under this  
29 chapter. The petition need not specify any proposed disposition  
30 following adjudication of the petition. The filing of an at-risk youth  
31 petition is not dependent upon the court's having obtained any prior  
32 jurisdiction over the child or his or her parent and confers upon the  
33 court the special jurisdiction to assist the parent in maintaining  
34 parental authority and responsibility for the child.

35 (3) A petition may not be filed if a dependency petition is pending  
36 under chapter 13.34 RCW.

1           **Sec. 14.** RCW 13.32A.194 and 2000 c 123 s 23 are each amended to  
2 read as follows:

3           (1) The court shall hold a fact-finding hearing to consider a  
4 proper at-risk youth petition. The court shall grant the petition and  
5 enter an order finding the child to be an at-risk youth if the  
6 allegations in the petition are established by a preponderance of the  
7 evidence, unless the child is the subject of a proceeding under chapter  
8 13.34 RCW. If the petition is granted, the court shall enter an order  
9 requiring the child to reside in the home of his or her parent or in an  
10 out-of-home placement as provided in RCW 13.32A.192(2).

11           ~~(2) ((The court may order the department to submit a dispositional~~  
12 ~~plan if such a plan would assist the court in ordering a suitable~~  
13 ~~disposition in the case. If the court orders the department to prepare~~  
14 ~~a plan, the department shall provide copies of the plan to the parent,~~  
15 ~~the child, and the court. If the parties or the court desire the~~  
16 ~~department to be involved in any future proceedings or case plan~~  
17 ~~development, the department shall be provided timely notification of~~  
18 ~~all court hearings.~~

19           ~~(3))~~ If the court grants or denies an at-risk youth petition, a  
20 statement of the written reasons shall be entered into the records. If  
21 the court denies an at-risk youth petition, the court shall verbally  
22 advise the parties that the child is required to remain within the  
23 care, custody, and control of his or her parent.

24           **Sec. 15.** RCW 13.32A.196 and 2000 c 123 s 24 are each amended to  
25 read as follows:

26           (1) A dispositional hearing shall be held no later than fourteen  
27 days after the fact-finding hearing. Each party shall be notified of  
28 the time and date of the hearing.

29           (2) At the dispositional hearing regarding an adjudicated at-risk  
30 youth, the court shall consider the recommendations of the parties  
31 ~~((and the recommendations of any dispositional plan submitted by the~~  
32 ~~department)).~~ The court may enter a dispositional order that will  
33 assist the parent in maintaining the care, custody, and control of the  
34 child and assist the family to resolve family conflicts or problems.

35           (3) The court may set conditions of supervision for the child that  
36 include:

37           (a) Regular school attendance;

1 (b) Counseling;

2 (c) Participation in a substance abuse or mental health outpatient  
3 treatment program; and

4 ~~((Reporting on a regular basis to the department or any other  
5 designated person or agency; and~~

6 ~~(e))~~) Any other condition the court deems an appropriate condition  
7 of supervision including but not limited to: Employment, participation  
8 in an anger management program, and refraining from using alcohol or  
9 drugs.

10 (4) No dispositional order or condition of supervision ordered by  
11 a court pursuant to this section shall include involuntary commitment  
12 of a child for substance abuse or mental health treatment.

13 (5) The court may order the parent to participate in counseling  
14 services or any other services for the child requiring parental  
15 participation. The parent shall cooperate with the court-ordered case  
16 plan and shall take necessary steps to help implement the case plan.  
17 The parent shall be financially responsible for costs related to the  
18 court-ordered plan; however, this requirement shall not affect the  
19 eligibility of the parent or child for public assistance or other  
20 benefits to which the parent or child may otherwise be entitled.

21 (6) The parent may request dismissal of an at-risk youth proceeding  
22 or out-of-home placement at any time. Upon such a request, the court  
23 shall dismiss the matter and cease court supervision of the child  
24 unless: (a) A contempt action is pending in the case; (b) a petition  
25 has been filed under RCW 13.32A.150 and a hearing has not yet been held  
26 under RCW 13.32A.179; or (c) an order has been entered under RCW  
27 13.32A.179(3) and the court retains jurisdiction under that subsection.  
28 The court may retain jurisdiction over the matter for the purpose of  
29 concluding any pending contempt proceedings, including the full  
30 satisfaction of any penalties imposed as a result of a contempt  
31 finding.

32 ~~((7) The court may order the department to monitor compliance with  
33 the dispositional order, assist in coordinating the provision of court-  
34 ordered services, and submit reports at subsequent review hearings  
35 regarding the status of the case.))~~

36 **Sec. 16.** RCW 13.32A.010 and 2000 c 123 s 1 are each amended to  
37 read as follows:

1       The legislature finds that within any group of people there exists  
2 a need for guidelines for acceptable behavior and that, presumptively,  
3 the experience and maturity of parents make them better qualified to  
4 establish guidelines beneficial to and protective of their children.  
5 The legislature further finds that it is the right and responsibility  
6 of adults to establish laws for the benefit and protection of the  
7 society; and that, in the same manner, the right and responsibility for  
8 establishing reasonable guidelines for the family unit belongs to the  
9 adults within that unit. Further, absent abuse or neglect, parents  
10 have the right to exercise control over their children. The  
11 legislature reaffirms its position stated in RCW 13.34.020 that the  
12 family unit is the fundamental resource of American life which should  
13 be nurtured and that it should remain intact in the absence of  
14 compelling evidence to the contrary.

15       The legislature recognizes there is a need for services and  
16 assistance for parents and children who are in conflict. These  
17 conflicts are manifested by children who exhibit various behaviors  
18 including: Running away, substance abuse, serious acting out problems,  
19 mental health needs, and other behaviors that endanger themselves or  
20 others.

21       The legislature finds many parents do not know their rights  
22 regarding their adolescent children and law enforcement. Parents and  
23 courts feel they have insufficient legal recourse for the chronic  
24 runaway child who is endangering himself or herself through his or her  
25 behavior. ~~((The legislature further recognizes that for chronic  
26 runaways whose behavior puts them in serious danger of harming  
27 themselves or others, secure facilities must be provided to allow  
28 opportunities for assessment, treatment, and to assist parents and  
29 protect their children.))~~ The legislature intends to give tools to  
30 parents, courts, and law enforcement to keep families together and  
31 reunite them whenever possible.

32       The legislature recognizes that some children run away to protect  
33 themselves from abuse or neglect in their homes. Abused and neglected  
34 children should be dealt with pursuant to chapter 13.34 RCW and it is  
35 not the intent of the legislature to handle dependency matters under  
36 this chapter.

37       The legislature intends services offered under this chapter be on



1 a voluntary basis whenever possible to children and their families and  
2 that the courts be used as a last resort.

3 The legislature intends to increase the safety of children through  
4 the preservation of families and the provision of (~~assessment,~~)  
5 treatment(~~,~~) and placement services for children in need of services  
6 and at-risk youth including services (~~and assessments conducted~~)  
7 under chapter 13.32A RCW (~~and RCW 74.13.033. Within available funds,~~  
8 ~~the legislature intends to provide these services through crisis~~  
9 ~~residential centers in which children and youth may safely reside for~~  
10 ~~a limited period of time. The time in residence shall be used to~~  
11 ~~conduct an assessment of the needs of the children, youth, and their~~  
12 ~~families. The assessments are necessary to identify appropriate~~  
13 ~~services and placement options that will reduce the likelihood that~~  
14 ~~children will place themselves in dangerous or life threatening~~  
15 ~~situations.~~

16 The legislature recognizes that crisis residential centers provide  
17 an opportunity for children to receive short term necessary support and  
18 nurturing in cases where there may be abuse or neglect. The  
19 legislature intends that center staff provide an atmosphere of concern,  
20 care, and respect for children in the center and their parents)).

21 The legislature intends to provide for the protection of children  
22 who, through their behavior, are endangering themselves. The  
23 legislature intends to provide, to the extent funding is available,  
24 appropriate residential services(~~,~~ including secure facilities,~~,~~) to  
25 protect, stabilize, and treat children with serious problems. The  
26 legislature further intends to empower parents by providing them with  
27 the assistance they require to raise their children.

28 **Sec. 17.** RCW 13.32A.030 and 2000 c 123 s 2 are each amended to  
29 read as follows:

30 As used in this chapter the following terms have the meanings  
31 indicated unless the context clearly requires otherwise:

32 (1) "Abuse or neglect" means the injury, sexual abuse, sexual  
33 exploitation, negligent treatment, or maltreatment of a child by any  
34 person under circumstances which indicate that the child's health,  
35 welfare, and safety is harmed, excluding conduct permitted under RCW  
36 9A.16.100. An abused child is a child who has been subjected to child  
37 abuse or neglect as defined in this section.

1           (2) (~~"Administrator" means the individual who has the daily~~  
2 ~~administrative responsibility of a crisis residential center, or his or~~  
3 ~~her designee.~~

4           ~~(3))~~ "At-risk youth" means a juvenile:

5           (a) Who is absent from home for at least seventy-two consecutive  
6 hours without consent of his or her parent;

7           (b) Who is beyond the control of his or her parent such that the  
8 child's behavior endangers the health, safety, or welfare of the child  
9 or any other person; or

10          (c) Who has a substance abuse problem for which there are no  
11 pending criminal charges related to the substance abuse.

12          ~~((4))~~ (3) "Child," "juvenile," and "youth" mean any unemancipated  
13 individual who is under the chronological age of eighteen years.

14          ~~((5))~~ (4) "Child in need of services" means a juvenile:

15          (a) Who is beyond the control of his or her parent such that the  
16 child's behavior endangers the health, safety, or welfare of the child  
17 or other person;

18          (b) Who has been reported to law enforcement as absent without  
19 consent for at least twenty-four consecutive hours on two or more  
20 separate occasions from the home of either parent, (~~a crisis~~  
21 ~~residential center,~~) an out-of-home placement, or a court-ordered  
22 placement; and

23           (i) Has exhibited a serious substance abuse problem; or

24           (ii) Has exhibited behaviors that create a serious risk of harm to  
25 the health, safety, or welfare of the child or any other person; or

26           (c)(i) Who is in need of: (A) Necessary services, including food,  
27 shelter, health care, clothing, or education; or (B) services designed  
28 to maintain or reunite the family;

29           (ii) Who lacks access to, or has declined to utilize, these  
30 services; and

31           (iii) Whose parents have evidenced continuing but unsuccessful  
32 efforts to maintain the family structure or are unable or unwilling to  
33 continue efforts to maintain the family structure.

34          ~~((6))~~ (5) "Child in need of services petition" means a petition  
35 filed in juvenile court by a parent, child, or the department seeking  
36 adjudication of placement of the child.

37          ~~((7) "Crisis residential center" means a secure or semi-secure~~  
38 ~~facility established pursuant to chapter 74.13 RCW.~~

1       ~~(8)~~) (6) "Custodian" means the person or entity who has the legal  
2 right to the custody of the child.

3       ~~((9))~~ (7) "Department" means the department of social and health  
4 services.

5       ~~((10))~~ (8) "Extended family member" means an adult who is a  
6 grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or  
7 first cousin with whom the child has a relationship and is comfortable,  
8 and who is willing and available to care for the child.

9       ~~((11))~~ (9) "Guardian" means that person or agency that (a) has  
10 been appointed as the guardian of a child in a legal proceeding other  
11 than a proceeding under chapter 13.34 RCW, and (b) has the right to  
12 legal custody of the child pursuant to such appointment. The term  
13 "guardian" does not include a "dependency guardian" appointed pursuant  
14 to a proceeding under chapter 13.34 RCW.

15       ~~((12)) "Multidisciplinary team" means a group formed to provide~~  
16 ~~assistance and support to a child who is an at-risk youth or a child in~~  
17 ~~need of services and his or her parent. The team shall include the~~  
18 ~~parent, a department case worker, a local government representative~~  
19 ~~when authorized by the local government, and when appropriate, members~~  
20 ~~from the mental health and substance abuse disciplines. The team may~~  
21 ~~also include, but is not limited to, the following persons: Educators,~~  
22 ~~law enforcement personnel, probation officers, employers, church~~  
23 ~~persons, tribal members, therapists, medical personnel, social service~~  
24 ~~providers, placement providers, and extended family members. The team~~  
25 ~~members shall be volunteers who do not receive compensation while~~  
26 ~~acting in a capacity as a team member, unless the member's employer~~  
27 ~~chooses to provide compensation or the member is a state employee.~~

28       ~~(13))~~ (10) "Out-of-home placement" means a placement in a foster  
29 family home or group care facility licensed pursuant to chapter 74.15  
30 RCW or placement in a home, other than that of the child's parent,  
31 guardian, or legal custodian, not required to be licensed pursuant to  
32 chapter 74.15 RCW.

33       ~~((14))~~ (11) "Parent" means the parent or parents who have the  
34 legal right to custody of the child. "Parent" includes custodian or  
35 guardian.

36       ~~((15)) "Secure facility" means a crisis residential center, or~~  
37 ~~portion thereof, that has locking doors, locking windows, or a secured~~

1 ~~perimeter, designed and operated to prevent a child from leaving~~  
2 ~~without permission of the facility staff.~~

3 ~~(16) "Semi-secure facility" means any facility, including but not~~  
4 ~~limited to crisis residential centers or specialized foster family~~  
5 ~~homes, operated in a manner to reasonably assure that youth placed~~  
6 ~~there will not run away. Pursuant to rules established by the~~  
7 ~~department, the facility administrator shall establish reasonable hours~~  
8 ~~for residents to come and go from the facility such that no residents~~  
9 ~~are free to come and go at all hours of the day and night. To prevent~~  
10 ~~residents from taking unreasonable actions, the facility administrator,~~  
11 ~~where appropriate, may condition a resident's leaving the facility upon~~  
12 ~~the resident being accompanied by the administrator or the~~  
13 ~~administrator's designee and the resident may be required to notify the~~  
14 ~~administrator or the administrator's designee of any intent to leave,~~  
15 ~~his or her intended destination, and the probable time of his or her~~  
16 ~~return to the center.~~

17 ~~(17) "Staff-secure facility" means a structured group care facility~~  
18 ~~licensed under rules adopted by the department with a ratio of at least~~  
19 ~~one adult staff member to every two children.~~

20 ~~(18))~~ (12) "Temporary out-of-home placement" means an out-of-home  
21 placement of not more than fourteen days ordered by the court at a  
22 fact-finding hearing on a child in need of services petition.

23 **Sec. 18.** RCW 13.32A.170 and 2000 c 123 s 20 are each amended to  
24 read as follows:

25 (1) The court shall hold a fact-finding hearing to consider a  
26 proper child in need of services petition, giving due weight to the  
27 intent of the legislature that families have the right to place  
28 reasonable restrictions and rules upon their children, appropriate to  
29 the individual child's developmental level. The court may appoint  
30 legal counsel and/or a guardian ad litem to represent the child and  
31 advise parents of their right to be represented by legal counsel. At  
32 the commencement of the hearing, the court shall advise the parents of  
33 their rights as set forth in RCW 13.32A.160(1). If the court approves  
34 or denies a child in need of services petition, a written statement of  
35 the reasons must be filed.

36 (2) The court may approve an order stating that the child shall be  
37 placed in a residence other than the home of his or her parent only if

1 it is established by a preponderance of the evidence, including a  
2 departmental recommendation for approval or dismissal of the petition,  
3 that:

4 (a) The child is a child in need of services as defined in RCW  
5 13.32A.030(~~(+5)~~);

6 (b) If the petitioner is a child, he or she has made a reasonable  
7 effort to resolve the conflict;

8 (c) Reasonable efforts have been made to prevent or eliminate the  
9 need for removal of the child from the child's home and to make it  
10 possible for the child to return home; and

11 (d) A suitable out-of-home placement resource is available.

12 The court may not grant a petition filed by the child or the  
13 department if it is established that the petition is based only upon a  
14 dislike of reasonable rules or reasonable discipline established by the  
15 parent.

16 The court may not grant the petition if the child is the subject of  
17 a proceeding under chapter 13.34 RCW.

18 (3) Following the fact-finding hearing the court shall: (a)  
19 Approve a child in need of services petition and, if appropriate, enter  
20 a temporary out-of-home placement for a period not to exceed fourteen  
21 days pending approval of a disposition decision to be made under RCW  
22 13.32A.179(2); (b) approve an at-risk youth petition filed by the  
23 parents and dismiss the child in need of services petition; or (c)  
24 dismiss the petition.

25 At any time the court may order the department to review the case  
26 to determine whether the case is appropriate for a dependency petition  
27 under chapter 13.34 RCW.

28 **Sec. 19.** RCW 70.96A.235 and 1998 c 296 s 25 are each amended to  
29 read as follows:

30 Parental consent is required for inpatient chemical dependency  
31 treatment of a minor, unless the child meets the definition of a child  
32 in need of services in RCW 13.32A.030(~~(+4)(e)~~) as determined by the  
33 department: PROVIDED, That parental consent is required for any  
34 treatment of a minor under the age of thirteen.

35 This section does not apply to petitions filed under this chapter.

1           **Sec. 20.** RCW 13.32A.050 and 2000 c 123 s 6 are each amended to  
2 read as follows:

3           (1) A law enforcement officer shall take a child into custody:

4           (a) If a law enforcement agency has been contacted by the parent of  
5 the child that the child is absent from parental custody without  
6 consent; or

7           (b) If a law enforcement officer reasonably believes, considering  
8 the child's age, the location, and the time of day, that a child is in  
9 circumstances which constitute a danger to the child's safety or that  
10 a child is violating a local curfew ordinance; or

11           (c) If an agency legally charged with the supervision of a child  
12 has notified a law enforcement agency that the child has run away from  
13 placement; or

14           (d) If a law enforcement agency has been notified by the juvenile  
15 court that the court finds probable cause exists to believe that the  
16 child has violated a court placement order issued under this chapter or  
17 chapter 13.34 RCW or that the court has issued an order for law  
18 enforcement pick-up of the child under this chapter or chapter 13.34  
19 RCW.

20           (2) Law enforcement custody shall not extend beyond the amount of  
21 time reasonably necessary to transport the child to a destination  
22 authorized by law and to place the child at that destination. Law  
23 enforcement custody continues until the law enforcement officer  
24 transfers custody to a person, agency, or other authorized entity under  
25 this chapter, or releases the child because no placement is available.  
26 Transfer of custody is not complete unless the person, agency, or  
27 entity to whom the child is released agrees to accept custody.

28           ~~(3) ((If a law enforcement officer takes a child into custody  
29 pursuant to either subsection (1)(a) or (b) of this section and  
30 transports the child to a crisis residential center, the officer shall,  
31 within twenty four hours of delivering the child to the center, provide  
32 to the center a written report detailing the reasons the officer took  
33 the child into custody. The center shall provide the department with  
34 a copy of the officer's report.~~

35           (4)) If the law enforcement officer who initially takes the  
36 juvenile into custody (~~or the staff of the crisis residential center  
37 have~~) has reasonable cause to believe that the child is absent from

1 home because he or she is abused or neglected, a report shall be made  
2 immediately to the department.

3 ~~((+5))~~ (4) Nothing in this section affects the authority of any  
4 political subdivision to make regulations concerning the conduct of  
5 minors in public places by ordinance or other local law.

6 ~~((+6))~~ (5) If a law enforcement officer has a reasonable suspicion  
7 that a child is being unlawfully harbored in violation of RCW  
8 13.32A.080, the officer shall remove the child from the custody of the  
9 person harboring the child and shall transport the child to one of the  
10 locations specified in RCW 13.32A.060.

11 ~~((+7))~~ (6) No child may be placed in a secure facility except as  
12 provided in this chapter.

13 **Sec. 21.** RCW 13.60.020 and 1985 c 443 s 23 are each amended to  
14 read as follows:

15 Local law enforcement agencies shall file an official missing  
16 person report and enter biographical information into the state missing  
17 person computerized network within twelve hours after notification of  
18 a missing child is received under RCW 13.32A.050 (1)~~((, (3), or (4)))~~  
19 (a), (c), or (d). The patrol shall collect such information as will  
20 enable it to retrieve immediately the following information about a  
21 missing child: Name, date of birth, social security number,  
22 fingerprint classification, relevant physical descriptions, and known  
23 associates and locations. Access to the preceding information shall be  
24 available to appropriate law enforcement agencies, and to parents and  
25 legal guardians, when appropriate.

26 **Sec. 22.** RCW 13.32A.060 and 2000 c 162 s 11 and 2000 c 123 s 7 are  
27 each reenacted and amended to read as follows:

28 (1) An officer taking a child into custody under RCW 13.32A.050(1)  
29 (a) or (b) shall inform the child of the reason for such custody and  
30 shall:

31 (a) Transport the child to his or her home or to a parent at his or  
32 her place of employment, if no parent is at home. The parent may  
33 request that the officer take the child to the home of an adult  
34 extended family member, responsible adult, ~~((crisis residential~~  
35 ~~center,))~~ the department, or a licensed youth shelter. In responding  
36 to the request of the parent, the officer shall take the child to a

1 requested place which, in the officer's belief, is within a reasonable  
2 distance of the parent's home. The officer releasing a child into the  
3 custody of a parent, an adult extended family member, responsible  
4 adult, or a licensed youth shelter shall inform the person receiving  
5 the child of the reason for taking the child into custody and inform  
6 all parties of the nature and location of appropriate services  
7 available in the community; or

8 ~~(b) ((After attempting to notify the parent, take the child to a  
9 designated crisis residential center's secure facility or a center's  
10 semi-secure facility if a secure facility is full, not available, or  
11 not located within a reasonable distance if:~~

12 ~~(i) The child expresses fear or distress at the prospect of being  
13 returned to his or her home which leads the officer to believe there is  
14 a possibility that the child is experiencing some type of abuse or  
15 neglect;~~

16 ~~(ii) It is not practical to transport the child to his or her home  
17 or place of the parent's employment; or~~

18 ~~(iii) There is no parent available to accept custody of the child;~~  
19 ~~or~~

20 ~~(e))~~ After unsuccessfully attempting to notify the parent, ~~((if a  
21 crisis residential center is full, not available, or not located within  
22 a reasonable distance,))~~ request the department to accept custody of  
23 the child. If the department determines that an appropriate placement  
24 is currently available, the department shall accept custody and place  
25 the child in an out-of-home placement. Upon accepting custody of a  
26 child from the officer, the department may place the child in an out-  
27 of-home placement for up to seventy-two hours, excluding Saturdays,  
28 Sundays, and holidays, without filing a child in need of services  
29 petition, obtaining parental consent, or obtaining an order for  
30 placement under chapter 13.34 RCW. Upon transferring a child to the  
31 department's custody, the officer shall provide written documentation  
32 of the reasons and the statutory basis for taking the child into  
33 custody. If the department declines to accept custody of the child,  
34 the officer may release the child after attempting to take the child to  
35 the following, in the order listed: The home of an adult extended  
36 family member; a responsible adult; or a licensed youth shelter. The  
37 officer shall immediately notify the department if no placement option  
38 is available and the child is released.



1 (2) An officer taking a child into custody under RCW 13.32A.050(1)  
2 (c) or (d) shall inform the child of the reason for custody. An  
3 officer taking a child into custody under RCW 13.32A.050(1)(c) may  
4 release the child to the supervising agency(~~(, or shall take the child~~  
5 ~~to a designated crisis residential center's secure facility. If the~~  
6 ~~secure facility is not available, not located within a reasonable~~  
7 ~~distance, or full, the officer shall take the child to a semi-secure~~  
8 ~~crisis residential center)).~~ An officer taking a child into custody  
9 under RCW 13.32A.050(1)(d) may place the child in a juvenile detention  
10 facility as provided in RCW 13.32A.065 (~~(or a secure facility,)~~) except  
11 that the child shall be taken to detention whenever the officer has  
12 been notified that a juvenile court has entered a detention order under  
13 this chapter or chapter 13.34 RCW.

14 (3) (~~Every officer taking a child into custody shall provide the~~  
15 ~~child and his or her parent or parents or responsible adult with a copy~~  
16 ~~of the statement specified in RCW 13.32A.130(6).~~

17 (~~4~~)) Whenever an officer transfers custody of a child to (~~a~~  
18 ~~crisis residential center or~~) the department, the child may (~~reside~~  
19 ~~in the crisis residential center or may~~) be placed by the department  
20 in an out-of-home placement for an aggregate total period of time not  
21 to exceed seventy-two hours excluding Saturdays, Sundays, and holidays.  
22 Thereafter, the child may continue in out-of-home placement only if the  
23 parents have consented, a child in need of services petition has been  
24 filed, or an order for placement has been entered under chapter 13.34  
25 RCW.

26 (~~(5) The department shall ensure that all law enforcement~~  
27 ~~authorities are informed on a regular basis as to the location of all~~  
28 ~~designated secure and semi-secure facilities within centers in their~~  
29 ~~jurisdiction, where children taken into custody under RCW 13.32A.050~~  
30 ~~may be taken.))~~

31 **Sec. 23.** RCW 74.13.036 and 1996 c 133 s 37 are each amended to  
32 read as follows:

33 (1) The department of social and health services shall oversee  
34 implementation of chapter 13.34 RCW and chapter 13.32A RCW. The  
35 oversight shall be comprised of working with affected parts of the  
36 criminal justice and child care systems as well as with local  
37 government, legislative, and executive authorities to effectively carry

1 out these chapters. The department shall work with all such entities  
2 to ensure that chapters 13.32A and 13.34 RCW are implemented in a  
3 uniform manner throughout the state.

4 (2) The department shall develop a plan and procedures, in  
5 cooperation with the statewide advisory committee, to insure the full  
6 implementation of the provisions of chapter 13.32A RCW. Such plan and  
7 procedures shall include but are not limited to:

8 (a) Procedures defining and delineating the role of the department  
9 and juvenile court with regard to the execution of the child in need of  
10 services placement process;

11 (b) Procedures for designating department staff responsible for  
12 family reconciliation services;

13 (c) Procedures assuring enforcement of contempt proceedings in  
14 accordance with RCW 13.32A.170 and 13.32A.250; and

15 (d) Procedures for the continued education of all individuals in  
16 the criminal juvenile justice and child care systems who are affected  
17 by chapter 13.32A RCW, as well as members of the legislative and  
18 executive branches of government.

19 There shall be uniform application of the procedures developed by  
20 the department and juvenile court personnel, to the extent practicable.  
21 Local and regional differences shall be taken into consideration in the  
22 development of procedures required under this subsection.

23 (3) In addition to its other oversight duties, the department  
24 shall:

25 (a) Identify and evaluate resource needs in each region of the  
26 state;

27 (b) Disseminate information collected as part of the oversight  
28 process to affected groups and the general public;

29 (c) Educate affected entities within the juvenile justice and child  
30 care systems, local government, and the legislative branch regarding  
31 the implementation of chapters 13.32A and 13.34 RCW;

32 (d) Review complaints concerning the services, policies, and  
33 procedures of those entities charged with implementing chapters 13.32A  
34 and 13.34 RCW; and

35 (e) Report any violations and misunderstandings regarding the  
36 implementation of chapters 13.32A and 13.34 RCW.

37 (4) The secretary shall submit a quarterly report to the  
38 appropriate local government entities.

1 (5) The department shall provide an annual report to the  
2 legislature not later than December 1, indicating the number of times  
3 it has declined to accept custody of a child from a law enforcement  
4 agency under chapter 13.32A RCW and the number of times it has received  
5 a report of a child being released without placement under RCW  
6 13.32A.060(1)((+e+)) (b). The report shall include the dates, places,  
7 and reasons the department declined to accept custody and the dates and  
8 places children are released without placement.

9 **Sec. 24.** RCW 13.32A.065 and 2000 c 162 s 12 and 2000 c 123 s 8 are  
10 each reenacted and amended to read as follows:

11 (1) A child may be placed in detention after being taken into  
12 custody pursuant to RCW 13.32A.050(1)(d). The court shall hold a  
13 ~~((detention))~~ review hearing within twenty-four hours, excluding  
14 Saturdays, Sundays, and holidays. The court shall release the child  
15 after twenty-four hours, excluding Saturdays, Sundays, and holidays,  
16 unless:

17 (a) A motion and order to show why the child should not be held in  
18 contempt has been filed and served on the child at or before the  
19 detention hearing; and

20 (b) The court believes that the child would not appear at a hearing  
21 on contempt.

22 (2) If the court ~~((orders the child to remain in detention))~~ finds  
23 that the conditions in subsection (1) of this section have been met,  
24 the court may order the child to remain confined in detention, and  
25 shall set the matter for a hearing on contempt within seventy-two  
26 hours, excluding Saturdays, Sundays, and holidays. In no case may a  
27 child in contempt be confined in a secure facility that is free-  
28 standing outside a juvenile detention facility.

29 **Sec. 25.** RCW 13.32A.110 and 1996 c 133 s 17 are each amended to  
30 read as follows:

31 If a child who has a legal residence outside the state of  
32 Washington ~~((is admitted to a crisis residential center or))~~ is  
33 released by a law enforcement officer to the department, and the child  
34 refuses to return home, the provisions of RCW 13.24.010 shall apply.

1       **Sec. 26.** RCW 13.32A.120 and 2000 c 123 s 14 are each amended to  
2 read as follows:

3       (1) Where either a child or the child's parent or the person or  
4 facility currently providing shelter to the child notifies the  
5 (~~center~~) department that such individual or individuals cannot agree  
6 to the continuation of an out-of-home placement (~~arrived at pursuant~~  
7 ~~to RCW 13.32A.090(3)(d)(ii)~~), the (~~administrator of the center~~)  
8 department shall immediately contact the remaining party or parties to  
9 the agreement and shall attempt to bring about the child's return home  
10 or to an alternative living arrangement agreeable to the child and the  
11 parent as soon as practicable.

12       (2) If a child and his or her parent cannot agree to an out-of-home  
13 placement (~~under RCW 13.32A.090(3)(d)(ii)~~), either the child or  
14 parent may file a child in need of services petition to approve an out-  
15 of-home placement or the parent may file an at-risk youth petition.

16       (3) If a child and his or her parent cannot agree to the  
17 continuation of an out-of-home placement (~~under RCW~~  
18 ~~13.32A.090(3)(d)(ii)~~), either the child or parent may file a child in  
19 need of services petition to continue an out-of-home placement or the  
20 parent may file an at-risk youth petition.

21       **Sec. 27.** RCW 13.32A.192 and 1997 c 146 s 8 are each amended to  
22 read as follows:

23       (1) When a proper at-risk youth petition is filed by a child's  
24 parent under this chapter, the juvenile court shall:

25       (a)(i) Schedule a fact-finding hearing to be held: (A) For a child  
26 who resides in a place other than his or her parent's home and other  
27 than an out-of-home placement, within five calendar days unless the  
28 last calendar day is a Saturday, Sunday, or holiday, in which case the  
29 hearing shall be held on the preceding judicial day; or (B) for a child  
30 living at home or in an out-of-home placement, within ten days; and  
31 (ii) notify the parent and the child of such date;

32       (b) Notify the parent of the right to be represented by counsel at  
33 the parent's own expense;

34       (c) Appoint legal counsel for the child;

35       (d) Inform the child and his or her parent of the legal  
36 consequences of the court finding the child to be an at-risk youth; and

1 (e) Notify the parent and the child of their rights to present  
2 evidence at the fact-finding hearing.

3 (2) Unless out-of-home placement of the child is otherwise  
4 authorized or required by law, the child shall reside in the home of  
5 his or her parent or in an out-of-home placement requested by the  
6 parent or child and approved by the parent.

7 (3) If upon sworn written or oral declaration of the petitioning  
8 parent, the court has reason to believe that a child has willfully and  
9 knowingly violated a court order issued pursuant to subsection (2) of  
10 this section, the court may issue an order directing law enforcement to  
11 take the child into custody and place the child in a juvenile detention  
12 facility (~~(or in a secure facility within a crisis residential~~  
13 ~~center)~~). If the child is placed in detention, a review shall be held  
14 as provided in RCW 13.32A.065.

15 (4) If both a child in need of services petition and an at-risk  
16 youth petition have been filed with regard to the same child, the  
17 petitions and proceedings shall be consolidated as an at-risk youth  
18 petition. Pending a fact-finding hearing regarding the petition, the  
19 child may be placed in the parent's home or in an out-of-home placement  
20 if not already placed in a temporary out-of-home placement pursuant to  
21 a child in need of services petition. The child or the parent may  
22 request a review of the child's placement including a review of any  
23 court order requiring the child to reside in the parent's home.

24 **Sec. 28.** RCW 13.32A.197 and 1996 c 133 s 3 are each amended to  
25 read as follows:

26 (1) In a disposition hearing, after a finding that a child is a  
27 child in need of services or an at-risk youth, the court may adopt the  
28 additional orders authorized under this section if it finds that the  
29 child involved in those proceedings is not eligible for inpatient  
30 treatment for a mental health or substance abuse condition and requires  
31 specialized treatment. The court may order that a child be placed in  
32 a staff secure facility(~~(, other than a crisis residential center,)~~)  
33 that will provide for the child's participation in a program designed  
34 to remedy his or her behavioral difficulties or needs. The court may  
35 not enter this order unless, at the disposition hearing, it finds that  
36 the placement is clearly necessary to protect the child and that a less  
37 restrictive order would be inadequate to protect the child, given the

1 child's age, maturity, propensity to run away from home, past exposure  
2 to serious risk when the child ran away from home, and possible future  
3 exposure to serious risk should the child run away from home again.

4 (2) The order shall require periodic court review of the placement,  
5 with the first review hearing conducted not more than thirty days after  
6 the date of the placement. At each review hearing the court shall  
7 advise the parents of their rights under RCW 13.32A.160(1), review the  
8 progress of the child, and determine whether the orders are still  
9 necessary for the protection of the child or a less restrictive  
10 placement would be adequate. The court shall modify its orders as it  
11 finds necessary to protect the child. Reviews of orders adopted under  
12 this section are subject to the review provisions under RCW 13.32A.190  
13 and (~~(13.32.198-[13.32A.198])~~) 13.32A.198.

14 (3) Placements in staff secure facilities under this section shall  
15 be limited to children who meet the statutory definition of a child in  
16 need of services or an at-risk youth as defined in RCW 13.32A.030.

17 (4) State funds may only be used to pay for placements under this  
18 section if, and to the extent that, such funds are appropriated to  
19 expressly pay for them.

20 **Sec. 29.** RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and  
21 2001 c 137 s 3 are each reenacted and amended to read as follows:

22 For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless  
23 otherwise clearly indicated by the context thereof, the following terms  
24 shall mean:

25 (1) "Agency" means any person, firm, partnership, association,  
26 corporation, or facility which receives children, expectant mothers, or  
27 persons with developmental disabilities for control, care, or  
28 maintenance outside their own homes, or which places, arranges the  
29 placement of, or assists in the placement of children, expectant  
30 mothers, or persons with developmental disabilities for foster care or  
31 placement of children for adoption, and shall include the following  
32 irrespective of whether there is compensation to the agency or to the  
33 children, expectant mothers or persons with developmental disabilities  
34 for services rendered:

35 (a) "Child day-care center" means an agency which regularly  
36 provides care for a group of children for periods of less than twenty-  
37 four hours;

1 (b) "Child-placing agency" means an agency which places a child or  
2 children for temporary care, continued care, or for adoption;

3 (c) "Community facility" means a group care facility operated for  
4 the care of juveniles committed to the department under RCW 13.40.185.  
5 A county detention facility that houses juveniles committed to the  
6 department under RCW 13.40.185 pursuant to a contract with the  
7 department is not a community facility;

8 ~~((("Crisis residential center" means an agency which is a  
9 temporary protective residential facility operated to perform the  
10 duties specified in chapter 13.32A RCW, in the manner provided in RCW  
11 74.13.032 through 74.13.036;~~

12 ~~(e))~~ "Emergency respite center" is an agency that may be commonly  
13 known as a crisis nursery, that provides emergency and crisis care for  
14 up to seventy-two hours to children who have been admitted by their  
15 parents or guardians to prevent abuse or neglect. Emergency respite  
16 centers may operate for up to twenty-four hours a day, and for up to  
17 seven days a week. Emergency respite centers may provide care for  
18 children ages birth through seventeen, and for persons eighteen through  
19 twenty with developmental disabilities who are admitted with a sibling  
20 or siblings through age seventeen. Emergency respite centers may not  
21 substitute for ~~((erisis residential centers or))~~ HOPE centers, or any  
22 other services defined under this section, and may not substitute for  
23 services which are required under chapter 13.32A or 13.34 RCW;

24 ~~((+f))~~ (e) "Family day-care provider" means a child day-care  
25 provider who regularly provides child day care for not more than twelve  
26 children in the provider's home in the family living quarters;

27 ~~((+g))~~ (f) "Foster-family home" means an agency which regularly  
28 provides care on a twenty-four hour basis to one or more children,  
29 expectant mothers, or persons with developmental disabilities in the  
30 family abode of the person or persons under whose direct care and  
31 supervision the child, expectant mother, or person with a developmental  
32 disability is placed;

33 ~~((+h))~~ (g) "Group-care facility" means an agency, other than a  
34 foster-family home, which is maintained and operated for the care of a  
35 group of children on a twenty-four hour basis;

36 ~~((+i))~~ (h) "HOPE center" means an agency licensed by the secretary  
37 to provide temporary residential placement and other services to street  
38 youth. A street youth may remain in a HOPE center for thirty days

1 while services are arranged and permanent placement is coordinated. No  
2 street youth may stay longer than thirty days unless approved by the  
3 department and any additional days approved by the department must be  
4 based on the unavailability of a long-term placement option. A street  
5 youth whose parent wants him or her returned to home may remain in a  
6 HOPE center until his or her parent arranges return of the youth, not  
7 longer. All other street youth must have court approval under chapter  
8 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

9 ~~((+j))~~ (i) "Maternity service" means an agency which provides or  
10 arranges for care or services to expectant mothers, before or during  
11 confinement, or which provides care as needed to mothers and their  
12 infants after confinement;

13 ~~((+k))~~ (j) "Responsible living skills program" means an agency  
14 licensed by the secretary that provides residential and transitional  
15 living services to persons ages sixteen to eighteen who are dependent  
16 under chapter 13.34 RCW and who have been unable to live in his or her  
17 legally authorized residence and, as a result, the minor lived outdoors  
18 or in another unsafe location not intended for occupancy by the minor.  
19 Dependent minors ages fourteen and fifteen may be eligible if no other  
20 placement alternative is available and the department approves the  
21 placement;

22 ~~((+l))~~ (k) "Service provider" means the entity that operates a  
23 community facility.

24 (2) "Agency" shall not include the following:

25 (a) Persons related to the child, expectant mother, or person with  
26 developmental disability in the following ways:

27 (i) Any blood relative, including those of half-blood, and  
28 including first cousins, nephews or nieces, and persons of preceding  
29 generations as denoted by prefixes of grand, great, or great-great;

30 (ii) Stepfather, stepmother, stepbrother, and stepsister;

31 (iii) A person who legally adopts a child or the child's parent as  
32 well as the natural and other legally adopted children of such persons,  
33 and other relatives of the adoptive parents in accordance with state  
34 law;

35 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
36 subsection (2)(a), even after the marriage is terminated; or

37 (v) Extended family members, as defined by the law or custom of the  
38 Indian child's tribe or, in the absence of such law or custom, a person



1 who has reached the age of eighteen and who is the Indian child's  
2 grandparent, aunt or uncle, brother or sister, brother-in-law or  
3 sister-in-law, niece or nephew, first or second cousin, or stepparent  
4 who provides care in the family abode on a twenty-four-hour basis to an  
5 Indian child as defined in 25 U.S.C. Sec. 1903(4);

6 (b) Persons who are legal guardians of the child, expectant mother,  
7 or persons with developmental disabilities;

8 (c) Persons who care for a neighbor's or friend's child or  
9 children, with or without compensation, where: (i) The person  
10 providing care for periods of less than twenty-four hours does not  
11 conduct such activity on an ongoing, regularly scheduled basis for the  
12 purpose of engaging in business, which includes, but is not limited to,  
13 advertising such care; or (ii) the parent and person providing care on  
14 a twenty-four-hour basis have agreed to the placement in writing and  
15 the state is not providing any payment for the care;

16 (d) Parents on a mutually cooperative basis exchange care of one  
17 another's children;

18 (e) A person, partnership, corporation, or other entity that  
19 provides placement or similar services to exchange students or  
20 international student exchange visitors or persons who have the care of  
21 an exchange student in their home;

22 (f) A person, partnership, corporation, or other entity that  
23 provides placement or similar services to international children who  
24 have entered the country by obtaining visas that meet the criteria for  
25 medical care as established by the United States immigration and  
26 naturalization service, or persons who have the care of such an  
27 international child in their home;

28 (g) Nursery schools or kindergartens which are engaged primarily in  
29 educational work with preschool children and in which no child is  
30 enrolled on a regular basis for more than four hours per day;

31 (h) Schools, including boarding schools, which are engaged  
32 primarily in education, operate on a definite school year schedule,  
33 follow a stated academic curriculum, accept only school-age children  
34 and do not accept custody of children;

35 (i) Seasonal camps of three months' or less duration engaged  
36 primarily in recreational or educational activities;

37 (j) Hospitals licensed pursuant to chapter 70.41 RCW when

1 performing functions defined in chapter 70.41 RCW, nursing homes  
2 licensed under chapter 18.51 RCW and boarding homes licensed under  
3 chapter 18.20 RCW;

4 (k) Licensed physicians or lawyers;

5 (l) Facilities providing care to children for periods of less than  
6 twenty-four hours whose parents remain on the premises to participate  
7 in activities other than employment;

8 (m) Facilities approved and certified under chapter 71A.22 RCW;

9 (n) Any agency having been in operation in this state ten years  
10 prior to June 8, 1967, and not seeking or accepting moneys or  
11 assistance from any state or federal agency, and is supported in part  
12 by an endowment or trust fund;

13 (o) Persons who have a child in their home for purposes of  
14 adoption, if the child was placed in such home by a licensed child-  
15 placing agency, an authorized public or tribal agency or court or if a  
16 replacement report has been filed under chapter 26.33 RCW and the  
17 placement has been approved by the court;

18 (p) An agency operated by any unit of local, state, or federal  
19 government or an agency, located within the boundaries of a federally  
20 recognized Indian reservation, licensed by the Indian tribe;

21 (q) A maximum or medium security program for juvenile offenders  
22 operated by or under contract with the department;

23 (r) An agency located on a federal military reservation, except  
24 where the military authorities request that such agency be subject to  
25 the licensing requirements of this chapter.

26 (3) "Department" means the state department of social and health  
27 services.

28 (4) "Juvenile" means a person under the age of twenty-one who has  
29 been sentenced to a term of confinement under the supervision of the  
30 department under RCW 13.40.185.

31 (5) "Probationary license" means a license issued as a disciplinary  
32 measure to an agency that has previously been issued a full license but  
33 is out of compliance with licensing standards.

34 (6) "Requirement" means any rule, regulation, or standard of care  
35 to be maintained by an agency.

36 (7) "Secretary" means the secretary of social and health services.

37 (8) "Street youth" means a person under the age of eighteen who

1 lives outdoors or in another unsafe location not intended for occupancy  
2 by the minor and who is not residing with his or her parent or at his  
3 or her legally authorized residence.

4 (9) "Transitional living services" means at a minimum, to the  
5 extent funds are available, the following:

6 (a) Educational services, including basic literacy and  
7 computational skills training, either in local alternative or public  
8 high schools or in a high school equivalency program that leads to  
9 obtaining a high school equivalency degree;

10 (b) Assistance and counseling related to obtaining vocational  
11 training or higher education, job readiness, job search assistance, and  
12 placement programs;

13 (c) Counseling and instruction in life skills such as money  
14 management, home management, consumer skills, parenting, health care,  
15 access to community resources, and transportation and housing options;

16 (d) Individual and group counseling; and

17 (e) Establishing networks with federal agencies and state and local  
18 organizations such as the United States department of labor, employment  
19 and training administration programs including the job training  
20 partnership act which administers private industry councils and the job  
21 corps; vocational rehabilitation; and volunteer programs.

22 **Sec. 30.** RCW 74.15.220 and 1999 c 267 s 12 are each amended to  
23 read as follows:

24 The secretary (~~shall~~) may establish HOPE centers that provide no  
25 more than seventy-five beds across the state and may establish HOPE  
26 centers by contract, within funds appropriated by the legislature  
27 specifically for this purpose. HOPE centers shall be operated in a  
28 manner to reasonably assure that street youth placed there will not run  
29 away. Street youth may leave a HOPE center during the course of the  
30 day to attend school or other necessary appointments, but the street  
31 youth must be accompanied by an administrator or an administrator's  
32 designee. The street youth must provide the administration with  
33 specific information regarding his or her destination and expected time  
34 of return to the HOPE center. Any street youth who runs away from a  
35 HOPE center shall not be readmitted unless specifically authorized by  
36 the street youth's placement and liaison specialist, and the placement

1 and liaison specialist shall document with specific factual findings an  
2 appropriate basis for readmitting any street youth to a HOPE center.  
3 HOPE centers are required to have the following:

4 (1) A license issued by the secretary;

5 (2) A professional with a master's degree in counseling, social  
6 work, or related field and at least one year of experience working with  
7 street youth or a bachelor of arts degree in social work or a related  
8 field and five years of experience working with street youth. This  
9 professional staff person may be contractual or a part-time employee,  
10 but must be available to work with street youth in a HOPE center at a  
11 ratio of one to every fifteen youth staying in a HOPE center. This  
12 professional shall be known as a placement and liaison specialist.  
13 Preference shall be given to those professionals cross-credentialed in  
14 mental health and chemical dependency. The placement and liaison  
15 specialist shall:

16 (a) Conduct an assessment of the street youth that includes a  
17 determination of the street youth's legal status regarding residential  
18 placement;

19 (b) Facilitate the street youth's return to his or her legally  
20 authorized residence at the earliest possible date or initiate  
21 processes to arrange legally authorized appropriate placement. Any  
22 street youth who may meet the definition of dependent child under RCW  
23 13.34.030 must be referred to the department. The department shall  
24 determine whether a dependency petition should be filed under chapter  
25 13.34 RCW. A shelter care hearing must be held within seventy-two  
26 hours to authorize out-of-home placement for any youth the department  
27 determines is appropriate for out-of-home placement under chapter 13.34  
28 RCW. All of the provisions of chapter 13.32A RCW must be followed for  
29 children in need of services or at-risk youth;

30 (c) Interface with other relevant resources and system  
31 representatives to secure long-term residential placement and other  
32 needed services for the street youth;

33 (d) Be assigned immediately to each youth and meet with the youth  
34 within eight hours of the youth receiving HOPE center services;

35 (e) Facilitate a physical examination of any street youth who has  
36 not seen a physician within one year prior to residence at a HOPE  
37 center and facilitate evaluation by a county-designated mental health

1 professional, a chemical dependency specialist, or both if appropriate;  
2 and

3 (f) Arrange an educational assessment to measure the street youth's  
4 competency level in reading, writing, and basic mathematics, and that  
5 will measure learning disabilities or special needs;

6 (3) Staff trained in development needs of street youth as  
7 determined by the secretary, including an administrator who is a  
8 professional with a master's degree in counseling, social work, or a  
9 related field and at least one year of experience working with street  
10 youth, or a bachelor of arts degree in social work or a related field  
11 and five years of experience working with street youth, who must work  
12 with the placement and liaison specialist to provide appropriate  
13 services on site;

14 (4) A data collection system that measures outcomes for the  
15 population served, and enables research and evaluation that can be used  
16 for future program development and service delivery. Data collection  
17 systems must have confidentiality rules and protocols developed by the  
18 secretary;

19 (5) Notification requirements that meet the notification  
20 requirements of chapter 13.32A RCW. The youth's arrival date and time  
21 must be logged at intake by HOPE center staff. The staff must  
22 immediately notify law enforcement and dependency caseworkers if a  
23 street youth runs away from a HOPE center. ~~((A child may be  
24 transferred to a secure facility as defined in RCW 13.32A.030 whenever  
25 the staff reasonably believes that a street youth is likely to leave  
26 the HOPE center and not return after full consideration of the factors  
27 set forth in RCW 13.32A.130(2)(a) (i) and (ii).))~~ The street youth's  
28 temporary placement in the HOPE center must be authorized by the court  
29 or the secretary if the youth is a dependent of the state under chapter  
30 13.34 RCW or the department is responsible for the youth under chapter  
31 13.32A RCW, or by the youth's parent or legal custodian, until such  
32 time as the parent can retrieve the youth who is returning to home;

33 (6) HOPE centers must identify to the department any street youth  
34 it serves who is not returning promptly to home. The department then  
35 must contact the missing children's clearinghouse identified in chapter  
36 13.60 RCW and either report the youth's location or report that the  
37 youth is the subject of a dependency action and the parent should  
38 receive notice from the department; and

1 (7) Services that provide counseling and education to the street  
2 youth(~~(; and~~

3 ~~(8) The department shall only award contracts for the operation of~~  
4 ~~HOPE center beds and responsible living skills programs in departmental~~  
5 ~~regions: (a) With operating secure crisis residential centers; or (b)~~  
6 ~~in which the secretary finds significant progress is made toward~~  
7 ~~opening a secure crisis residential center)).~~

8 **Sec. 31.** RCW 74.15.240 and 1999 c 267 s 14 are each amended to  
9 read as follows:

10 To be eligible for placement in a responsible living skills  
11 program, the minor must be dependent under chapter 13.34 RCW and must  
12 have lived in a HOPE center (~~(or in a secure crisis residential~~  
13 ~~center)).~~ Responsible living skills centers are intended as a  
14 placement alternative for dependent youth that the department chooses  
15 for the youth because no other services or alternative placements have  
16 been successful. Responsible living skills centers are not for  
17 dependent youth whose permanency plan includes return to home or family  
18 reunification.

19 **Sec. 32.** RCW 74.20A.030 and 2000 c 86 s 7 are each amended to read  
20 as follows:

21 (1) The department shall be subrogated to the right of any  
22 dependent child or children or person having the care, custody, and  
23 control of (~~said~~) the child or children, if public assistance money  
24 is paid to or for the benefit of the child or for the care and  
25 maintenance of a child, including a child with a developmental  
26 disability, under a state-funded program, or a program funded under  
27 Title IV-A or IV-E of the federal social security act as amended by the  
28 personal responsibility and work opportunity reconciliation act of  
29 1996, to prosecute or maintain any support action or execute any  
30 administrative remedy existing under the laws of the state of  
31 Washington to obtain reimbursement of moneys expended, based on the  
32 support obligation of the responsible parent established by a child  
33 support order. Distribution of any support moneys shall be made in  
34 accordance with RCW 26.23.035.

35 (2) The department may initiate, continue, maintain, or execute an  
36 action to establish, enforce, and collect a support obligation,

1 including establishing paternity and performing related services, under  
2 this chapter and chapter 74.20 RCW, or through the attorney general or  
3 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,  
4 or 26.26 RCW or other appropriate statutes or the common law of this  
5 state, for so long as and under such conditions as the department may  
6 establish by regulation.

7 (3) Public assistance moneys shall be exempt from collection action  
8 under this chapter except as provided in RCW 74.20A.270.

9 ~~((4) No collection action shall be taken against parents of  
10 children eligible for admission to, or children who have been  
11 discharged from a residential habilitation center as defined by RCW  
12 71A.10.020(8). For the period July 1, 1993, through June 30, 1995, a  
13 collection action may be taken against parents of children with  
14 developmental disabilities who are placed in community based  
15 residential care. The amount of support the department may collect  
16 from the parents shall not exceed one half of the parents' support  
17 obligation accrued while the child was in community based residential  
18 care. The child support obligation shall be calculated pursuant to  
19 chapter 26.19 RCW.))~~

20 **Sec. 33.** RCW 13.34.270 and 2000 c 122 s 33 are each amended to  
21 read as follows:

22 (1) Whenever the department places a child with a developmental  
23 disability in out-of-home care pursuant to RCW 74.13.350, the  
24 department shall obtain a judicial determination within one hundred  
25 eighty days of the placement that continued placement is in the best  
26 interests of the child. If the child's out-of-home placement ends  
27 before one hundred eighty days have elapsed, no judicial determination  
28 is required.

29 (2) To obtain the judicial determination, the department shall file  
30 a petition alleging that there is located or residing within the county  
31 a child who has a developmental disability and that the child has been  
32 placed in out-of-home care pursuant to RCW 74.13.350. The petition  
33 shall request that the court review the child's placement, make a  
34 determination whether continued placement is in the best interests of  
35 the child, and take other necessary action as provided in this section.  
36 The petition shall contain the name, date of birth, and residence of  
37 the child and the names and residences of the child's parent or legal

1 guardian who has agreed to the child's placement in out-of-home care.  
2 Reasonable attempts shall be made by the department to ascertain and  
3 set forth in the petition the identity, location, and custodial status  
4 of any parent who is not a party to the placement agreement and why  
5 that parent cannot assume custody of the child.

6 (3) Upon filing of the petition, the clerk of the court shall  
7 schedule the petition for a hearing to be held no later than fourteen  
8 calendar days after the petition has been filed. The department shall  
9 provide notification of the time, date, and purpose of the hearing to  
10 the parent or legal guardian who has agreed to the child's placement in  
11 out-of-home care. The department shall also make reasonable attempts  
12 to notify any parent who is not a party to the placement agreement, if  
13 the parent's identity and location is known. Notification under this  
14 section may be given by the most expedient means, including but not  
15 limited to, mail, personal service, and telephone.

16 (4) The court shall appoint a guardian ad litem for the child as  
17 provided in RCW 13.34.100, unless the court for good cause finds the  
18 appointment unnecessary.

19 (5) Permanency planning hearings shall be held as provided in this  
20 section. At the hearing, the court shall review whether the child's  
21 best interests are served by continued out-of-home placement and  
22 determine the future legal status of the child.

23 (a) For children age ten and under, a permanency planning hearing  
24 shall be held in all cases where the child has remained in out-of-home  
25 care for at least nine months and an adoption decree or guardianship  
26 order under chapter 11.88 RCW has not previously been entered. The  
27 hearing shall take place no later than twelve months following  
28 commencement of the child's current placement episode.

29 (b) For children over age ten, a permanency planning hearing shall  
30 be held in all cases where the child has remained in out-of-home care  
31 for at least fifteen months and an adoption decree or guardianship  
32 order under chapter 11.88 RCW has not previously been entered. The  
33 hearing shall take place no later than eighteen months following  
34 commencement of the current placement episode.

35 (c) No later than ten working days before the permanency planning  
36 hearing, the department shall submit a written permanency plan to the  
37 court and shall mail a copy of the plan to all parties. The plan shall  
38 be directed toward securing a safe, stable, and permanent home for the



1 child as soon as possible. The plan shall identify one of the  
2 following outcomes as the primary goal and may also identify additional  
3 outcomes as alternative goals: Return of the child to the home of the  
4 child's parent or legal guardian; adoption; guardianship; or long-term  
5 out-of-home care, until the child is age eighteen, with a written  
6 agreement between the parties and the child's care provider.

7 (d) If a goal of long-term out-of-home care has been achieved  
8 before the permanency planning hearing, the court shall review the  
9 child's status to determine whether the placement and the plan for the  
10 child's care remains appropriate. In cases where the primary  
11 permanency planning goal has not been achieved, the court shall inquire  
12 regarding the reasons why the primary goal has not been achieved and  
13 determine what needs to be done to make it possible to achieve the  
14 primary goal.

15 (e) Following the first permanency planning hearing, the court  
16 shall hold a further permanency planning hearing in accordance with  
17 this section at least once every twelve months until a permanency  
18 planning goal is achieved or the voluntary placement agreement is  
19 terminated.

20 (6) Any party to the voluntary placement agreement may terminate  
21 the agreement at any time. Upon termination of the agreement, the  
22 child shall be returned to the care of the child's parent or legal  
23 guardian, unless the child has been taken into custody pursuant to RCW  
24 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW  
25 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The  
26 department shall notify the court upon termination of the voluntary  
27 placement agreement and return of the child to the care of the child's  
28 parent or legal guardian. Whenever a voluntary placement agreement is  
29 terminated, an action under this section shall be dismissed.

30 (7) When state or federal funds are expended for the care and  
31 maintenance of a child with a developmental disability, whether placed  
32 in care as a result of an action under this chapter or a voluntary  
33 placement agreement, the department shall refer the case to the  
34 division of child support, unless the department finds that there is  
35 good cause not to pursue collection of child support against the parent  
36 or parents of the child.

37 (8) This section does not prevent the department from filing a  
38 dependency petition if there is reason to believe that the child is a

1 dependent child as defined in RCW 13.34.030. An action filed under  
2 this section shall be dismissed upon the filing of a dependency  
3 petition regarding a child who is the subject of the action under this  
4 section.

5 (9) Nothing in this section prohibits the court from ordering the  
6 parents to pay child support under RCW 13.34.160.

7 **Sec. 34.** RCW 74.13.350 and 1998 c 229 s 1 are each amended to read  
8 as follows:

9 It is the intent of the legislature that parents are responsible  
10 for the care and support of children with developmental disabilities.  
11 The legislature recognizes that, because of the intense support  
12 required to care for a child with developmental disabilities, the help  
13 of an out-of-home placement may be needed. It is the intent of the  
14 legislature that, when the sole reason for the out-of-home placement is  
15 the child's developmental disability, such services be offered by the  
16 department to these children and their families through a voluntary  
17 placement agreement. In these cases, the parents shall retain legal  
18 custody of the child.

19 As used in this section, "voluntary placement agreement" means a  
20 written agreement between the department and a child's parent or legal  
21 guardian authorizing the department to place the child in a licensed  
22 facility. Under the terms of this agreement, the parent or legal  
23 guardian shall retain legal custody and the department shall be  
24 responsible for the child's placement and care. The agreement shall at  
25 a minimum specify the legal status of the child and the rights and  
26 obligations of the parent or legal guardian, the child, and the  
27 department while the child is in placement. The agreement must be  
28 signed by the child's parent or legal guardian and the department to be  
29 in effect, except that an agreement regarding an Indian child shall not  
30 be valid unless executed in writing before the court and filed with the  
31 court as provided in RCW 13.34.245. Any party to a voluntary placement  
32 agreement may terminate the agreement at any time. Upon termination of  
33 the agreement, the child shall be returned to the care of the child's  
34 parent or legal guardian unless the child has been taken into custody  
35 pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant  
36 to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

1 As used in this section, "out-of-home placement" and "out-of-home  
2 care" mean the placement of a child in a foster family home or group  
3 care facility licensed under chapter 74.15 RCW.

4 Whenever the department places a child in out-of-home care under a  
5 voluntary placement pursuant to this section, the department shall have  
6 the responsibility for the child's placement and care. The department  
7 shall develop a permanency plan of care for the child no later than  
8 sixty days from the date that the department assumes responsibility for  
9 the child's placement and care. Within the first one hundred eighty  
10 days of the placement, the department shall obtain a judicial  
11 determination pursuant to RCW 13.04.030(1)(j) and 13.34.270 that the  
12 placement is in the best interests of the child. If the child's out-  
13 of-home placement ends before one hundred eighty days have elapsed, no  
14 judicial determination under RCW 13.04.030(1)(b) is required. The  
15 permanency planning hearings shall review whether the child's best  
16 interests are served by continued out-of-home placement and determine  
17 the future legal status of the child.

18 The department shall provide for periodic administrative reviews as  
19 required by federal law. A review may be called at any time by either  
20 the department, the parent, or the legal guardian.

21 Nothing in this section shall prevent the department from filing a  
22 dependency petition if there is reason to believe that the child is a  
23 dependent child as defined in RCW 13.34.030.

24 The department shall adopt rules providing for the implementation  
25 of chapter 386, Laws of 1997 and the transfer of responsibility for  
26 out-of-home placements from the dependency process under chapter 13.34  
27 RCW to the process under this chapter.

28 It is the intent of the legislature that the department undertake  
29 voluntary out-of-home placement in cases where the child's  
30 developmental disability is such that the parent, guardian, or legal  
31 custodian is unable to provide the necessary care for the child, and  
32 the parent, guardian, or legal custodian has determined that the child  
33 would benefit from placement outside of the home. If the department  
34 does not accept a voluntary placement agreement signed by the parent,  
35 a petition may be filed and an action pursued under chapter 13.34 RCW.  
36 The department shall inform the parent, guardian, or legal custodian in  
37 writing of their right to civil action under chapter 13.34 RCW.

1 Nothing in this section prohibits the department from seeking  
2 support from the parents of a child when state or federal funds are  
3 expended for the care and maintenance of that child, including a child  
4 with a developmental disability, or when the department receives an  
5 application for services from the physical custodian of the child,  
6 unless the department finds that there is good cause not to pursue  
7 collection of child support against the parent or parents.

8 **Sec. 35.** RCW 74.14D.020 and 1997 c 386 s 10 are each amended to  
9 read as follows:

10 (1) The department (~~shall~~) may, within resources appropriated  
11 specifically for this purpose, contract for delivery of services for at  
12 least two but not more than three models of alternative response  
13 systems. The services shall be reasonably available throughout the  
14 state but need not be sited in every county in the state, subject to  
15 such conditions and limitations as may be specified in the omnibus  
16 appropriations act.

17 (2) The systems shall provide delivery of services in the least  
18 intrusive manner reasonably likely to achieve improved family  
19 cohesiveness, prevention of rereferrals of the family for alleged abuse  
20 or neglect, and improvement in the health and safety of children.

21 (3) The department (~~shall~~) may, within resources appropriated  
22 specifically for this purpose, identify and prioritize risk and  
23 protective factors associated with the type of abuse or neglect  
24 referrals that are appropriate for services delivered by alternative  
25 response systems. Contractors who provide services through an  
26 alternative response system shall use the factors in determining which  
27 services to deliver, consistent with the provisions of subsection (2)  
28 of this section.

29 (4) Consistent with the provisions of chapter 26.44 RCW, the  
30 providers of services under the alternative response system shall  
31 recognize the due process rights of families that receive such services  
32 and recognize that these services are not intended to be investigative  
33 for purposes of chapter 13.34 RCW.

34 **Sec. 36.** RCW 74.14D.030 and 1997 c 386 s 11 are each amended to  
35 read as follows:

36 The department (~~shall~~) may, within resources appropriated

1 specifically for this purpose, identify appropriate data to determine  
2 and evaluate outcomes of the services delivered by the alternative  
3 response systems. All contracts for delivery of alternative response  
4 system services shall include provisions and funding for data  
5 collection.

6 **Sec. 37.** RCW 13.34.160 and 1997 c 58 s 505 are each amended to  
7 read as follows:

8 (1) In an action brought under this chapter, the court may inquire  
9 into the ability of the parent or parents of the child to pay child  
10 support and may enter an order of child support as set forth in chapter  
11 26.19 RCW. The court may enforce the same by execution, or in any way  
12 in which a court of equity may enforce its decrees. All child support  
13 orders entered pursuant to this chapter shall be in compliance with the  
14 provisions of RCW 26.23.050.

15 (2) For purposes of this section, if a dependent child's parent is  
16 an unmarried minor parent or pregnant minor applicant, then the parent  
17 or parents of the minor shall also be deemed a parent or parents of the  
18 dependent child. However, liability for child support under this  
19 subsection only exists if the parent or parents of the unmarried minor  
20 parent or pregnant minor applicant are provided the opportunity for a  
21 hearing on their ability to provide support. Any child support order  
22 requiring such a parent or parents to provide support for the minor  
23 parent's child may be effective only until the minor parent reaches  
24 eighteen years of age.

25 (3) In the absence of a court order setting support, the department  
26 may establish an administrative order for support upon receipt of a  
27 referral or application for support enforcement services.

28 **Sec. 38.** RCW 74.13.031 and 2001 c 192 s 1 are each amended to read  
29 as follows:

30 The department shall have the duty to provide child welfare  
31 services and shall:

32 (1) Develop, administer, supervise, and monitor a coordinated and  
33 comprehensive plan that establishes, aids, and strengthens services for  
34 the protection and care of runaway, dependent, or neglected children.

35 (2) Within available resources, recruit an adequate number of  
36 prospective adoptive and foster homes, both regular and specialized,

1 i.e. homes for children of ethnic minority, including Indian homes for  
2 Indian children, sibling groups, handicapped and emotionally disturbed,  
3 teens, pregnant and parenting teens, and annually report to the  
4 governor and the legislature concerning the department's success in:  
5 (a) Meeting the need for adoptive and foster home placements; (b)  
6 reducing the foster parent turnover rate; (c) completing home studies  
7 for legally free children; and (d) implementing and operating the  
8 passport program required by RCW 74.13.285. The report shall include  
9 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

10 (3) Investigate complaints of any recent act or failure to act on  
11 the part of a parent or caretaker that results in death, serious  
12 physical or emotional harm, or sexual abuse or exploitation, or that  
13 presents an imminent risk of serious harm, and on the basis of the  
14 findings of such investigation, offer child welfare services in  
15 relation to the problem to such parents, legal custodians, or persons  
16 serving in loco parentis, and/or bring the situation to the attention  
17 of an appropriate court, or another community agency: PROVIDED, That  
18 an investigation is not required of nonaccidental injuries which are  
19 clearly not the result of a lack of care or supervision by the child's  
20 parents, legal custodians, or persons serving in loco parentis. If the  
21 investigation reveals that a crime against a child may have been  
22 committed, the department shall notify the appropriate law enforcement  
23 agency.

24 (4) Offer, on a voluntary basis, and to the extent funding is  
25 available for this purpose, family reconciliation services to families  
26 who are in conflict.

27 (5) Monitor out-of-home placements, on a timely and routine basis,  
28 to assure the safety, well-being, and quality of care being provided is  
29 within the scope of the intent of the legislature as defined in RCW  
30 74.13.010 and 74.15.010, and annually submit a report measuring the  
31 extent to which the department achieved the specified goals to the  
32 governor and the legislature.

33 (6) Have authority to accept custody of children from parents and  
34 to accept custody of children from juvenile courts, where authorized to  
35 do so under law, to provide child welfare services including placement  
36 for adoption, and to provide for the physical care of such children and  
37 make payment of maintenance costs if needed. Except where required by  
38 Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency

1 which receives children for adoption from the department shall  
2 discriminate on the basis of race, creed, or color when considering  
3 applications in their placement for adoption.

4 (7) Have authority to provide temporary shelter to children who  
5 have run away from home (~~and who are admitted to crisis residential~~  
6 ~~centers~~)).

7 (8) Have authority to purchase care for children; and shall follow  
8 in general the policy of using properly approved private agency  
9 services for the actual care and supervision of such children insofar  
10 as they are available, paying for care of such children as are accepted  
11 by the department as eligible for support at reasonable rates  
12 established by the department.

13 (9) Establish a children's services advisory committee which shall  
14 assist the secretary in the development of a partnership plan for  
15 utilizing resources of the public and private sectors, and advise on  
16 all matters pertaining to child welfare, licensing of child care  
17 agencies, adoption, and services related thereto. At least one member  
18 shall represent the adoption community.

19 (10) Have authority to provide continued foster care or group care  
20 for individuals from eighteen through twenty years of age to enable  
21 them to complete their high school or vocational school program.

22 (11) Refer cases to the division of child support whenever state or  
23 federal funds are expended for the care and maintenance of a child,  
24 including a child with a developmental disability, whether placed as a  
25 result of an action under chapter 13.34 RCW or a voluntary placement  
26 agreement, unless the department finds that there is good cause not to  
27 pursue collection of child support against the parent or parents of the  
28 child.

29 (12) Have authority within funds appropriated for foster care  
30 services to purchase care for Indian children who are in the custody of  
31 a federally recognized Indian tribe or tribally licensed child-placing  
32 agency pursuant to parental consent, tribal court order, or state  
33 juvenile court order; and the purchase of such care shall be subject to  
34 the same eligibility standards and rates of support applicable to other  
35 children for whom the department purchases care.

36 Notwithstanding any other provision of RCW 13.32A.170 through  
37 13.32A.200 (~~and 74.13.032 through 74.13.036,~~) or of this section all  
38 services to be provided by the department of social and health services

1 under subsections (4), (6), and (7) of this section, subject to the  
2 limitations of these subsections, may be provided by any program  
3 offering such services funded pursuant to Titles II and III of the  
4 federal juvenile justice and delinquency prevention act of 1974.

5 ~~((12))~~ (13) Within amounts appropriated for this specific  
6 purpose, provide preventive services to families with children that  
7 prevent or shorten the duration of an out-of-home placement.

8 ~~((13))~~ (14) Have authority to provide independent living services  
9 to youths, including individuals eighteen through twenty years of age,  
10 who are or have been in foster care.

11 **Sec. 39.** RCW 28A.225.015 and 1999 c 319 s 6 are each amended to  
12 read as follows:

13 (1) If a parent enrolls a child who is six or seven years of age in  
14 a public school, the child is required to attend and that parent has  
15 the responsibility to ensure the child attends for the full time that  
16 school is in session. An exception shall be made to this requirement  
17 for children whose parents formally remove them from enrollment if the  
18 child is less than eight years old and a petition has not been filed  
19 against the parent under subsection (3) of this section. The  
20 requirement to attend school under this subsection does not apply to a  
21 child enrolled in a public school part-time for the purpose of  
22 receiving ancillary services. A child required to attend school under  
23 this subsection may be temporarily excused upon the request of his or  
24 her parent for purposes agreed upon by the school district and parent.

25 (2) If a six or seven year-old child is required to attend public  
26 school under subsection (1) of this section and that child has  
27 unexcused absences, the public school in which the child is enrolled  
28 shall:

29 (a) Inform the child's custodial parent, parents, or guardian by a  
30 notice in writing or by telephone whenever the child has failed to  
31 attend school after one unexcused absence within any month during the  
32 current school year;

33 (b) Request a conference or conferences with the custodial parent,  
34 parents, or guardian and child at a time reasonably convenient for all  
35 persons included for the purpose of analyzing the causes of the child's  
36 absences after two unexcused absences within any month during the  
37 current school year. If a regularly scheduled parent-teacher



1 conference day is to take place within thirty days of the second  
2 unexcused absence, then the school district may schedule this  
3 conference on that day; and

4 (c) Take steps to eliminate or reduce the child's absences. These  
5 steps shall include, where appropriate, adjusting the child's school  
6 program or school or course assignment, providing more individualized  
7 or remedial instruction, offering assistance in enrolling the child in  
8 available alternative schools or programs, or assisting the parent or  
9 child to obtain supplementary services that may help eliminate or  
10 ameliorate the cause or causes for the absence from school.

11 (3) If a child required to attend public school under subsection  
12 (1) of this section has (~~seven~~) five unexcused absences in a month or  
13 ten unexcused absences in a school year, the school district (~~shall~~)  
14 may file a petition for civil action as provided in RCW 28A.225.035  
15 against the parent of the child provided that the local juvenile court  
16 has designated within available resources a court, truancy board, or  
17 other entity for processing such actions.

18 (4) This section does not require a six or seven year old child to  
19 enroll in a public or private school or to receive home-based  
20 instruction. This section only applies to six or seven year old  
21 children whose parents enroll them full time in public school and do  
22 not formally remove them from enrollment as provided in subsection (1)  
23 of this section.

24 **Sec. 40.** RCW 28A.225.020 and 1999 c 319 s 1 are each amended to  
25 read as follows:

26 (1) If a child required to attend school under RCW 28A.225.010  
27 fails to attend school without valid justification, the public school  
28 in which the child is enrolled shall:

29 (a) Inform the child's custodial parent, parents, or guardian by a  
30 notice in writing or by telephone whenever the child has failed to  
31 attend school after one unexcused absence within any month during the  
32 current school year. School officials shall inform the parent of the  
33 potential consequences of additional unexcused absences;

34 (b) Schedule a conference or conferences with the custodial parent,  
35 parents, or guardian and child at a time reasonably convenient for all  
36 persons included for the purpose of analyzing the causes of the child's  
37 absences after two unexcused absences within any month during the

1 current school year. If a regularly scheduled parent-teacher  
2 conference day is to take place within thirty days of the second  
3 unexcused absence, then the school district may schedule this  
4 conference on that day; and

5 (c) Take steps to eliminate or reduce the child's absences. These  
6 steps shall include, where appropriate, adjusting the child's school  
7 program or school or course assignment, providing more individualized  
8 or remedial instruction, providing appropriate vocational courses or  
9 work experience, (~~referring the child to a community truancy board, if~~  
10 ~~available,~~) requiring the child to attend an alternative school or  
11 program, or assisting the parent or child to obtain supplementary  
12 services that might eliminate or ameliorate the cause or causes for the  
13 absence from school and may include referring the child to a community  
14 truancy board. If the child's parent does not attend the scheduled  
15 conference, the conference may be conducted with the student and school  
16 official. However, the parent shall be notified of the steps to be  
17 taken to eliminate or reduce the child's absence.

18 (2) For purposes of this chapter, an "unexcused absence" means that  
19 a child:

20 (a) Has failed to attend the majority of hours or periods in an  
21 average school day or has failed to comply with a more restrictive  
22 school district policy; and

23 (b) Has failed to meet the school district's policy for excused  
24 absences.

25 (3) If a child transfers from one school district to another during  
26 the school year, the receiving school or school district shall include  
27 the unexcused absences accumulated at the previous school or from the  
28 previous school district for purposes of this section, RCW 28A.225.030,  
29 and 28A.225.015.

30 **Sec. 41.** RCW 28A.225.025 and 1999 c 319 s 5 are each amended to  
31 read as follows:

32 For purposes of this chapter, "community truancy board" means a  
33 board composed of members of the local community in which the child  
34 attends school. Juvenile courts may establish and operate community  
35 truancy boards. If the juvenile court and the school district agree,  
36 a school district may establish and operate a community truancy board  
37 under the jurisdiction of the juvenile court within available funds.

1 Juvenile courts may create a community truancy board or may use other  
2 entities that exist or are created, such as diversion units. However,  
3 a diversion unit or other existing entity must agree before it is used  
4 as a truancy board. Duties of a community truancy board (~~(shall)~~) may  
5 include(~~(, but not be limited to,)~~) recommending methods for improving  
6 school attendance such as assisting the parent or the child to obtain  
7 supplementary services that might eliminate or ameliorate the causes  
8 for the absences or suggesting to the school district that the child  
9 enroll in another school, an alternative education program, an  
10 education center, a skill center, a dropout prevention program, or  
11 another public or private educational program.

12 **Sec. 42.** RCW 28A.225.030 and 1999 c 319 s 2 are each amended to  
13 read as follows:

14 (1) If a child is required to attend school under RCW 28A.225.010  
15 and if the actions taken by a school district under RCW 28A.225.020 are  
16 not successful in substantially reducing an enrolled student's absences  
17 from public school, (~~(not later than the seventh)~~) on or after the  
18 fifth unexcused absence by a child within any month during the current  
19 school year or (~~(not later than)~~) on or after the tenth unexcused  
20 absence during the current school year the school district (~~(shall)~~)  
21 may, provided that the local juvenile court has designated within  
22 available funds a court, truancy board, or other entity for processing  
23 such actions, file a petition and supporting affidavit for a civil  
24 action with the juvenile court alleging a violation of RCW 28A.225.010:  
25 (a) By the parent; (b) by the child; or (c) by the parent and the  
26 child. Except as provided in this subsection, no additional documents  
27 need be filed with the petition.

28 (2) (~~The district shall not later than the fifth unexcused absence~~  
29 ~~in a month:~~

30 ~~(a) Enter into an agreement with a student and parent that~~  
31 ~~establishes school attendance requirements;~~

32 ~~(b) Refer a student to a community truancy board, if available, as~~  
33 ~~defined in RCW 28A.225.025. The community truancy board shall enter~~  
34 ~~into an agreement with the student and parent that establishes school~~  
35 ~~attendance requirements and take other appropriate actions to reduce~~  
36 ~~the child's absences; or~~

37 ~~(c) File a petition under subsection (1) of this section.~~

1       ~~(3))~~) The petition may be filed by a school district employee who  
2 is not an attorney.

3       ~~((4))~~) (3) If the school district ~~((fails to))~~ does not file a  
4 petition under this section, the parent of a child with five or more  
5 unexcused absences in any month during the current school year or upon  
6 the tenth unexcused absence during the current school year may,  
7 provided that the local juvenile court has designated within available  
8 funds a court, truancy board, or other entity for processing such  
9 actions, file a petition with the juvenile court alleging a violation  
10 of RCW 28A.225.010.

11       ~~((5))~~) (4) Petitions filed under this section may be served by  
12 certified mail, return receipt requested. If such service is  
13 unsuccessful, or the return receipt is not signed by the addressee,  
14 personal service is required.

15       **Sec. 43.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to  
16 read as follows:

17       There is created the office of the state long-term care ombudsman.  
18 The ~~((department of community, trade, and economic development shall~~  
19 ~~contract with a private nonprofit organization to provide))~~ long-term  
20 care ombudsman shall provide services as specified under, and  
21 consistent with, the federal older Americans act as amended, federal  
22 mandates, the goals of the state, and the needs of its citizens. ~~((The~~  
23 ~~department of community, trade, and economic development shall ensure~~  
24 ~~that all program and staff support necessary to enable the ombudsman to~~  
25 ~~effectively protect the interests of residents, patients, and clients~~  
26 ~~of all long term care facilities is provided by the nonprofit~~  
27 ~~organization that contracts to provide long term care ombudsman~~  
28 ~~services. The department of community, trade, and economic development~~  
29 ~~shall adopt rules to carry out this chapter and the long term care~~  
30 ~~ombudsman provisions of the federal older Americans act, as amended,~~  
31 ~~and applicable federal regulations.))~~ The long-term care ombudsman  
32 program shall have the following powers and duties:

33       (1) To provide services for coordinating the activities of long-  
34 term care ombudsmen throughout the state;

35       (2) ~~((Carry out such other activities as the department of~~  
36 ~~community, trade, and economic development deems appropriate;~~

1       ~~(3)~~) Establish procedures consistent with RCW 43.190.110 for  
2 appropriate access by long-term care ombudsmen to long-term care  
3 facilities and patients' records, including procedures to protect the  
4 confidentiality of the records and ensure that the identity of any  
5 complainant or resident will not be disclosed without the written  
6 consent of the complainant or resident, or upon court order;

7       ~~((4))~~ (3) Establish a statewide uniform reporting system to  
8 collect and analyze data relating to complaints and conditions in long-  
9 term care facilities for the purpose of identifying and resolving  
10 significant problems, with provision for submission of such data to the  
11 department of social and health services and to the federal department  
12 of health and human services, or its successor agency, on a regular  
13 basis; and

14       ~~((5))~~ (4) Establish procedures to assure that any files  
15 maintained by ombudsman programs shall be disclosed only at the  
16 discretion of the ombudsman having authority over the disposition of  
17 such files, except that the identity of any complainant or resident of  
18 a long-term care facility shall not be disclosed by such ombudsman  
19 unless:

20       (a) Such complainant or resident, or the complainant's or  
21 resident's legal representative, consents in writing to such  
22 disclosure; or

23       (b) Such disclosure is required by court order.

24       **Sec. 44.** RCW 74.04.005 and 2000 c 218 s 1 are each amended to read  
25 as follows:

26       For the purposes of this title, unless the context indicates  
27 otherwise, the following definitions shall apply:

28       (1) "Public assistance" or "assistance"--Public aid to persons in  
29 need thereof for any cause, including services, medical care,  
30 assistance grants, disbursing orders, work relief, general assistance  
31 and federal-aid assistance.

32       (2) "Department"--The department of social and health services.

33       (3) "County or local office"--The administrative office for one or  
34 more counties or designated service areas.

35       (4) "Director" or "secretary" means the secretary of social and  
36 health services.

1 (5) "Federal-aid assistance"--The specific categories of assistance  
2 for which provision is made in any federal law existing or hereafter  
3 passed by which payments are made from the federal government to the  
4 state in aid or in respect to payment by the state for public  
5 assistance rendered to any category of needy persons for which  
6 provision for federal funds or aid may from time to time be made, or a  
7 federally administered needs-based program.

8 (6)(a) "General assistance"--(~~Aid to persons in need~~) An economic  
9 assistance program for eligible persons who:

10 (i) Are not eligible to receive federal-aid assistance, other than  
11 food stamps or food stamp benefits transferred electronically and  
12 medical assistance; however, an individual who refuses or fails to  
13 cooperate in obtaining federal-aid assistance, without good cause, is  
14 not eligible for general assistance;

15 (ii) Meet one of the following conditions:

16 (A) Pregnant: PROVIDED, That need is based on the current income  
17 and resource requirements of the federal temporary assistance for needy  
18 families program; or

19 (B) (~~Subject to chapter 165, Laws of 1992, incapacitated from~~  
20 ~~gainful employment by reason of bodily or mental infirmity that will~~  
21 ~~likely continue for a minimum of ninety days as~~) Is determined by the  
22 department to have a physical or mental impairment or combination of  
23 these impairments that can be expected to last for a continuous period  
24 of not less than twelve months from the date of request and that meets  
25 or equals the Listings of Impairment found in 20 C.F.R. Sec. 404,  
26 Subpart P, Appendix 1.

27 (C) Persons who are unemployable due to alcohol or drug addiction  
28 are not eligible for general assistance. Persons receiving general  
29 assistance on July 26, 1987, or becoming eligible for such assistance  
30 thereafter, due to an alcohol or drug-related incapacity, shall be  
31 referred to appropriate assessment, treatment, shelter, or supplemental  
32 security income referral services as authorized under chapter 74.50  
33 RCW. Referrals shall be made at the time of application or at the time  
34 of eligibility review. Alcoholic and drug addicted clients who are  
35 receiving general assistance on July 26, 1987, may remain on general  
36 assistance if they otherwise retain their eligibility until they are  
37 assessed for services under chapter 74.50 RCW. Subsection  
38 (6)(a)(ii)(B) of this section shall not be construed to prohibit the

1 department from granting general assistance benefits to alcoholics and  
2 drug addicts who are incapacitated due to other physical or mental  
3 conditions that meet the eligibility criteria for the general  
4 assistance program;

5 (iii) Are citizens ~~((or))~~, qualified aliens ~~((lawfully admitted for  
6 permanent residence))~~, or otherwise residing in the United States under  
7 color of law; and

8 (iv) Have furnished the department their social security account  
9 number. If the social security account number cannot be furnished  
10 because it has not been issued or is not known, an application for a  
11 number shall be made prior to authorization of assistance, and the  
12 social security number shall be provided to the department upon  
13 receipt.

14 ~~((Notwithstanding the provisions of subsection (6)(a)(i), (ii),  
15 and (c) of this section, general assistance shall be provided to the  
16 following recipients of federal aid assistance:~~

17 ~~(i) Recipients of supplemental security income whose need, as  
18 defined in this section, is not met by such supplemental security  
19 income grant because of separation from a spouse; or~~

20 ~~(ii) To the extent authorized by the legislature in the biennial  
21 appropriations act, to recipients of temporary assistance for needy  
22 families whose needs are not being met because of a temporary reduction  
23 in monthly income below the entitled benefit payment level caused by  
24 loss or reduction of wages or unemployment compensation benefits or  
25 some other unforeseen circumstances. The amount of general assistance  
26 authorized shall not exceed the difference between the entitled benefit  
27 payment level and the amount of income actually received.~~

28 ~~(e))~~ General assistance shall be provided only to persons who are  
29 not members of assistance units receiving federal aid assistance,  
30 except as provided in subsection (6)(a)(ii)(A) ~~((and (b)))~~ of this  
31 section, and will accept available services which can reasonably be  
32 expected to enable the person to work or reduce the need for assistance  
33 unless there is good cause to refuse. Failure to accept such services  
34 shall result in termination until the person agrees to cooperate in  
35 accepting such services and subject to the following maximum periods of  
36 ineligibility after reapplication:

- 37 (i) First failure: One week;
- 38 (ii) Second failure within six months: One month;

1 (iii) Third and subsequent failure within one year: Two months.

2 ~~((d))~~ (c) Persons ~~((found eligible for general assistance based~~  
3 ~~on incapacity from gainful employment))~~ may, if otherwise eligible,  
4 receive general assistance pending application for federal supplemental  
5 security income benefits. Any general assistance that is subsequently  
6 duplicated by the person's receipt of supplemental security income for  
7 the same period shall be considered a debt due the state and shall by  
8 operation of law be subject to recovery through all available legal  
9 remedies.

10 ~~((e))~~ (d) The department shall adopt by rule medical criteria for  
11 general assistance eligibility to ensure that eligibility decisions are  
12 consistent with statutory requirements and are based on clear,  
13 objective medical information.

14 ~~((f))~~ (e) The process implementing the medical criteria shall  
15 involve consideration of opinions of the treating or consulting  
16 physicians or health care professionals regarding incapacity, and any  
17 eligibility decision which rejects uncontroverted medical opinion must  
18 set forth clear and convincing reasons for doing so.

19 ~~((g) Recipients of general assistance based upon a finding of~~  
20 ~~incapacity from gainful employment who remain otherwise eligible shall~~  
21 ~~not have their benefits terminated absent a clear showing of material~~  
22 ~~improvement in their medical or mental condition or specific error in~~  
23 ~~the prior determination that found the recipient eligible by reason of~~  
24 ~~incapacitation.))~~ (f) Persons found eligible under subsection  
25 (6)(a)(ii)(B) of this section shall have their medical eligibility  
26 reviewed at least every six months to determine if their medical  
27 incapacity will continue for at least ninety days.

28 (g) Recipients of general assistance based upon pregnancy who  
29 relinquish their child for adoption, remain otherwise eligible, and are  
30 not eligible to receive benefits under the federal temporary assistance  
31 for needy families program shall not have their benefits terminated  
32 until the end of the month in which the period of six weeks following  
33 the birth of the recipient's child falls. Recipients of the federal  
34 temporary assistance for needy families program who lose their  
35 eligibility solely because of the birth and relinquishment of the  
36 qualifying child may receive general assistance through the end of the  
37 month in which the period of six weeks following the birth of the child  
38 falls.



1 (h) No person may be considered an eligible individual for general  
2 assistance with respect to any month if during that month the person:

3 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
4 confinement for conviction of, a felony, or an attempt to commit a  
5 felony, under the laws of the state of Washington or the place from  
6 which the person flees; or

7 (ii) Is violating a condition of probation, community supervision,  
8 or parole imposed under federal or state law for a felony or gross  
9 misdemeanor conviction.

10 (7) "Applicant"--Any person who has made a request, or on behalf of  
11 whom a request has been made, to any county or local office for  
12 assistance.

13 (8) "Recipient"--Any person receiving assistance and in addition  
14 those dependents whose needs are included in the recipient's  
15 assistance.

16 (9) "Standards of assistance"--The level of income required by an  
17 applicant or recipient to maintain a level of living specified by the  
18 department.

19 (10) "Resource"--Any asset, tangible or intangible, owned by or  
20 available to the applicant at the time of application, which can be  
21 applied toward meeting the applicant's need, either directly or by  
22 conversion into money or its equivalent. The department may by rule  
23 designate resources that an applicant may retain and not be ineligible  
24 for public assistance because of such resources. Exempt resources  
25 shall include, but are not limited to:

26 (a) A home that an applicant, recipient, or their dependents is  
27 living in, including the surrounding property;

28 (b) Household furnishings and personal effects;

29 (c) A motor vehicle, other than a motor home, used and useful  
30 having an equity value not to exceed five thousand dollars;

31 (d) A motor vehicle necessary to transport a physically disabled  
32 household member. This exclusion is limited to one vehicle per  
33 physically disabled person;

34 (e) All other resources, including any excess of values exempted,  
35 not to exceed one thousand dollars or other limit as set by the  
36 department, to be consistent with limitations on resources and  
37 exemptions necessary for federal aid assistance. The department shall

1 also allow recipients of temporary assistance for needy families to  
2 exempt savings accounts with combined balances of up to an additional  
3 three thousand dollars;

4 (f) Applicants for or recipients of general assistance shall have  
5 their eligibility based on resource limitations consistent with the  
6 temporary assistance for needy families program rules adopted by the  
7 department; and

8 (g) If an applicant for or recipient of public assistance possesses  
9 property and belongings in excess of the ceiling value, such value  
10 shall be used in determining the need of the applicant or recipient,  
11 except that: (i) The department may exempt resources or income when  
12 the income and resources are determined necessary to the applicant's or  
13 recipient's restoration to independence, to decrease the need for  
14 public assistance, or to aid in rehabilitating the applicant or  
15 recipient or a dependent of the applicant or recipient; and (ii) the  
16 department may provide grant assistance for a period not to exceed nine  
17 months from the date the agreement is signed pursuant to this section  
18 to persons who are otherwise ineligible because of excess real property  
19 owned by such persons when they are making a good faith effort to  
20 dispose of that property: PROVIDED, That:

21 (A) The applicant or recipient signs an agreement to repay the  
22 lesser of the amount of aid received or the net proceeds of such sale;

23 (B) If the owner of the excess property ceases to make good faith  
24 efforts to sell the property, the entire amount of assistance may  
25 become an overpayment and a debt due the state and may be recovered  
26 pursuant to RCW 43.20B.630;

27 (C) Applicants and recipients are advised of their right to a fair  
28 hearing and afforded the opportunity to challenge a decision that good  
29 faith efforts to sell have ceased, prior to assessment of an  
30 overpayment under this section; and

31 (D) At the time assistance is authorized, the department files a  
32 lien without a sum certain on the specific property.

33 (11) "Income"--(a) All appreciable gains in real or personal  
34 property (cash or kind) or other assets, which are received by or  
35 become available for use and enjoyment by an applicant or recipient  
36 during the month of application or after applying for or receiving  
37 public assistance. The department may by rule and regulation exempt  
38 income received by an applicant for or recipient of public assistance

1 which can be used by him or her to decrease his or her need for public  
2 assistance or to aid in rehabilitating him or her or his or her  
3 dependents, but such exemption shall not, unless otherwise provided in  
4 this title, exceed the exemptions of resources granted under this  
5 chapter to an applicant for public assistance. In addition, for cash  
6 assistance the department may disregard income pursuant to RCW  
7 74.08A.230 and 74.12.350.

8 (b) If, under applicable federal requirements, the state has the  
9 option of considering property in the form of lump sum compensatory  
10 awards or related settlements received by an applicant or recipient as  
11 income or as a resource, the department shall consider such property to  
12 be a resource.

13 (12) "Need"--The difference between the applicant's or recipient's  
14 standards of assistance for himself or herself and the dependent  
15 members of his or her family, as measured by the standards of the  
16 department, and value of all nonexempt resources and nonexempt income  
17 received by or available to the applicant or recipient and the  
18 dependent members of his or her family.

19 (13) For purposes of determining eligibility for public assistance  
20 and participation levels in the cost of medical care, the department  
21 shall exempt restitution payments made to people of Japanese and Aleut  
22 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian  
23 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
24 including all income and resources derived therefrom.

25 (14) In the construction of words and phrases used in this title,  
26 the singular number shall include the plural, the masculine gender  
27 shall include both the feminine and neuter genders and the present  
28 tense shall include the past and future tenses, unless the context  
29 thereof shall clearly indicate to the contrary.

30 **Sec. 45.** RCW 74.08A.100 and 2002 c 366 s 1 are each amended to  
31 read as follows:

32 The state shall exercise its option under P.L. 104-193 to continue  
33 services to legal immigrants under temporary assistance for needy  
34 families, medicaid to the extent allowed by federal law, the state's  
35 basic health plan as provided in chapter 70.47 RCW, and social services  
36 block grant programs. Eligibility for these benefits for legal  
37 immigrants arriving after August 21, 1996, is limited to those families

1 where the parent, parents, or legal guardians have been in residence in  
2 Washington state for a period of twelve consecutive months before  
3 making their application for assistance. Legal immigrants who lose  
4 benefits under the supplemental security income program as a result of  
5 P.L. 104-193 (~~are immediately~~) may be eligible for benefits under the  
6 state's general assistance-unemployable program. The legal immigrant  
7 must apply and pursue becoming a naturalized citizen unless the  
8 department determines there is good cause not to naturalize. The  
9 department shall redetermine income and resource eligibility at least  
10 annually, in accordance with existing state policy.

11 **Sec. 46.** RCW 74.09.010 and 1990 c 296 s 6 are each amended to read  
12 as follows:

13 As used in this chapter:

14 (1) "Children's health program" means the health care services  
15 program provided to children under eighteen years of age and in  
16 households with incomes at or below the federal poverty level as  
17 annually defined by the federal department of health and human services  
18 as adjusted for family size, and who are not otherwise eligible for  
19 medical assistance or the limited casualty program for the medically  
20 needy.

21 (2) "Committee" means the children's health services committee  
22 created in section 3 of this act.

23 (3) "County" means the board of county commissioners, county  
24 council, county executive, or tribal jurisdiction, or its designee. A  
25 combination of two or more county authorities or tribal jurisdictions  
26 may enter into joint agreements to fulfill the requirements of RCW  
27 74.09.415 through 74.09.435.

28 (4) "Department" means the department of social and health  
29 services.

30 (5) "Department of health" means the Washington state department of  
31 health created pursuant to RCW 43.70.020.

32 (6) "Internal management" means the administration of medical  
33 assistance, medical care services, the children's health program, and  
34 the limited casualty program.

35 (7) "Limited casualty program" means the medical care program  
36 provided to medically needy persons as defined under Title XIX of the

1 federal social security act, and to medically indigent persons who are  
2 without income or resources sufficient to secure necessary medical  
3 services.

4 (8) "Medical assistance" means the federal aid medical care program  
5 provided to categorically needy persons as defined under Title XIX of  
6 the federal social security act.

7 (9) "Medical care services" means the limited scope of care  
8 financed by state funds and provided to ~~((general assistance~~  
9 ~~recipients))~~ persons determined incapacitated, and recipients of  
10 alcohol and drug addiction services provided under chapter 74.50 RCW.

11 (10) "Nursing home" means nursing home as defined in RCW 18.51.010.

12 (11) "Poverty" means the federal poverty level determined annually  
13 by the United States department of health and human services, or  
14 successor agency.

15 (12) "Secretary" means the secretary of social and health services.

16 **Sec. 47.** RCW 74.09.035 and 1987 c 406 s 12 are each amended to  
17 read as follows:

18 (1) To the extent of available funds, medical care services may be  
19 provided ~~((to recipients of general assistance,))~~ in accordance with  
20 medical eligibility requirements established by the department (a)  
21 subject to chapter 165, Laws of 1992, to persons incapacitated from  
22 gainful employment by reason of bodily or mental infirmity that will  
23 likely continue for a minimum of ninety days as determined by the  
24 department and (b) to recipients of alcohol and drug addiction services  
25 provided under chapter 74.50 RCW~~((, in accordance with medical~~  
26 ~~eligibility requirements established by the department))~~.

27 (2) The department shall adopt by rule criteria for determining  
28 incapacity to ensure that eligibility decisions are consistent with  
29 statutory requirements and are based on clear, objective medical  
30 information. The process implementing the medical criteria shall  
31 involve consideration of opinions of the treating or consulting  
32 physicians or health care professionals regarding incapacity, and any  
33 eligibility decision that rejects uncontroverted medical opinion must  
34 set forth clear and convincing reasons for doing so.

35 (3) Determination of the amount, scope, and duration of medical  
36 care services shall be limited to coverage as defined by the

1 department, except that adult dental, and routine foot care shall not  
2 be included unless there is a specific appropriation for these  
3 services.

4 ~~((3))~~ (4) The department shall establish standards of assistance  
5 and resource and income exemptions, which may include deductibles and  
6 co-insurance provisions. In addition, the department may include a  
7 prohibition against the voluntary assignment of property or cash for  
8 the purpose of qualifying for assistance.

9 ~~((4))~~ (5) Residents of skilled nursing homes, intermediate care  
10 facilities, and intermediate care facilities for the mentally retarded  
11 who are eligible for medical care services shall be provided medical  
12 services to the same extent as provided to those persons eligible under  
13 the medical assistance program.

14 ~~((5))~~ (6) Payments made by the department under this program  
15 shall be the limit of expenditures for medical care services solely  
16 from state funds.

17 ~~((6))~~ (7) Eligibility for medical care services shall commence  
18 with the date of certification for general assistance or the date of  
19 eligibility for alcohol and drug addiction services provided under  
20 chapter 74.50 RCW.

21 **Sec. 48.** RCW 74.46.431 and 2001 1st sp.s. c 8 s 5 are each amended  
22 to read as follows:

23 (1) Effective July 1, 1999, nursing facility medicaid payment rate  
24 allocations shall be facility-specific and shall have seven components:  
25 Direct care, therapy care, support services, operations, property,  
26 financing allowance, and variable return. The department shall  
27 establish and adjust each of these components, as provided in this  
28 section and elsewhere in this chapter, for each medicaid nursing  
29 facility in this state.

30 (2) All component rate allocations for essential community  
31 providers as defined in this chapter shall be based upon a minimum  
32 facility occupancy of eighty-five percent of licensed beds, regardless  
33 of how many beds are set up or in use. For all facilities other than  
34 essential community providers, effective July 1, 2001, component rate  
35 allocations in direct care, therapy care, support services, variable  
36 return, operations, property, and financing allowance shall continue to  
37 be based upon a minimum facility occupancy of eighty-five percent of

1 licensed beds. For all facilities other than essential community  
2 providers, effective July 1, 2002, the component rate allocations in  
3 operations, property, and financing allowance shall be based upon a  
4 minimum facility occupancy of ninety percent of licensed beds,  
5 regardless of how many beds are set up or in use. For all facilities  
6 other than essential community providers, effective July 1, 2003, the  
7 component rate allocations in operations, property, and financing  
8 allowance shall be based upon a minimum facility occupancy of ninety-  
9 five percent of licensed beds, regardless of how many beds are set up  
10 or in use.

11 (3) Information and data sources used in determining medicaid  
12 payment rate allocations, including formulas, procedures, cost report  
13 periods, resident assessment instrument formats, resident assessment  
14 methodologies, and resident classification and case mix weighting  
15 methodologies, may be substituted or altered from time to time as  
16 determined by the department.

17 (4)(a) Direct care component rate allocations shall be established  
18 using adjusted cost report data covering at least six months. Adjusted  
19 cost report data from 1996 will be used for October 1, 1998, through  
20 June 30, 2001, direct care component rate allocations; adjusted cost  
21 report data from 1999 will be used for July 1, 2001, through June 30,  
22 2004, direct care component rate allocations.

23 (b) Direct care component rate allocations based on 1996 cost  
24 report data shall be adjusted annually for economic trends and  
25 conditions by a factor or factors defined in the biennial  
26 appropriations act. A different economic trends and conditions  
27 adjustment factor or factors may be defined in the biennial  
28 appropriations act for facilities whose direct care component rate is  
29 set equal to their adjusted June 30, 1998, rate, as provided in RCW  
30 74.46.506(5)(i).

31 (c) Direct care component rate allocations based on 1999 cost  
32 report data shall be adjusted annually for economic trends and  
33 conditions by a factor or factors defined in the biennial  
34 appropriations act. A different economic trends and conditions  
35 adjustment factor or factors may be defined in the biennial  
36 appropriations act for facilities whose direct care component rate is  
37 set equal to their adjusted June 30, 1998, rate, as provided in RCW  
38 74.46.506(5)(i).

1 (5)(a) Therapy care component rate allocations shall be established  
2 using adjusted cost report data covering at least six months. Adjusted  
3 cost report data from 1996 will be used for October 1, 1998, through  
4 June 30, 2001, therapy care component rate allocations; adjusted cost  
5 report data from 1999 will be used for July 1, 2001, through June 30,  
6 2004, therapy care component rate allocations.

7 (b) Therapy care component rate allocations shall be adjusted  
8 annually for economic trends and conditions by a factor or factors  
9 defined in the biennial appropriations act.

10 (6)(a) Support services component rate allocations shall be  
11 established using adjusted cost report data covering at least six  
12 months. Adjusted cost report data from 1996 shall be used for October  
13 1, 1998, through June 30, 2001, support services component rate  
14 allocations; adjusted cost report data from 1999 shall be used for July  
15 1, 2001, through June 30, 2004, support services component rate  
16 allocations.

17 (b) Support services component rate allocations shall be adjusted  
18 annually for economic trends and conditions by a factor or factors  
19 defined in the biennial appropriations act.

20 (7)(a) Operations component rate allocations shall be established  
21 using adjusted cost report data covering at least six months. Adjusted  
22 cost report data from 1996 shall be used for October 1, 1998, through  
23 June 30, 2001, operations component rate allocations; adjusted cost  
24 report data from 1999 shall be used for July 1, 2001, through June 30,  
25 2004, operations component rate allocations.

26 (b) Operations component rate allocations shall be adjusted  
27 annually for economic trends and conditions by a factor or factors  
28 defined in the biennial appropriations act.

29 (8) For July 1, 1998, through September 30, 1998, a facility's  
30 property and return on investment component rates shall be the  
31 facility's June 30, 1998, property and return on investment component  
32 rates, without increase. For October 1, 1998, through June 30, 1999,  
33 a facility's property and return on investment component rates shall be  
34 rebased utilizing 1997 adjusted cost report data covering at least six  
35 months of data.

36 (9) Total payment rates under the nursing facility medicaid payment  
37 system shall not exceed facility rates charged to the general public  
38 for comparable services.



1 (10) Medicaid contractors shall pay to all facility staff a minimum  
2 wage of the greater of the state minimum wage or the federal minimum  
3 wage.

4 (11) The department shall establish in rule procedures, principles,  
5 and conditions for determining component rate allocations for  
6 facilities in circumstances not directly addressed by this chapter,  
7 including but not limited to: The need to prorate inflation for  
8 partial-period cost report data, newly constructed facilities, existing  
9 facilities entering the medicaid program for the first time or after a  
10 period of absence from the program, existing facilities with expanded  
11 new bed capacity, existing medicaid facilities following a change of  
12 ownership of the nursing facility business, facilities banking beds or  
13 converting beds back into service, facilities temporarily reducing the  
14 number of set-up beds during a remodel, facilities having less than six  
15 months of either resident assessment, cost report data, or both, under  
16 the current contractor prior to rate setting, and other circumstances.

17 (12) The department shall establish in rule procedures, principles,  
18 and conditions, including necessary threshold costs, for adjusting  
19 rates to reflect capital improvements or new requirements imposed by  
20 the department or the federal government. Any such rate adjustments  
21 are subject to the provisions of RCW 74.46.421.

22 (13) Effective July 1, 2001, medicaid rates shall continue to be  
23 revised downward in all components, in accordance with department  
24 rules, for facilities converting banked beds to active service under  
25 chapter 70.38 RCW, by using the facility's increased licensed bed  
26 capacity to recalculate minimum occupancy for rate setting. However,  
27 for facilities other than essential community providers which bank beds  
28 under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be  
29 revised upward, in accordance with department rules, in direct care,  
30 therapy care, support services, and variable return components only, by  
31 using the facility's decreased licensed bed capacity to recalculate  
32 minimum occupancy for rate setting, but no upward revision shall be  
33 made to operations, property, or financing allowance component rates.

34 (14) Facilities obtaining a certificate of need or a certificate of  
35 need exemption under chapter 70.38 RCW after June 30, 2001, must have  
36 a certificate of capital authorization in order for (a) the  
37 depreciation resulting from the capitalized addition to be included in  
38 calculation of the facility's property component rate allocation; and

1 (b) the net invested funds associated with the capitalized addition to  
2 be included in calculation of the facility's financing allowance rate  
3 allocation.

4 **Sec. 49.** RCW 74.46.433 and 2001 1st sp.s. c 8 s 6 are each amended  
5 to read as follows:

6 (1) Effective July 1, 2003, the department shall establish for each  
7 medicaid nursing facility a variable return component rate allocation.  
8 In determining the variable return allowance:

9 (a) ~~((The variable return array and percentage shall be assigned~~  
10 ~~whenever rebasing of noncapital rate allocations is scheduled under RCW~~  
11 ~~46.46.431 [74.46.431] (4), (5), (6), and (7)).~~

12 ~~(b) To calculate the array of facilities for the July 1, 2001, rate~~  
13 ~~setting,)) The department, without using peer groups, shall first rank~~  
14 ~~all facilities in numerical order from highest to lowest according to~~  
15 ~~each facility's examined ((and)), documented, ((but unliddded, combined~~  
16 ~~direct care, therapy care, support services,)) and allowable operations~~  
17 ~~per resident day cost from the ((1999)) most recent cost report period~~  
18 ~~used in rebasing of costs. ((However, before being combined with other~~  
19 ~~per resident day costs and ranked, a facility's direct care cost per~~  
20 ~~resident day shall be adjusted to reflect its facility average case mix~~  
21 ~~index, to be averaged from the four calendar quarters of 1999, weighted~~  
22 ~~by the facility's resident days from each quarter, under RCW~~  
23 ~~74.46.501(7)(b)(ii). The array shall then be divided into four~~  
24 ~~quartiles, each containing, as nearly as possible, an equal number of~~  
25 ~~facilities, and four percent shall be assigned to facilities in the~~  
26 ~~lowest quartile, three percent to facilities in the next lowest~~  
27 ~~quartile, two percent to facilities in the next highest quartile, and~~  
28 ~~one percent to facilities in the highest quartile.)) The department~~  
29 ~~shall then determine the median operations per resident day cost of~~  
30 ~~such facilities, and separate the facilities into two groups: Those~~  
31 ~~above the median, and those at or below the median. Once the ranking~~  
32 ~~and separation described in this section are performed they shall be~~  
33 ~~final, and shall not be amended because of any later change in the~~  
34 ~~operations cost of any facility or facilities.~~

35 (b) Next, the department, without using peer groups, shall rank all  
36 facilities in numerical order from highest to lowest according to each  
37 facility's combined, examined, documented, and allowable financing

1 allowance per resident day and its examined, documented, and allowable  
2 property per resident day rate from the most recent cost report period  
3 used in rebasing. The department shall then determine the median  
4 combined financing and property costs of such facilities, and separate  
5 the facilities into two groups: Those above the median, and those at  
6 or below the median. Once the ranking and separation described in this  
7 subsection are performed they shall be final, and shall not be amended  
8 because of any later change in the financing or property cost of any  
9 facility or facilities.

10 (c) Next, the department shall determine which facilities are at or  
11 below both of the medians as determined by (b) and (c) of this  
12 subsection and shall, subject to (d) of this subsection, compute the  
13 variable return allowance for such facilities by multiplying ((a  
14 facility's assigned percentage)) by two percent the sum of ((the)) each  
15 facility's direct care, therapy care, support services, and operations  
16 component rates determined in accordance with this chapter and rules  
17 adopted by the department. Facilities that are above either of the  
18 medians as determined by (b) and (c) of this subsection shall not  
19 receive any variable return allowance.

20 (d) Effective July 1, 2001, if a facility's examined and documented  
21 direct care cost per resident day for the preceding report year is  
22 lower than its average direct care component rate weighted by medicaid  
23 resident days for the same year, the facility's direct care cost shall  
24 be substituted for its July 1, 2001, direct care component rate, and  
25 its variable return component rate shall be determined or adjusted each  
26 July 1st by multiplying the facility's assigned percentage by the sum  
27 of the facility's July 1, 2001, therapy care, support services, and  
28 operations component rates, and its direct care cost per resident day  
29 for the preceding year.

30 (2) The variable return rate allocation calculated in accordance  
31 with this section shall be adjusted to the extent necessary to comply  
32 with RCW 74.46.421.

33 **Sec. 50.** RCW 74.46.435 and 2001 1st sp.s. c 8 s 7 are each amended  
34 to read as follows:

35 (1) Effective July 1, 2001, the property component rate allocation  
36 for each facility shall be determined by dividing the sum of the  
37 reported allowable prior period actual depreciation, subject to RCW

1 74.46.310 through 74.46.380, adjusted for any capitalized additions or  
2 replacements approved by the department, and the retained savings from  
3 such cost center, by the greater of a facility's total resident days  
4 for the facility in the prior period or resident days as calculated on  
5 eighty-five percent facility occupancy. Effective July 1, 2002, the  
6 property component rate allocation for all facilities, except essential  
7 community providers, shall be set by using the greater of a facility's  
8 total resident days from the most recent cost report period or resident  
9 days calculated at ninety percent facility occupancy. Effective July  
10 1, 2003, the property component rate allocation for all facilities,  
11 except essential community providers, shall be set by using the greater  
12 of a facility's total resident days from the most recent cost report  
13 period or resident days calculated at ninety-five percent occupancy.  
14 If a capitalized addition or retirement of an asset will result in a  
15 different licensed bed capacity during the ensuing period, the prior  
16 period total resident days used in computing the property component  
17 rate shall be adjusted to anticipated resident day level.

18 (2) A nursing facility's property component rate allocation shall  
19 be rebased annually, effective July 1st, in accordance with this  
20 section and this chapter.

21 (3) When a certificate of need for a new facility is requested, the  
22 department, in reaching its decision, shall take into consideration  
23 per-bed land and building construction costs for the facility which  
24 shall not exceed a maximum to be established by the secretary.

25 (4) Effective July 1, 2001, for the purpose of calculating a  
26 nursing facility's property component rate, if a contractor has elected  
27 to bank licensed beds prior to April 1, 2001, or elects to convert  
28 banked beds to active service at any time, under chapter 70.38 RCW, the  
29 department shall use the facility's new licensed bed capacity to  
30 recalculate minimum occupancy for rate setting and revise the property  
31 component rate, as needed, effective as of the date the beds are banked  
32 or converted to active service. However, in no case shall the  
33 department use less than eighty-five percent occupancy of the  
34 facility's licensed bed capacity after banking or conversion.  
35 Effective July 1, 2002, in no case, other than essential community  
36 providers, shall the department use less than ninety percent occupancy  
37 of the facility's licensed bed capacity after conversion. Effective

1 July 1, 2003, in no case, other than essential community providers,  
2 shall the department use less than ninety-five percent occupancy of the  
3 facility's licensed bed capacity after conversion.

4 (5) Effective July 1, 2003, each nursing facility's property  
5 component rate as otherwise determined by this section shall be reduced  
6 by ten percent.

7 (6) The property component rate allocations calculated in  
8 accordance with this section shall be adjusted to the extent necessary  
9 to comply with RCW 74.46.421.

10 **Sec. 51.** RCW 74.46.437 and 2001 1st sp.s. c 8 s 8 are each amended  
11 to read as follows:

12 (1) Beginning July 1, 1999, the department shall establish for each  
13 medicaid nursing facility a financing allowance component rate  
14 allocation. The financing allowance component rate shall be rebased  
15 annually, effective July 1st, in accordance with the provisions of this  
16 section and this chapter.

17 (2) Effective July 1, 2001, the financing allowance shall be  
18 determined by multiplying the net invested funds of each facility by  
19 .10, and dividing by the greater of a nursing facility's total resident  
20 days from the most recent cost report period or resident days  
21 calculated on eighty-five percent facility occupancy. Effective July  
22 1, 2002, the financing allowance component rate allocation for all  
23 facilities, other than essential community providers, shall be set by  
24 using the greater of a facility's total resident days from the most  
25 recent cost report period or resident days calculated at ninety percent  
26 facility occupancy. Effective July 1, 2003, the financing allowance  
27 component rate allocation for all facilities, other than essential  
28 community providers, shall be set by using the greater of a facility's  
29 total resident days from the most recent cost report period or resident  
30 days calculated at ninety-five percent facility occupancy. However,  
31 assets acquired on or after May 17, 1999, shall be grouped in a  
32 separate financing allowance calculation that shall be multiplied by  
33 .085. The financing allowance factor of .085 shall not be applied to  
34 the net invested funds pertaining to new construction or major  
35 renovations receiving certificate of need approval or an exemption from  
36 certificate of need requirements under chapter 70.38 RCW, or to working  
37 drawings that have been submitted to the department of health for

1 construction review approval, prior to May 17, 1999. If a capitalized  
2 addition, renovation, replacement, or retirement of an asset will  
3 result in a different licensed bed capacity during the ensuing period,  
4 the prior period total resident days used in computing the financing  
5 allowance shall be adjusted to the greater of the anticipated resident  
6 day level or eighty-five percent of the new licensed bed capacity.  
7 Effective July 1, 2002, for all facilities, other than essential  
8 community providers, the total resident days used to compute the  
9 financing allowance after a capitalized addition, renovation,  
10 replacement, or retirement of an asset shall be set by using the  
11 greater of a facility's total resident days from the most recent cost  
12 report period or resident days calculated at ninety percent facility  
13 occupancy. Effective July 1, 2003, for all facilities, other than  
14 essential community providers, the total resident days used to compute  
15 the financing allowance after a capitalized addition, renovation,  
16 replacement, or retirement of an asset shall be set by using the  
17 greater of a facility's total resident days from the most recent cost  
18 report period or resident days calculated at ninety-five percent  
19 facility occupancy.

20 (3) In computing the portion of net invested funds representing the  
21 net book value of tangible fixed assets, the same assets, depreciation  
22 bases, lives, and methods referred to in RCW 74.46.330, 74.46.350,  
23 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets,  
24 shall be utilized, except that the capitalized cost of land upon which  
25 the facility is located and such other contiguous land which is  
26 reasonable and necessary for use in the regular course of providing  
27 resident care shall also be included. Subject to provisions and  
28 limitations contained in this chapter, for land purchased by owners or  
29 lessors before July 18, 1984, capitalized cost of land shall be the  
30 buyer's capitalized cost. For all partial or whole rate periods after  
31 July 17, 1984, if the land is purchased after July 17, 1984,  
32 capitalized cost shall be that of the owner of record on July 17, 1984,  
33 or buyer's capitalized cost, whichever is lower. In the case of leased  
34 facilities where the net invested funds are unknown or the contractor  
35 is unable to provide necessary information to determine net invested  
36 funds, the secretary shall have the authority to determine an amount  
37 for net invested funds based on an appraisal conducted according to RCW  
38 74.46.360(1).

1 (4) Effective July 1, 2001, for the purpose of calculating a  
2 nursing facility's financing allowance component rate, if a contractor  
3 has elected to bank licensed beds prior to May 25, 2001, or elects to  
4 convert banked beds to active service at any time, under chapter 70.38  
5 RCW, the department shall use the facility's new licensed bed capacity  
6 to recalculate minimum occupancy for rate setting and revise the  
7 financing allowance component rate, as needed, effective as of the date  
8 the beds are banked or converted to active service. However, in no  
9 case shall the department use less than eighty-five percent occupancy  
10 of the facility's licensed bed capacity after banking or conversion.  
11 Effective July 1, 2002, in no case, other than for essential community  
12 providers, shall the department use less than ninety percent occupancy  
13 of the facility's licensed bed capacity after conversion. Effective  
14 July 1, 2003, in no case, other than for essential community providers,  
15 shall the department use less than ninety-five percent occupancy of the  
16 facility's licensed bed capacity after conversion.

17 (5) Effective July 1, 2003, the financing allowance rate allocation  
18 as otherwise determined by this section for each facility shall be  
19 reduced by ten percent.

20 (6) The financing allowance rate allocation calculated in  
21 accordance with this section shall be adjusted to the extent necessary  
22 to comply with RCW 74.46.421.

23 NEW SECTION. Sec. 52. A new section is added to chapter 74.46 RCW  
24 to read as follows:

25 (1) Effective July 1, 2003, the department shall:

26 (a) Determine the median medicaid average case mix index, as  
27 determined in RCW 74.46.501, for all facilities for each quarter; and

28 (b) Compute a high acuity payment as an add-on to the direct care  
29 component rate of those facilities which are above the median medicaid  
30 average case mix index for that quarter. The add-on shall be  
31 calculated and paid quarterly according to rules adopted by the  
32 department. The total of such add-ons to the direct care component  
33 rates of all eligible facilities shall be defined in the biennial  
34 appropriations act. Facilities that are at or below the median  
35 medicaid average case mix index for that quarter are not eligible for  
36 any payment as authorized by this subsection.

1 (2) The add-on high acuity payments calculated in accordance with  
2 this section shall be adjusted to the extent necessary to comply with  
3 RCW 74.46.421.

4 **Sec. 53.** RCW 74.46.506 and 2001 1st sp.s. c 8 s 10 are each  
5 amended to read as follows:

6 (1) The direct care component rate allocation corresponds to the  
7 provision of nursing care for one resident of a nursing facility for  
8 one day, including direct care supplies. Therapy services and  
9 supplies, which correspond to the therapy care component rate, shall be  
10 excluded. The direct care component rate includes elements of case mix  
11 determined consistent with the principles of this section and other  
12 applicable provisions of this chapter.

13 (2) Beginning October 1, 1998, the department shall determine and  
14 update quarterly for each nursing facility serving medicaid residents  
15 a facility-specific per-resident day direct care component rate  
16 allocation, to be effective on the first day of each calendar quarter.  
17 In determining direct care component rates the department shall  
18 utilize, as specified in this section, minimum data set resident  
19 assessment data for each resident of the facility, as transmitted to,  
20 and if necessary corrected by, the department in the resident  
21 assessment instrument format approved by federal authorities for use in  
22 this state.

23 (3) The department may question the accuracy of assessment data for  
24 any resident and utilize corrected or substitute information, however  
25 derived, in determining direct care component rates. The department is  
26 authorized to impose civil fines and to take adverse rate actions  
27 against a contractor, as specified by the department in rule, in order  
28 to obtain compliance with resident assessment and data transmission  
29 requirements and to ensure accuracy.

30 (4) Cost report data used in setting direct care component rate  
31 allocations shall be 1996 and 1999, for rate periods as specified in  
32 RCW 74.46.431(4)(a).

33 (5) Beginning October 1, 1998, the department shall rebase each  
34 nursing facility's direct care component rate allocation as described  
35 in RCW 74.46.431, adjust its direct care component rate allocation for  
36 economic trends and conditions as described in RCW 74.46.431, and



1 update its medicaid average case mix index, consistent with the  
2 following:

3 (a) Reduce total direct care costs reported by each nursing  
4 facility for the applicable cost report period specified in RCW  
5 74.46.431(4)(a) to reflect any department adjustments, and to eliminate  
6 reported resident therapy costs and adjustments, in order to derive the  
7 facility's total allowable direct care cost;

8 (b) Divide each facility's total allowable direct care cost by its  
9 adjusted resident days for the same report period, increased if  
10 necessary to a minimum occupancy of eighty-five percent; that is, the  
11 greater of actual or imputed occupancy at eighty-five percent of  
12 licensed beds, to derive the facility's allowable direct care cost per  
13 resident day;

14 (c) Adjust the facility's per resident day direct care cost by the  
15 applicable factor specified in RCW 74.46.431(4) (b) and (c) to derive  
16 its adjusted allowable direct care cost per resident day;

17 (d) Divide each facility's adjusted allowable direct care cost per  
18 resident day by the facility average case mix index for the applicable  
19 quarters specified by RCW 74.46.501(7)(b) to derive the facility's  
20 allowable direct care cost per case mix unit;

21 (e) Effective for July 1, 2001, rate setting, divide nursing  
22 facilities into at least two and, if applicable, three peer groups:  
23 Those located in nonurban counties; those located in high labor-cost  
24 counties, if any; and those located in other urban counties;

25 (f) Array separately the allowable direct care cost per case mix  
26 unit for all facilities in nonurban counties; for all facilities in  
27 high labor-cost counties, if applicable; and for all facilities in  
28 other urban counties, and determine the median allowable direct care  
29 cost per case mix unit for each peer group;

30 (g) Except as provided in (i) of this subsection, from October 1,  
31 1998, through June 30, 2000, determine each facility's quarterly direct  
32 care component rate as follows:

33 (i) Any facility whose allowable cost per case mix unit is less  
34 than eighty-five percent of the facility's peer group median  
35 established under (f) of this subsection shall be assigned a cost per  
36 case mix unit equal to eighty-five percent of the facility's peer group  
37 median, and shall have a direct care component rate allocation equal to

1 the facility's assigned cost per case mix unit multiplied by that  
2 facility's medicaid average case mix index from the applicable quarter  
3 specified in RCW 74.46.501(7)(c);

4 (ii) Any facility whose allowable cost per case mix unit is greater  
5 than one hundred fifteen percent of the peer group median established  
6 under (f) of this subsection shall be assigned a cost per case mix unit  
7 equal to one hundred fifteen percent of the peer group median, and  
8 shall have a direct care component rate allocation equal to the  
9 facility's assigned cost per case mix unit multiplied by that  
10 facility's medicaid average case mix index from the applicable quarter  
11 specified in RCW 74.46.501(7)(c);

12 (iii) Any facility whose allowable cost per case mix unit is  
13 between eighty-five and one hundred fifteen percent of the peer group  
14 median established under (f) of this subsection shall have a direct  
15 care component rate allocation equal to the facility's allowable cost  
16 per case mix unit multiplied by that facility's medicaid average case  
17 mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

18 (h) Except as provided in (i) of this subsection, from July 1,  
19 2000, forward, and (~~for all future rate setting~~) until June 30, 2003,  
20 determine each facility's quarterly direct care component rate as  
21 follows:

22 (i) Any facility whose allowable cost per case mix unit is less  
23 than ninety percent of the facility's peer group median established  
24 under (f) of this subsection shall be assigned a cost per case mix unit  
25 equal to ninety percent of the facility's peer group median, and shall  
26 have a direct care component rate allocation equal to the facility's  
27 assigned cost per case mix unit multiplied by that facility's medicaid  
28 average case mix index from the applicable quarter specified in RCW  
29 74.46.501(7)(c);

30 (ii) Any facility whose allowable cost per case mix unit is greater  
31 than one hundred ten percent of the peer group median established under  
32 (f) of this subsection shall be assigned a cost per case mix unit equal  
33 to one hundred ten percent of the peer group median, and shall have a  
34 direct care component rate allocation equal to the facility's assigned  
35 cost per case mix unit multiplied by that facility's medicaid average  
36 case mix index from the applicable quarter specified in RCW  
37 74.46.501(7)(c);

1 (iii) Any facility whose allowable cost per case mix unit is  
2 between ninety and one hundred ten percent of the peer group median  
3 established under (f) of this subsection shall have a direct care  
4 component rate allocation equal to the facility's allowable cost per  
5 case mix unit multiplied by that facility's medicaid average case mix  
6 index from the applicable quarter specified in RCW 74.46.501(7)(c);

7 (i)(i) Between October 1, 1998, and June 30, 2000, the department  
8 shall compare each facility's direct care component rate allocation  
9 calculated under (g) of this subsection with the facility's nursing  
10 services component rate in effect on September 30, 1998, less therapy  
11 costs, plus any exceptional care offsets as reported on the cost  
12 report, adjusted for economic trends and conditions as provided in RCW  
13 74.46.431. A facility shall receive the higher of the two rates.

14 (ii) Between July 1, 2000, and June 30, 2002, the department shall  
15 compare each facility's direct care component rate allocation  
16 calculated under (h) of this subsection with the facility's direct care  
17 component rate in effect on June 30, 2000. A facility shall receive  
18 the higher of the two rates. Between July 1, 2001, and June 30, 2002,  
19 if during any quarter a facility whose rate paid under (h) of this  
20 subsection is greater than either the direct care rate in effect on  
21 June 30, 2000, or than that facility's allowable direct care cost per  
22 case mix unit calculated in (d) of this subsection multiplied by that  
23 facility's medicaid average case mix index from the applicable quarter  
24 specified in RCW 74.46.501(7)(c), the facility shall be paid in that  
25 and each subsequent quarter pursuant to (h) of this subsection and  
26 shall not be entitled to the greater of the two rates.

27 (iii) Effective July 1, 2002, and until June 30, 2003, all direct  
28 care component rate allocations shall be as determined under (h) of  
29 this subsection;

30 (j) Effective July 1, 2003, forward, the department shall determine  
31 each facility's quarterly direct care component rate as follows:

32 (i) Any facility whose allowable cost per case mix unit is greater  
33 than one hundred ten percent of the peer group median established under  
34 (f) of this subsection shall be assigned a cost per case mix unit equal  
35 to one hundred ten percent of the peer group median, and shall have a  
36 direct care component rate allocation equal to the facility's assigned  
37 cost per case mix unit multiplied by that facility's medicaid average

1 case mix index from the applicable quarter specified in RCW  
2 74.46.501(7)(c);

3 (ii) Any facility whose allowable cost per case mix unit is equal  
4 to or below one hundred ten percent of the peer group median  
5 established under (f) of this subsection shall have a direct care  
6 component rate allocation equal to the facility's allowable cost per  
7 case mix unit multiplied by that facility's medicaid average case mix  
8 index from the applicable quarter specified in RCW 74.46.501(7)(c).

9 (6) The direct care component rate allocations calculated in  
10 accordance with this section shall be adjusted to the extent necessary  
11 to comply with RCW 74.46.421.

12 (7) Payments resulting from increases in direct care component  
13 rates, granted under authority of RCW 74.46.508(1) for a facility's  
14 exceptional care residents, shall be offset against the facility's  
15 examined, allowable direct care costs, for each report year or partial  
16 period such increases are paid. Such reductions in allowable direct  
17 care costs shall be for rate setting, settlement, and other purposes  
18 deemed appropriate by the department.

19 **Sec. 54.** RCW 74.46.521 and 2001 1st sp.s. c 8 s 13 are each  
20 amended to read as follows:

21 (1) The operations component rate allocation corresponds to the  
22 general operation of a nursing facility for one resident for one day,  
23 including but not limited to management, administration, utilities,  
24 office supplies, accounting and bookkeeping, minor building  
25 maintenance, minor equipment repairs and replacements, and other  
26 supplies and services, exclusive of direct care, therapy care, support  
27 services, property, financing allowance, and variable return.

28 (2) Beginning October 1, 1998, the department shall determine each  
29 medicaid nursing facility's operations component rate allocation using  
30 cost report data specified by RCW 74.46.431(7)(a). Effective July 1,  
31 2002, operations component rates for all facilities except essential  
32 community providers shall be based upon a minimum occupancy of ninety  
33 percent of licensed beds, and no operations component rate shall be  
34 revised in response to beds banked on or after May 25, 2001, under  
35 chapter 70.38 RCW. Effective July 1, 2003, operations component rates  
36 for all facilities except essential community providers shall be based

1 upon a minimum occupancy of ninety-five percent of licensed beds, and  
2 no operations component rate shall be revised in response to beds  
3 banked on or after May 25, 2001, under chapter 70.38 RCW.

4 (3) To determine each facility's operations component rate the  
5 department shall:

6 (a) Array facilities' adjusted general operations costs per  
7 adjusted resident day for each facility from facilities' cost reports  
8 from the applicable report year, for facilities located within urban  
9 counties and for those located within nonurban counties and determine  
10 the median adjusted cost for each peer group;

11 (b) Set each facility's operations component rate at the lower of:

12 (i) The facility's per resident day adjusted operations costs from  
13 the applicable cost report period adjusted if necessary to a minimum  
14 occupancy of eighty-five percent of licensed beds before July 1, 2002,  
15 ninety percent of licensed beds between July 1, 2002, and June 30,  
16 2003, and ninety-five percent of licensed beds effective July 1,  
17 ~~((2002))~~ 2003; or

18 (ii) The adjusted median per resident day general operations cost  
19 for that facility's peer group, urban counties or nonurban counties;  
20 and

21 (c) Adjust each facility's operations component rate for economic  
22 trends and conditions as provided in RCW 74.46.431(7)(b).

23 (4) Effective July 1, 2003, each nursing facility's operations  
24 component rate allocation as otherwise determined by this section shall  
25 be reduced by ten percent.

26 (5) The operations component rate allocations calculated in  
27 accordance with this section shall be adjusted to the extent necessary  
28 to comply with RCW 74.46.421.

29 **Sec. 55.** RCW 70.47.060 and 2001 c 196 s 13 are each amended to  
30 read as follows:

31 The administrator has the following powers and duties:

32 (1) To design and from time to time revise a schedule of covered  
33 basic health care services, including physician services, inpatient and  
34 outpatient hospital services, prescription drugs and medications, and  
35 other services that may be necessary for basic health care. In  
36 addition, the administrator may, to the extent that funds are  
37 available, offer as basic health plan services chemical dependency

1 services, mental health services and organ transplant services;  
2 however, no one service or any combination of these three services  
3 shall increase the actuarial value of the basic health plan benefits by  
4 more than five percent excluding inflation, as determined by the office  
5 of financial management. All subsidized and nonsubsidized enrollees in  
6 any participating managed health care system under the Washington basic  
7 health plan shall be entitled to receive covered basic health care  
8 services in return for premium payments to the plan. The schedule of  
9 services shall emphasize proven preventive and primary health care and  
10 shall include all services necessary for prenatal, postnatal, and well-  
11 child care. However, with respect to coverage for subsidized enrollees  
12 who are eligible to receive prenatal and postnatal services through the  
13 medical assistance program under chapter 74.09 RCW, the administrator  
14 shall not contract for such services except to the extent that such  
15 services are necessary over not more than a one-month period in order  
16 to maintain continuity of care after diagnosis of pregnancy by the  
17 managed care provider. The schedule of services shall also include a  
18 separate schedule of basic health care services for children, eighteen  
19 years of age and younger, for those subsidized or nonsubsidized  
20 enrollees who choose to secure basic coverage through the plan only for  
21 their dependent children. In designing and revising the schedule of  
22 services, the administrator shall consider the guidelines for assessing  
23 health services under the mandated benefits act of 1984, RCW 48.47.030,  
24 and such other factors as the administrator deems appropriate.

25 (2)(a) To design and implement a structure of periodic premiums due  
26 the administrator from subsidized enrollees that is based upon gross  
27 family income, giving appropriate consideration to family size and the  
28 ages of all family members. The enrollment of children shall not  
29 require the enrollment of their parent or parents who are eligible for  
30 the plan. The structure of periodic premiums shall be applied to  
31 subsidized enrollees entering the plan as individuals pursuant to  
32 subsection (9) of this section and to the share of the cost of the plan  
33 due from subsidized enrollees entering the plan as employees pursuant  
34 to subsection (10) of this section.

35 (b) To determine the periodic premiums due the administrator from  
36 nonsubsidized enrollees. Premiums due from nonsubsidized enrollees  
37 shall be in an amount equal to the cost charged by the managed health

1 care system provider to the state for the plan plus the administrative  
2 cost of providing the plan to those enrollees and the premium tax under  
3 RCW 48.14.0201.

4 (c) An employer or other financial sponsor may, with the prior  
5 approval of the administrator, pay the premium, rate, or any other  
6 amount on behalf of a subsidized or nonsubsidized enrollee, by  
7 arrangement with the enrollee and through a mechanism acceptable to the  
8 administrator.

9 (d) To develop, as an offering by every health carrier providing  
10 coverage identical to the basic health plan, as configured on January  
11 1, 2001, a basic health plan model plan with uniformity in enrollee  
12 cost-sharing requirements.

13 (3) To design and implement a structure of enrollee cost-sharing  
14 due a managed health care system from subsidized and nonsubsidized  
15 enrollees. The structure shall discourage inappropriate enrollee  
16 utilization of health care services, and may utilize copayments,  
17 deductibles, and other cost-sharing mechanisms, but shall not be so  
18 costly to enrollees as to constitute a barrier to appropriate  
19 utilization of necessary health care services.

20 (4) To limit enrollment of persons who qualify for subsidies so as  
21 to prevent an overexpenditure of appropriations for such purposes.  
22 Whenever the administrator finds that there is danger of such an  
23 overexpenditure, the administrator shall close enrollment, and if  
24 necessary, disenroll persons, until the administrator finds the danger  
25 no longer exists. The administrator may develop and implement a system  
26 of prioritized enrollment or disenrollment for groups of persons to the  
27 extent consistent with and authorized in the biennial budget act. Such  
28 system shall be adopted by rule and may prioritize enrollment or  
29 disenrollment of groups of persons by various factors, including but  
30 not limited to county of residence, age, income, or family status.

31 (5) To limit the payment of subsidies to subsidized enrollees, as  
32 defined in RCW 70.47.020. The level of subsidy provided to persons who  
33 qualify may be based on the lowest cost plans, as defined by the  
34 administrator.

35 (6) To adopt a schedule for the orderly development of the delivery  
36 of services and availability of the plan to residents of the state,  
37 subject to the limitations contained in RCW 70.47.080 or any act  
38 appropriating funds for the plan.

1           (7) To solicit and accept applications from managed health care  
2 systems, as defined in this chapter, for inclusion as eligible basic  
3 health care providers under the plan for either subsidized enrollees,  
4 or nonsubsidized enrollees, or both. The administrator shall endeavor  
5 to assure that covered basic health care services are available to any  
6 enrollee of the plan from among a selection of two or more  
7 participating managed health care systems. In adopting any rules or  
8 procedures applicable to managed health care systems and in its  
9 dealings with such systems, the administrator shall consider and make  
10 suitable allowance for the need for health care services and the  
11 differences in local availability of health care resources, along with  
12 other resources, within and among the several areas of the state.  
13 Contracts with participating managed health care systems shall ensure  
14 that basic health plan enrollees who become eligible for medical  
15 assistance may, at their option, continue to receive services from  
16 their existing providers within the managed health care system if such  
17 providers have entered into provider agreements with the department of  
18 social and health services.

19           (8) To receive periodic premiums from or on behalf of subsidized  
20 and nonsubsidized enrollees, deposit them in the basic health plan  
21 operating account, keep records of enrollee status, and authorize  
22 periodic payments to managed health care systems on the basis of the  
23 number of enrollees participating in the respective managed health care  
24 systems.

25           (9) To accept applications from individuals residing in areas  
26 served by the plan, on behalf of themselves and their spouses and  
27 dependent children, for enrollment in the Washington basic health plan  
28 as subsidized or nonsubsidized enrollees, to establish appropriate  
29 minimum-enrollment periods for enrollees as may be necessary, and to  
30 determine, upon application and on a reasonable schedule defined by the  
31 authority, or at the request of any enrollee, eligibility due to  
32 current gross family income for sliding scale premiums. Funds received  
33 by a family as part of participation in the adoption support program  
34 authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall  
35 not be counted toward a family's current gross family income for the  
36 purposes of this chapter. When an enrollee fails to report income or  
37 income changes accurately, the administrator shall have the authority  
38 either to bill the enrollee for the amounts overpaid by the state or to



1 impose civil penalties of up to two hundred percent of the amount of  
2 subsidy overpaid due to the enrollee incorrectly reporting income. The  
3 administrator shall adopt rules to define the appropriate application  
4 of these sanctions and the processes to implement the sanctions  
5 provided in this subsection, within available resources. No subsidy  
6 may be paid with respect to any enrollee whose current gross family  
7 income exceeds twice the federal poverty level or, subject to RCW  
8 70.47.110, who is a recipient of medical assistance or medical care  
9 services under chapter 74.09 RCW. If a number of enrollees drop their  
10 enrollment for no apparent good cause, the administrator may establish  
11 appropriate rules or requirements that are applicable to such  
12 individuals before they will be allowed to reenroll in the plan.

13 (10) To accept applications from business owners on behalf of  
14 themselves and their employees, spouses, and dependent children, as  
15 subsidized or nonsubsidized enrollees, who reside in an area served by  
16 the plan. The administrator may require all or the substantial  
17 majority of the eligible employees of such businesses to enroll in the  
18 plan and establish those procedures necessary to facilitate the orderly  
19 enrollment of groups in the plan and into a managed health care system.  
20 The administrator may require that a business owner pay at least an  
21 amount equal to what the employee pays after the state pays its portion  
22 of the subsidized premium cost of the plan on behalf of each employee  
23 enrolled in the plan. Enrollment is limited to those not eligible for  
24 medicare who wish to enroll in the plan and choose to obtain the basic  
25 health care coverage and services from a managed care system  
26 participating in the plan. The administrator shall adjust the amount  
27 determined to be due on behalf of or from all such enrollees whenever  
28 the amount negotiated by the administrator with the participating  
29 managed health care system or systems is modified or the administrative  
30 cost of providing the plan to such enrollees changes.

31 (11) To determine the rate to be paid to each participating managed  
32 health care system in return for the provision of covered basic health  
33 care services to enrollees in the system. Although the schedule of  
34 covered basic health care services will be the same or actuarially  
35 equivalent for similar enrollees, the rates negotiated with  
36 participating managed health care systems may vary among the systems.  
37 In negotiating rates with participating systems, the administrator  
38 shall consider the characteristics of the populations served by the

1 respective systems, economic circumstances of the local area, the need  
2 to conserve the resources of the basic health plan trust account, and  
3 other factors the administrator finds relevant.

4 (12) To monitor the provision of covered services to enrollees by  
5 participating managed health care systems in order to assure enrollee  
6 access to good quality basic health care, to require periodic data  
7 reports concerning the utilization of health care services rendered to  
8 enrollees in order to provide adequate information for evaluation, and  
9 to inspect the books and records of participating managed health care  
10 systems to assure compliance with the purposes of this chapter. In  
11 requiring reports from participating managed health care systems,  
12 including data on services rendered enrollees, the administrator shall  
13 endeavor to minimize costs, both to the managed health care systems and  
14 to the plan. The administrator shall coordinate any such reporting  
15 requirements with other state agencies, such as the insurance  
16 commissioner and the department of health, to minimize duplication of  
17 effort.

18 (13) To evaluate the effects this chapter has on private employer-  
19 based health care coverage and to take appropriate measures consistent  
20 with state and federal statutes that will discourage the reduction of  
21 such coverage in the state.

22 (14) To develop a program of proven preventive health measures and  
23 to integrate it into the plan wherever possible and consistent with  
24 this chapter.

25 (15) To provide, consistent with available funding, assistance for  
26 rural residents, underserved populations, and persons of color.

27 (16) In consultation with appropriate state and local government  
28 agencies, to establish criteria defining eligibility for persons  
29 confined or residing in government-operated institutions.

30 (17) To administer the premium discounts provided under RCW  
31 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington  
32 state health insurance pool.

33 **Sec. 56.** 2002 c 290 s 30 (uncodified) is amended to read as  
34 follows:

35 Section 2 of this act expires (~~July 1, 2004~~) on the effective  
36 date of section 56, chapter . . ., Laws of 2003 (section 56 of this  
37 act).

1       **Sec. 57.** 2002 c 290 s 31 (uncodified) is amended to read as  
2 follows:

3       Sections 7 through 11 and 14 through 23 of this act take effect  
4 (~~July 1, 2004, and apply to crimes committed on or after July 1,~~  
5 ~~2004)) on the effective date of section 56, chapter . . . , Laws of 2003  
6 (section 56 of this act). Sections 7 through 11 of this act apply  
7 retroactively to crimes committed before, on, or after the effective  
8 date of section 56, chapter . . . , Laws of 2003 (section 56 of this  
9 act), except where retroactive application would result in increased  
10 punishment in violation of Article I, section 23 of the state  
11 Constitution.~~

12       NEW SECTION. **Sec. 58.** (1) The legislature intends that offenders  
13 serving, on or after the effective date of this section, terms of total  
14 confinement within the standard range or under RCW 9.94A.660 for  
15 offenses listed in RCW 9.94A.518 shall be resentenced, as promptly as  
16 practicable, under that section, RCW 9.94A.517, and other sections made  
17 retroactive in section 57 of this act.

18       (2) Such offenders shall be resentenced as follows:

19       (a) Offenders who were originally sentenced to total confinement  
20 for a period within the standard range under RCW 9.94A.510 shall be  
21 resentenced to total confinement within the standard range under RCW  
22 9.94A.517. The new term of confinement shall be calculated at the same  
23 relative point within the new standard range that the original term of  
24 confinement occupied within the original standard range, so that the  
25 new term corresponds to the original term as a percentage of the  
26 interval between the top and bottom of the applicable range.

27       (b) Offenders who were originally sentenced to total confinement  
28 under RCW 9.94A.660, the drug offender sentencing alternative, shall be  
29 resentenced under the same section, but the term shall be recalculated  
30 based on the applicable standard range under RCW 9.94A.517.

31       (3) The department of corrections and agencies operating county  
32 jails shall identify offenders eligible for resentencing under this  
33 section and in each case notify the sentencing court and the offender.  
34 To facilitate resentencing of offenders under this section, the  
35 legislature requests that the supreme court authorize one or more  
36 superior court judges to perform judicial duties in other superior  
37 courts, under Article III, section 2(a) of the state Constitution.

1 (4) If resentencing under this section results in a term of  
2 confinement of twelve months or less for an offender who was confined  
3 in the custody of the department of corrections under the original  
4 sentence, the offender shall serve the remainder of the new term in the  
5 custody of the department of corrections.

6 **Sec. 59.** RCW 70.96A.350 and 2002 c 290 s 4 are each amended to  
7 read as follows:

8 (1) The criminal justice treatment account is created in the state  
9 treasury. Moneys in the account may be expended solely for: (a)  
10 Substance abuse treatment and treatment support services for offenders  
11 with an addiction or a substance abuse problem that, if not treated,  
12 would result in addiction, against whom charges are filed by a  
13 prosecuting attorney in Washington state; and (b) the provision of drug  
14 and alcohol treatment services and treatment support services for  
15 nonviolent offenders within a drug court program. Moneys in the  
16 account may be spent only after appropriation.

17 (2) For purposes of this section:

18 (a) "Treatment" means services that are critical to a participant's  
19 successful completion of his or her substance abuse treatment program,  
20 but does not include the following services: Housing other than that  
21 provided as part of an inpatient substance abuse treatment program,  
22 vocational training, and mental health counseling; and

23 (b) "Treatment support" means transportation to or from inpatient  
24 or outpatient treatment services when no viable alternative exists, and  
25 child care services that are necessary to ensure a participant's  
26 ability to attend outpatient treatment sessions.

27 (3) Revenues to the criminal justice treatment account consist of:

28 (a) (~~Savings to the state general fund resulting from implementation~~  
29 ~~of chapter 290, Laws of 2002, as calculated~~) Funds transferred to the  
30 account pursuant to this section; and (b) any other revenues  
31 appropriated to or deposited in the account.

32 (4)(a) (~~The department of corrections, the sentencing guidelines~~  
33 ~~commission, the office of financial management, and the caseload~~  
34 ~~forecast council shall develop a methodology for calculating the~~  
35 ~~projected biennial savings under this section. Savings shall be~~  
36 ~~projected for the fiscal biennium beginning on July 1, 2003, and for~~  
37 ~~each biennium thereafter. By September 1, 2002, the proposed~~

1 methodology shall be submitted to the governor and the appropriate  
2 committees of the legislature. The methodology is deemed approved  
3 unless the legislature enacts legislation to modify or reject the  
4 methodology.

5 (b) When the department of corrections submits its biennial budget  
6 request to the governor in 2002 and in each even-numbered year  
7 thereafter, the department of corrections shall use the methodology  
8 approved in (a) of this subsection to calculate savings to the state  
9 general fund for the ensuing fiscal biennium resulting from reductions  
10 in drug offender sentencing as a result of sections 2 and 3, chapter  
11 290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002.  
12 The department shall report the dollar amount of the savings to the  
13 state treasurer, the office of financial management, and the fiscal  
14 committees of the legislature.

15 (e)) For the fiscal biennium beginning July 1, 2003, ((and each  
16 fiscal biennium thereafter,)) the state treasurer shall transfer  
17 ((seventy five percent of the amount reported in (b) of this  
18 subsection)) eight million nine hundred fifty thousand dollars from the  
19 general fund into the criminal justice treatment account, divided into  
20 eight equal quarterly payments. ((However, the amount transferred to  
21 the criminal justice treatment account shall not exceed the limit of  
22 eight million two hundred fifty thousand dollars per fiscal year.  
23 After the first fiscal year in which the amount to be transferred  
24 equals or exceeds eight million two hundred fifty thousand dollars,  
25 this limit)) For the fiscal year beginning July 1, 2005, and each  
26 subsequent fiscal year, the state treasurer shall transfer eight  
27 million two hundred fifty thousand dollars from the general fund to the  
28 criminal justice treatment account, divided into four equal quarterly  
29 payments. For the fiscal year beginning July 1, 2006, and each  
30 subsequent fiscal year, the amount transferred shall be increased on an  
31 annual basis by the implicit price deflator as published by the federal  
32 bureau of labor statistics.

33 ((d)) (b) For the fiscal biennium beginning July 1, 2003, and  
34 each biennium thereafter, the state treasurer shall transfer ((twenty  
35 five percent of the amount reported in (b) of this subsection)) two  
36 million nine hundred eighty-four thousand dollars from the general fund  
37 into the violence reduction and drug enforcement account, divided into  
38 eight quarterly payments. The amounts transferred pursuant to this

1 subsection (4)(~~(d)~~) (b) shall be used solely for providing drug and  
2 alcohol treatment services to offenders confined in a state  
3 correctional facility (~~(receiving a reduced sentence as a result of~~  
4 ~~implementation of chapter 290, Laws of 2002 and)~~) who are assessed with  
5 an addiction or a substance abuse problem that if not treated would  
6 result in addiction. (~~(Any excess funds remaining after providing drug~~  
7 ~~and alcohol treatment services to offenders receiving a reduced~~  
8 ~~sentence as a result of implementation of chapter 290, Laws of 2002 may~~  
9 ~~be expended to provide treatment for offenders confined in a state~~  
10 ~~correctional facility and who are assessed with an addiction or a~~  
11 ~~substance abuse problem that contributed to the crime.~~

12 ~~(e)~~) (c) In each odd-numbered year, the legislature shall  
13 appropriate the amount transferred to the criminal justice treatment  
14 account in (~~(e)~~) (a) of this subsection to the division of alcohol  
15 and substance abuse for the purposes of subsection (5) of this section.

16 (5) Moneys appropriated to the division of alcohol and substance  
17 abuse from the criminal justice treatment account shall be distributed  
18 as specified in this subsection. The department shall serve as the  
19 fiscal agent for purposes of distribution. Until July 1, 2004, the  
20 department may not use moneys appropriated from the criminal justice  
21 treatment account for administrative expenses and shall distribute all  
22 amounts appropriated under subsection (4)(~~(e)~~) (c) of this section in  
23 accordance with this subsection. Beginning in July 1, 2004, the  
24 department may retain up to three percent of the amount appropriated  
25 under subsection (4)(~~(e)~~) (c) of this section for its administrative  
26 costs.

27 (a) Seventy percent of amounts appropriated to the division from  
28 the account shall be distributed to counties pursuant to the  
29 distribution formula adopted under this section. The division of  
30 alcohol and substance abuse, in consultation with the department of  
31 corrections, the sentencing guidelines commission, the Washington state  
32 association of counties, the Washington state association of drug court  
33 professionals, the superior court judges' association, the Washington  
34 association of prosecuting attorneys, representatives of the criminal  
35 defense bar, representatives of substance abuse treatment providers,  
36 and any other person deemed by the division to be necessary, shall  
37 establish a fair and reasonable methodology for distribution to

1 counties of moneys in the criminal justice treatment account. County  
2 or regional plans submitted for the expenditure of formula funds must  
3 be approved by the panel established in (b) of this subsection.

4 (b) Thirty percent of the amounts appropriated to the division from  
5 the account shall be distributed as grants for purposes of treating  
6 offenders against whom charges are filed by a county prosecuting  
7 attorney. The division shall appoint a panel of representatives from  
8 the Washington association of prosecuting attorneys, the Washington  
9 association of sheriffs and police chiefs, the superior court judges'  
10 association, the Washington state association of counties, the  
11 Washington defender's association or the Washington association of  
12 criminal defense lawyers, the department of corrections, the Washington  
13 state association of drug court professionals, substance abuse  
14 treatment providers, and the division. The panel shall review county  
15 or regional plans for funding under (a) of this subsection and grants  
16 approved under this subsection. The panel shall attempt to ensure that  
17 treatment as funded by the grants is available to offenders statewide.

18 (6) The county alcohol and drug coordinator, county prosecutor,  
19 county sheriff, county superior court, a substance abuse treatment  
20 provider appointed by the county legislative authority, a member of the  
21 criminal defense bar appointed by the county legislative authority,  
22 and, in counties with a drug court, a representative of the drug court  
23 shall jointly submit a plan, approved by the county legislative  
24 authority or authorities, to the panel established in subsection (5)(b)  
25 of this section, for disposition of all the funds provided from the  
26 criminal justice treatment account within that county. The funds shall  
27 be used solely to provide approved alcohol and substance abuse  
28 treatment pursuant to RCW 70.96A.090 and treatment support services.  
29 No more than ten percent of the total moneys received under subsections  
30 (4) and (5) of this section by a county or group of counties  
31 participating in a regional agreement shall be spent for treatment  
32 support services.

33 (7) Counties are encouraged to consider regional agreements and  
34 submit regional plans for the efficient delivery of treatment under  
35 this section.

36 (8) Moneys allocated under this section shall be used to  
37 supplement, not supplant, other federal, state, and local funds used  
38 for substance abuse treatment.

1 (9) Counties must meet the criteria established in RCW  
2 2.28.170(3)(b).

3 **Sec. 60.** RCW 9.94A.728 and 2002 c 50 s 2 are each amended to read  
4 as follows:

5 No person serving a sentence imposed pursuant to this chapter and  
6 committed to the custody of the department shall leave the confines of  
7 the correctional facility or be released prior to the expiration of the  
8 sentence except as follows:

9 (1)(a) Except as otherwise provided for in subsection (2) of this  
10 section, the term of the sentence of an offender committed to a  
11 correctional facility operated by the department may be reduced by  
12 earned release time in accordance with procedures that shall be  
13 developed and promulgated by the correctional agency having  
14 jurisdiction in which the offender is confined. The earned release  
15 time shall be for good behavior and good performance, as determined by  
16 the correctional agency having jurisdiction. The correctional agency  
17 shall not credit the offender with earned release credits in advance of  
18 the offender actually earning the credits. Any program established  
19 pursuant to this section shall allow an offender to earn early release  
20 credits for presentence incarceration. If an offender is transferred  
21 from a county jail to the department, the administrator of a county  
22 jail facility shall certify to the department the amount of time spent  
23 in custody at the facility and the amount of earned release time. An  
24 offender who has been convicted of a felony committed after July 23,  
25 1995, that involves any applicable deadly weapon enhancements under RCW  
26 9.94A.510 (3) or (4), or both, shall not receive any good time credits  
27 or earned release time for that portion of his or her sentence that  
28 results from any deadly weapon enhancements. In the case of an  
29 offender convicted of a serious violent offense, or a sex offense that  
30 is a class A felony, committed on or after July 1, 1990, the aggregate  
31 earned release time may not exceed fifteen percent of the sentence. In  
32 the case of an offender who qualifies under (b) of this subsection, the  
33 aggregate earned release time may not exceed fifty percent of the  
34 sentence. In no other case shall the aggregate earned release time  
35 exceed one-third of the total sentence.

36 (b) The department shall perform a risk assessment of every  
37 offender committed to a correctional facility operated by the



1 department for an offense that is not a violent offense, sex offense,  
2 offense under chapter 69.50 or 69.52 RCW, offense sentenced under RCW  
3 9.94A.660, or crime against a person as defined in this chapter, and  
4 classify the offender in one of at least four categories between  
5 highest and lowest risk. If, based on the risk assessment, the  
6 offender is classified in any risk category other than the two highest  
7 categories, the offender qualifies to earn release time up to fifty  
8 percent of the offender's term of confinement.

9 (c) An offender who receives earned release credit at the rate of  
10 fifty percent on the basis of qualifying under (b) of this subsection  
11 shall be eligible, in accordance with a program developed by the  
12 department, for transfer to community custody status in lieu of earned  
13 release time for a period equal to the difference between release time  
14 earned at the rate of fifty percent and release time that would have  
15 been earned at the rate of one-third under (a) of this subsection;

16 (2)(a) A person convicted of a sex offense or an offense  
17 categorized as a serious violent offense, assault in the second degree,  
18 vehicular homicide, vehicular assault, assault of a child in the second  
19 degree, any crime against persons where it is determined in accordance  
20 with RCW 9.94A.602 that the offender or an accomplice was armed with a  
21 deadly weapon at the time of commission, or any felony offense under  
22 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become  
23 eligible, in accordance with a program developed by the department, for  
24 transfer to community custody status in lieu of earned release time  
25 pursuant to subsection (1) of this section;

26 (b) A person convicted of a sex offense, a violent offense, any  
27 crime against persons under RCW 9.94A.411(2), or a felony offense under  
28 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may  
29 become eligible, in accordance with a program developed by the  
30 department, for transfer to community custody status in lieu of earned  
31 release time pursuant to subsection (1) of this section;

32 (c) The department shall, as a part of its program for release to  
33 the community in lieu of earned release, require the offender to  
34 propose a release plan that includes an approved residence and living  
35 arrangement. All offenders with community placement or community  
36 custody terms eligible for release to community custody status in lieu  
37 of earned release shall provide an approved residence and living  
38 arrangement prior to release to the community;

1 (d) The department may deny transfer to community custody status in  
2 lieu of earned release time pursuant to subsection (1) of this section  
3 if the department determines an offender's release plan, including  
4 proposed residence location and living arrangements, may violate the  
5 conditions of the sentence or conditions of supervision, place the  
6 offender at risk to violate the conditions of the sentence, place the  
7 offender at risk to reoffend, or present a risk to victim safety or  
8 community safety. The department's authority under this section is  
9 independent of any court-ordered condition of sentence or statutory  
10 provision regarding conditions for community custody or community  
11 placement;

12 (3) An offender may leave a correctional facility pursuant to an  
13 authorized furlough or leave of absence. In addition, offenders may  
14 leave a correctional facility when in the custody of a corrections  
15 officer or officers;

16 (4)(a) The secretary may authorize an extraordinary medical  
17 placement for an offender when all of the following conditions exist:

18 (i) The offender has a medical condition that is serious enough to  
19 require costly care or treatment;

20 (ii) The offender poses a low risk to the community because he or  
21 she is physically incapacitated due to age or the medical condition;  
22 and

23 (iii) Granting the extraordinary medical placement will result in  
24 a cost savings to the state.

25 (b) An offender sentenced to death or to life imprisonment without  
26 the possibility of release or parole is not eligible for an  
27 extraordinary medical placement.

28 (c) The secretary shall require electronic monitoring for all  
29 offenders in extraordinary medical placement unless the electronic  
30 monitoring equipment interferes with the function of the offender's  
31 medical equipment or results in the loss of funding for the offender's  
32 medical care. The secretary shall specify who shall provide the  
33 monitoring services and the terms under which the monitoring shall be  
34 performed.

35 (d) The secretary may revoke an extraordinary medical placement  
36 under this subsection at any time.

37 (5) The governor, upon recommendation from the clemency and pardons

1 board, may grant an extraordinary release for reasons of serious health  
2 problems, senility, advanced age, extraordinary meritorious acts, or  
3 other extraordinary circumstances;

4 (6) No more than the final six months of the sentence may be served  
5 in partial confinement designed to aid the offender in finding work and  
6 reestablishing himself or herself in the community;

7 (7) The governor may pardon any offender;

8 (8) The department may release an offender from confinement any  
9 time within ten days before a release date calculated under this  
10 section; and

11 (9) An offender may leave a correctional facility prior to  
12 completion of his or her sentence if the sentence has been reduced as  
13 provided in RCW 9.94A.870.

14 Notwithstanding any other provisions of this section, an offender  
15 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a  
16 mandatory minimum sentence of total confinement shall not be released  
17 from total confinement before the completion of the listed mandatory  
18 minimum sentence for that felony crime of conviction unless allowed  
19 under RCW 9.94A.540, however persistent offenders are not eligible for  
20 extraordinary medical placement.

21 **Sec. 61.** RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are  
22 each reenacted and amended to read as follows:

23 No person serving a sentence imposed pursuant to this chapter and  
24 committed to the custody of the department shall leave the confines of  
25 the correctional facility or be released prior to the expiration of the  
26 sentence except as follows:

27 (1)(a) Except as otherwise provided for in subsection (2) of this  
28 section, the term of the sentence of an offender committed to a  
29 correctional facility operated by the department may be reduced by  
30 earned release time in accordance with procedures that shall be  
31 developed and promulgated by the correctional agency having  
32 jurisdiction in which the offender is confined. The earned release  
33 time shall be for good behavior and good performance, as determined by  
34 the correctional agency having jurisdiction. The correctional agency  
35 shall not credit the offender with earned release credits in advance of  
36 the offender actually earning the credits. Any program established  
37 pursuant to this section shall allow an offender to earn early release

1 credits for presentence incarceration. If an offender is transferred  
2 from a county jail to the department, the administrator of a county  
3 jail facility shall certify to the department the amount of time spent  
4 in custody at the facility and the amount of earned release time. An  
5 offender who has been convicted of a felony committed after July 23,  
6 1995, that involves any applicable deadly weapon enhancements under RCW  
7 9.94A.533 (3) or (4), or both, shall not receive any good time credits  
8 or earned release time for that portion of his or her sentence that  
9 results from any deadly weapon enhancements. In the case of an  
10 offender convicted of a serious violent offense, or a sex offense that  
11 is a class A felony, committed on or after July 1, 1990, the aggregate  
12 earned release time may not exceed fifteen percent of the sentence. In  
13 the case of an offender who qualifies under (b) of this subsection, the  
14 aggregate earned release time may not exceed fifty percent of the  
15 sentence. In no other case shall the aggregate earned release time  
16 exceed one-third of the total sentence.

17 (b) The department shall perform a risk assessment of every  
18 offender committed to a correctional facility operated by the  
19 department for an offense that is not a violent offense, sex offense,  
20 offense under chapter 69.50 or 69.52 RCW, offense sentenced under RCW  
21 9.94A.660, or crime against a person as defined in this chapter, and  
22 classify the offender in one of at least four categories between  
23 highest and lowest risk. If, based on the risk assessment, the  
24 offender is classified in any risk category other than the two highest  
25 categories, the offender qualifies to earn release time up to fifty  
26 percent of the offender's term of confinement.

27 (c) An offender who receives earned release credit at the rate of  
28 fifty percent on the basis of qualifying under (b) of this subsection  
29 shall be eligible, in accordance with a program developed by the  
30 department, for transfer to community custody status in lieu of earned  
31 release time for a period equal to the difference between release time  
32 earned at the rate of fifty percent and release time that would have  
33 been earned at the rate of one-third under (a) of this subsection;

34 (2)(a) A person convicted of a sex offense or an offense  
35 categorized as a serious violent offense, assault in the second degree,  
36 vehicular homicide, vehicular assault, assault of a child in the second  
37 degree, any crime against persons where it is determined in accordance  
38 with RCW 9.94A.602 that the offender or an accomplice was armed with a

1 deadly weapon at the time of commission, or any felony offense under  
2 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become  
3 eligible, in accordance with a program developed by the department, for  
4 transfer to community custody status in lieu of earned release time  
5 pursuant to subsection (1) of this section;

6 (b) A person convicted of a sex offense, a violent offense, any  
7 crime against persons under RCW 9.94A.411(2), or a felony offense under  
8 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may  
9 become eligible, in accordance with a program developed by the  
10 department, for transfer to community custody status in lieu of earned  
11 release time pursuant to subsection (1) of this section;

12 (c) The department shall, as a part of its program for release to  
13 the community in lieu of earned release, require the offender to  
14 propose a release plan that includes an approved residence and living  
15 arrangement. All offenders with community placement or community  
16 custody terms eligible for release to community custody status in lieu  
17 of earned release shall provide an approved residence and living  
18 arrangement prior to release to the community;

19 (d) The department may deny transfer to community custody status in  
20 lieu of earned release time pursuant to subsection (1) of this section  
21 if the department determines an offender's release plan, including  
22 proposed residence location and living arrangements, may violate the  
23 conditions of the sentence or conditions of supervision, place the  
24 offender at risk to violate the conditions of the sentence, place the  
25 offender at risk to reoffend, or present a risk to victim safety or  
26 community safety. The department's authority under this section is  
27 independent of any court-ordered condition of sentence or statutory  
28 provision regarding conditions for community custody or community  
29 placement;

30 (3) An offender may leave a correctional facility pursuant to an  
31 authorized furlough or leave of absence. In addition, offenders may  
32 leave a correctional facility when in the custody of a corrections  
33 officer or officers;

34 (4)(a) The secretary may authorize an extraordinary medical  
35 placement for an offender when all of the following conditions exist:

36 (i) The offender has a medical condition that is serious enough to  
37 require costly care or treatment;

1 (ii) The offender poses a low risk to the community because he or  
2 she is physically incapacitated due to age or the medical condition;  
3 and

4 (iii) Granting the extraordinary medical placement will result in  
5 a cost savings to the state.

6 (b) An offender sentenced to death or to life imprisonment without  
7 the possibility of release or parole is not eligible for an  
8 extraordinary medical placement.

9 (c) The secretary shall require electronic monitoring for all  
10 offenders in extraordinary medical placement unless the electronic  
11 monitoring equipment interferes with the function of the offender's  
12 medical equipment or results in the loss of funding for the offender's  
13 medical care. The secretary shall specify who shall provide the  
14 monitoring services and the terms under which the monitoring shall be  
15 performed.

16 (d) The secretary may revoke an extraordinary medical placement  
17 under this subsection at any time.

18 (5) The governor, upon recommendation from the clemency and pardons  
19 board, may grant an extraordinary release for reasons of serious health  
20 problems, senility, advanced age, extraordinary meritorious acts, or  
21 other extraordinary circumstances;

22 (6) No more than the final six months of the sentence may be served  
23 in partial confinement designed to aid the offender in finding work and  
24 reestablishing himself or herself in the community;

25 (7) The governor may pardon any offender;

26 (8) The department may release an offender from confinement any  
27 time within ten days before a release date calculated under this  
28 section; and

29 (9) An offender may leave a correctional facility prior to  
30 completion of his or her sentence if the sentence has been reduced as  
31 provided in RCW 9.94A.870.

32 Notwithstanding any other provisions of this section, an offender  
33 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a  
34 mandatory minimum sentence of total confinement shall not be released  
35 from total confinement before the completion of the listed mandatory  
36 minimum sentence for that felony crime of conviction unless allowed  
37 under RCW 9.94A.540, however persistent offenders are not eligible for  
38 extraordinary medical placement.

1        NEW SECTION.    **Sec. 62.**    The amendments made in section 60 of this  
2 act apply retroactively to offenders serving terms of total confinement  
3 as of the effective date of section 60 of this act.    The amendments  
4 made in section 61 of this act apply retroactively to offenders serving  
5 terms of total confinement as of the effective date of section 61 of  
6 this act.    The department of corrections shall recalculate earned  
7 release time, reschedule expected release dates, and transfer offenders  
8 to community custody in lieu of earned release as if the amendments had  
9 been in effect at the time of sentencing.

10        **Sec. 63.**    RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read  
11 as follows:

12        (1) Before imposing a sentence upon a defendant, the court shall  
13 conduct a sentencing hearing.    The sentencing hearing shall be held  
14 within forty court days following conviction.    Upon the motion of  
15 either party for good cause shown, or on its own motion, the court may  
16 extend the time period for conducting the sentencing hearing.

17        (~~Except~~) In cases where the ((defendant shall be sentenced to a  
18 term of total confinement for life without the possibility of release  
19 or, when authorized by RCW 10.95.030 for the crime of aggravated murder  
20 in the first degree, sentenced to death)) standard sentence range under  
21 RCW 9.94A.510 does not exceed one year, or the standard range under RCW  
22 9.94A.517 does not exceed eighteen months, the court may order the  
23 department to complete a risk assessment report(~~(. If available before~~  
24 ~~sentencing, the report shall be provided)) and provide it to the court  
25 before sentencing.    The department's risk assessment shall classify the  
26 offender in one of at least four risk categories, from highest to  
27 lowest.~~

28        Unless specifically waived by the court, the court shall order the  
29 department to complete a chemical dependency screening report before  
30 imposing a sentence upon a defendant who has been convicted of a  
31 violation of the uniform controlled substances act under chapter 69.50  
32 RCW or a criminal solicitation to commit such a violation under chapter  
33 9A.28 RCW where the court finds that the offender has a chemical  
34 dependency that has contributed to his or her offense.    In addition,  
35 the court shall, at the time of plea or conviction, order the  
36 department to complete a (~~presentence~~) risk assessment report before  
37 imposing a sentence upon a defendant who has been convicted of a felony

1 sexual offense. The department of corrections shall give priority to  
2 (~~presentence investigations~~) risk assessments for sexual offenders.  
3 If the court determines that the defendant may be a mentally ill person  
4 as defined in RCW 71.24.025, although the defendant has not established  
5 that at the time of the crime he or she lacked the capacity to commit  
6 the crime, was incompetent to commit the crime, or was insane at the  
7 time of the crime, the court shall order the department to complete a  
8 (~~presentence~~) risk assessment report before imposing a sentence.

9 The court shall consider the risk assessment report (~~and~~  
10 ~~presentence reports~~), if any, including any victim impact statement  
11 and criminal history, and allow arguments from the prosecutor, the  
12 defense counsel, the offender, the victim, the survivor of the victim,  
13 or a representative of the victim or survivor, and an investigative law  
14 enforcement officer as to the sentence to be imposed.

15 If the court is satisfied by a preponderance of the evidence that  
16 the defendant has a criminal history, the court shall specify the  
17 convictions it has found to exist. All of this information shall be  
18 part of the record. Copies of all risk assessment reports (~~and~~  
19 ~~presentence reports~~) presented to the sentencing court and all written  
20 findings of facts and conclusions of law as to sentencing entered by  
21 the court shall be sent to the department by the clerk of the court at  
22 the conclusion of the sentencing and shall accompany the offender if  
23 the offender is committed to the custody of the department. Court  
24 clerks shall provide, without charge, certified copies of documents  
25 relating to criminal convictions, including reports from law  
26 enforcement agencies, requested by prosecuting attorneys or the  
27 department.

28 (2) To prevent wrongful disclosure of information related to mental  
29 health services, as defined in RCW 71.05.445 and 71.34.225, a court may  
30 take only those steps necessary during a sentencing hearing or any  
31 hearing in which the department presents information related to mental  
32 health services to the court. The steps may be taken on motion of the  
33 defendant, the prosecuting attorney, or on the court's own motion. The  
34 court may seal the portion of the record relating to information  
35 relating to mental health services, exclude the public from the hearing  
36 during presentation or discussion of information relating to mental  
37 health services, or grant other relief to achieve the result intended  
38 by this subsection, but nothing in this subsection shall be construed



1 to prevent the subsequent release of information related to mental  
2 health services as authorized by RCW 71.05.445, 71.34.225, or  
3 72.09.585. Any person who otherwise is permitted to attend any hearing  
4 pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the  
5 hearing solely because the department intends to disclose or discloses  
6 information related to mental health services.

7 (3) Subsection (1) of this section shall not apply to resentencings  
8 conducted under section 58 of this act.

9 **Sec. 64.** RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read  
10 as follows:

11 On all sentences of confinement for one year or less, if the  
12 department's risk assessment classifies the offender in either of the  
13 two highest risk categories, the court may impose up to one year of  
14 community custody, subject to conditions and sanctions as authorized in  
15 RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody  
16 as of the date of sentencing. However, during the time for which the  
17 offender is in total or partial confinement pursuant to the sentence or  
18 a violation of the sentence, the period of community custody shall  
19 toll.

20 **Sec. 65.** RCW 9.94A.690 and 2000 c 28 s 21 are each amended to read  
21 as follows:

22 (1)(a) An offender is eligible to be sentenced to a work ethic camp  
23 if the offender:

24 (i) Is sentenced to a term of total confinement of not less than  
25 twelve months and one day or more than thirty-six months;

26 (ii) Has no current or prior convictions for any sex offenses or  
27 for violent offenses; and

28 (iii) Is not currently subject to a sentence for, or being  
29 prosecuted for, a violation of the uniform controlled substances act or  
30 a criminal solicitation to commit such a violation under chapter 9A.28  
31 or 69.50 RCW.

32 (b) The length of the work ethic camp shall be at least one hundred  
33 twenty days and not more than one hundred eighty days.

34 (2) If the sentencing court determines that the offender is  
35 eligible for the work ethic camp and is likely to qualify under  
36 subsection (3) of this section, the judge shall impose a sentence

1 within the standard sentence range and may recommend that the offender  
2 serve the sentence at a work ethic camp. In sentencing an offender to  
3 the work ethic camp, the court shall specify: (a) That upon completion  
4 of the work ethic camp the offender shall be released (~~(to)~~) and the  
5 department may impose community custody for any remaining time of total  
6 confinement; (b) the applicable conditions of supervision on community  
7 custody status, if imposed by the department, as required by RCW  
8 9.94A.700(4) and authorized by RCW 9.94A.700(5); and (c) that violation  
9 of the conditions may result in a return to total confinement for the  
10 balance of the offender's remaining time of confinement.

11 (3) The department shall place the offender in the work ethic camp  
12 program, subject to capacity, unless: (a) The department determines  
13 that the offender has physical or mental impairments that would prevent  
14 participation and completion of the program; (b) the department  
15 determines that the offender's custody level prevents placement in the  
16 program; (c) the offender refuses to agree to the terms and conditions  
17 of the program; (d) the offender has been found by the United States  
18 attorney general to be subject to a deportation detainer or order; or  
19 (e) the offender has participated in the work ethic camp program in the  
20 past.

21 (4) An offender who fails to complete the work ethic camp program,  
22 who is administratively terminated from the program, or who otherwise  
23 violates any conditions of supervision, as defined by the department,  
24 shall be reclassified to serve the unexpired term of his or her  
25 sentence as ordered by the sentencing court and shall be subject to all  
26 rules relating to earned release time.

27 (5) During the last two weeks prior to release from the work ethic  
28 camp program the department shall provide the offender with  
29 comprehensive transition training.

30 **Sec. 66.** RCW 9.94A.700 and 2002 c 175 s 13 are each amended to  
31 read as follows:

32 When a court sentences an offender to a term of total confinement  
33 in the custody of the department for any of the offenses specified in  
34 this section, the court shall also (~~(sentence)~~) authorize the  
35 department to impose on the offender (~~(to)~~) a term of community  
36 placement as provided in this section.

1 (1) The court shall (~~order~~) authorize a one-year term of  
2 community placement for the following:

3 (a) A sex offense or a serious violent offense committed after July  
4 1, 1988, but before July 1, 1990; or

5 (b) An offense committed on or after July 1, 1988, but before July  
6 25, 1999, that is:

7 (i) Assault in the second degree;

8 (ii) Assault of a child in the second degree;

9 (iii) A crime against persons where it is determined in accordance  
10 with RCW 9.94A.602 that the offender or an accomplice was armed with a  
11 deadly weapon at the time of commission; or

12 (iv) A felony offense under chapter 69.50 or 69.52 RCW not  
13 sentenced under RCW 9.94A.660.

14 (2) The court shall (~~sentence the offender to~~) authorize a term  
15 of community placement of two years or up to the period of earned  
16 release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

17 (a) An offense categorized as a sex offense committed on or after  
18 July 1, 1990, but before June 6, 1996, including those sex offenses  
19 also included in other offense categories;

20 (b) A serious violent offense other than a sex offense committed on  
21 or after July 1, 1990, but before July 1, 2000; or

22 (c) A vehicular homicide or vehicular assault committed on or after  
23 July 1, 1990, but before July 1, 2000.

24 (3) The community placement (~~ordered~~) authorized under this  
25 section shall begin either upon completion of the term of confinement  
26 or at such time as the offender is transferred to community custody in  
27 lieu of earned release. When the court sentences an offender to the  
28 statutory maximum sentence then the community placement portion of the  
29 sentence shall consist entirely of the community custody to which the  
30 offender may become eligible. Any period of community custody actually  
31 served shall be credited against the community placement portion of the  
32 sentence.

33 (4) Unless a condition is waived by the court, the terms of any  
34 community placement authorized and imposed under this section shall  
35 include the following conditions:

36 (a) The offender shall report to and be available for contact with  
37 the assigned community corrections officer as directed;

1 (b) The offender shall work at department-approved education,  
2 employment, or community restitution, or any combination thereof;

3 (c) The offender shall not possess or consume controlled substances  
4 except pursuant to lawfully issued prescriptions;

5 (d) The offender shall pay supervision fees as determined by the  
6 department; and

7 (e) The residence location and living arrangements shall be subject  
8 to the prior approval of the department during the period of community  
9 placement.

10 (5) As a part of any terms of community placement authorized and  
11 imposed under this section, the court may also order one or more of the  
12 following special conditions, to apply if the department imposes  
13 community placement:

14 (a) The offender shall remain within, or outside of, a specified  
15 geographical boundary;

16 (b) The offender shall not have direct or indirect contact with the  
17 victim of the crime or a specified class of individuals;

18 (c) The offender shall participate in crime-related treatment or  
19 counseling services;

20 (d) The offender shall not consume alcohol; or

21 (e) The offender shall comply with any crime-related prohibitions.

22 (6) An offender convicted of a felony sex offense against a minor  
23 victim after June 6, 1996, shall comply with any terms and conditions  
24 of community placement imposed by the department relating to contact  
25 between the sex offender and a minor victim or a child of similar age  
26 or circumstance as a previous victim.

27 (7) Prior to or during community placement, upon recommendation of  
28 the department, the sentencing court may remove or modify any  
29 conditions of community placement so as not to be more restrictive.

30 **Sec. 67.** RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read  
31 as follows:

32 Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710,  
33 when a court sentences a person to a term of total confinement to the  
34 custody of the department for a violent offense, any crime against  
35 persons under RCW 9.94A.411(2), or any felony offense under chapter  
36 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or  
37 after July 25, 1999, but before July 1, 2000, the court shall in

1 addition to the other terms of the sentence, (~~the sentence~~) authorize the  
2 department to impose upon the offender (~~to~~) a one-year term of  
3 community placement beginning either upon completion of the term of  
4 confinement or at such time as the offender is transferred to community  
5 custody in lieu of earned release in accordance with RCW 9.94A.728 (1)  
6 and (2). When the court sentences the offender under this section to  
7 the statutory maximum period of confinement, then the community  
8 placement portion (~~of~~) authorized in the sentence shall consist  
9 entirely of such community custody to which the offender may become  
10 eligible, in accordance with RCW 9.94A.728 (1) and (2). Any period of  
11 community custody actually served shall be credited against the  
12 community placement portion (~~of~~) authorized in the sentence.

13 **Sec. 68.** RCW 9.94A.710 and 2000 c 28 s 24 are each amended to read  
14 as follows:

15 (1) When a court sentences a person to the custody of the  
16 department for an offense categorized as a sex offense, including those  
17 sex offenses also included in other offense categories, committed on or  
18 after June 6, 1996, and before July 1, 2000, the court shall, in  
19 addition to other terms of the sentence, (~~the sentence~~) authorize the  
20 department to impose upon the offender (~~to~~) community custody for  
21 three years or up to the period of earned release awarded pursuant to  
22 RCW 9.94A.728, whichever is longer. The community custody, if imposed  
23 by the department, shall begin either upon completion of the term of  
24 confinement or at such time as the offender is transferred to community  
25 custody in lieu of earned release.

26 (2) Unless a condition is waived by the court, the terms of  
27 community custody (~~imposed~~) authorized under this section shall be  
28 the same as those provided for in RCW 9.94A.700(4) and may include  
29 those provided for in RCW 9.94A.700(5). As part of any sentence that  
30 (~~includes~~) authorizes a term of community custody to be imposed under  
31 this section, the court shall also require the offender to comply with  
32 any conditions imposed by the department under RCW 9.94A.720.

33 (3) At any time prior to the completion of a sex offender's term of  
34 community custody imposed by the department, if the court finds that  
35 public safety would be enhanced, the court may impose and enforce an  
36 order extending any or all of the conditions imposed pursuant to this  
37 section for a period up to the maximum allowable sentence for the crime

1 as it is classified in chapter 9A.20 RCW, regardless of the expiration  
2 of the offender's term of community custody. If a violation of a  
3 condition extended under this subsection occurs after the expiration of  
4 the offender's term of community custody, it shall be deemed a  
5 violation of the sentence for the purposes of RCW 9.94A.631 and may be  
6 punishable as contempt of court as provided for in RCW 7.21.040.

7 **Sec. 69.** RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each  
8 amended to read as follows:

9 (1) When a court sentences a person to the custody of the  
10 department for a sex offense not sentenced under RCW 9.94A.712, a  
11 violent offense, any crime against persons under RCW 9.94A.411(2), or  
12 a felony offense under chapter 69.50 or 69.52 RCW, committed on or  
13 after July 1, 2000, the court shall in addition to the other terms of  
14 the sentence, (~~sentence the offender to~~) authorize the department to  
15 impose a term of community custody for a term set by the court within  
16 the community custody range established under (~~RCW 9.94A.850~~) this  
17 section or up to the period of earned release awarded pursuant to RCW  
18 9.94A.728 (1) and (2), whichever is longer. If imposed by the  
19 department, the community custody shall begin: (a) Upon completion of  
20 the term of confinement; (b) at such time as the offender is  
21 transferred to community custody in lieu of earned release in  
22 accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to  
23 offenders sentenced under RCW 9.94A.660, upon failure to complete or  
24 administrative termination from the special drug offender sentencing  
25 alternative program.

26 (2)(a) Unless a condition is waived by the court, the conditions of  
27 community custody authorized under this section shall include those  
28 provided for in RCW 9.94A.700(4). The conditions may also include  
29 those provided for in RCW 9.94A.700(5). The court may also order the  
30 offender, if the department imposes community custody as authorized, to  
31 participate in rehabilitative programs or otherwise perform affirmative  
32 conduct reasonably related to the circumstances of the offense, the  
33 offender's risk of reoffending, or the safety of the community, and the  
34 department shall enforce such conditions pursuant to subsection (6) of  
35 this section.

36 (b) As part of any sentence that includes a term of community  
37 custody authorized and imposed under this subsection, the court shall

1 also require the offender to comply with any conditions imposed by the  
2 department under RCW 9.94A.720. The department shall assess the  
3 offender's risk of reoffense and may establish and modify additional  
4 conditions of the offender's community custody based upon the risk to  
5 community safety. In addition, the department may require the offender  
6 to participate in rehabilitative programs, or otherwise perform  
7 affirmative conduct, and to obey all laws.

8 (c) If the department imposes community custody as authorized by  
9 the sentence, the department may not impose conditions that are  
10 contrary to those ordered by the court and may not contravene or  
11 decrease court imposed conditions. The department shall notify the  
12 offender in writing of any such conditions or modifications. In  
13 imposing a term of community custody, or setting, modifying, and  
14 enforcing conditions of community custody, the department shall be  
15 deemed to be performing a quasi-judicial function.

16 (3) If an offender violates conditions imposed by the court or the  
17 department pursuant to this section during community custody imposed by  
18 the department, the department may transfer the offender to a more  
19 restrictive confinement status and impose other available sanctions as  
20 provided in RCW 9.94A.737 and 9.94A.740.

21 (4) Except for terms of community custody under RCW 9.94A.670, the  
22 department shall discharge the offender from community custody on a  
23 date determined by the department, which the department may modify,  
24 based on risk and performance of the offender, within the range or at  
25 the end of the period of earned release, whichever is later.

26 (5) At any time prior to the completion or termination of a sex  
27 offender's term of community custody imposed by the department, if the  
28 court finds that public safety would be enhanced, the court may impose  
29 and enforce an order extending any or all of the conditions imposed  
30 pursuant to this section for a period up to the maximum allowable  
31 sentence for the crime as it is classified in chapter 9A.20 RCW,  
32 regardless of the expiration of the offender's term of community  
33 custody. If a violation of a condition extended under this subsection  
34 occurs after the expiration of the offender's term of community  
35 custody, it shall be deemed a violation of the sentence for the  
36 purposes of RCW 9.94A.631 and may be punishable as contempt of court as  
37 provided for in RCW 7.21.040. If the court extends a condition beyond

1 the expiration of the term of community custody imposed by the  
2 department, the department is not responsible for supervision of the  
3 offender's compliance with the condition.

4 (6) Within the funds available for community custody, the  
5 department shall determine conditions and duration of community custody  
6 on the basis of risk to community safety, and shall supervise offenders  
7 during community custody on the basis of risk to community safety and  
8 conditions imposed by the court. The secretary shall adopt rules to  
9 implement the provisions of this subsection.

10 (7) By the close of the next business day after receiving notice of  
11 a condition imposed or modified by the department, an offender may  
12 request an administrative review under rules adopted by the department.  
13 The condition shall remain in effect unless the reviewing officer finds  
14 that it is not reasonably related to any of the following: (a) The  
15 crime of conviction; (b) the offender's risk of reoffending; or (c) the  
16 safety of the community.

17 (8) The ranges within which the court shall authorize the  
18 department to impose a term of community custody under this section  
19 are:

| <u>Offense Type</u>   | <u>Community Custody Range</u> |
|---|--------------------------------|
| <u>Sex offenses (as defined in RCW 9.94A.030, and not sentenced under RCW</u><br>22 <u>9.94A.670)</u> | <u>36 to 48 months</u>         |
| <u>Serious violent offenses (as defined in RCW 9.94A.030)</u>   | <u>24 to 48 months</u>         |
| <u>Violent offenses (as defined in RCW 9.94A.030)</u>   | <u>18 to 36 months</u>         |
| <u>Crimes against persons (as defined in RCW 9.94A.411)</u>   | <u>9 to 18 months</u>          |
| <u>Offenses under chapter 69.50 or 69.52 RCW (not sentenced under RCW</u><br>27 <u>9.94A.660)</u>     | <u>9 to 12 months</u>          |

28  
29 The community custody range for offenders with multiple current  
30 convictions shall be based on the offense that dictates the longest  
31 term of community custody. The community custody range for offenders  
32 convicted of an offense that falls into more than one of the categories  
33 of offense types listed in this subsection shall be based on the  
34 offense type that dictates the longest term of community custody.



1       **Sec. 70.** RCW 9.94A.720 and 2002 c 175 s 14 are each amended to  
2 read as follows:

3       (1)(a) All offenders (~~((sentenced to terms involving))~~) on whom the  
4 department has imposed community supervision, (~~((community~~  
5 ~~restitution,~~)) community placement, or community custody, (~~((or legal~~  
6 ~~financial obligation))~~) as authorized by their sentences, shall be under  
7 the supervision of the department and shall follow explicitly the  
8 instructions and conditions of the department while on community  
9 supervision, community restitution, community placement, or community  
10 custody. The department may require an offender to perform affirmative  
11 acts it deems appropriate to monitor compliance with the conditions of  
12 the sentence imposed.

13       (b) The instructions shall include, at a minimum, reporting as  
14 directed to a community corrections officer, remaining within  
15 prescribed geographical boundaries, notifying the community corrections  
16 officer of any change in the offender's address or employment, and  
17 paying the supervision fee assessment.

18       (c) For offenders (~~((sentenced to terms involving))~~) on whom the  
19 department has imposed community custody, as authorized by their  
20 sentences, for crimes committed on or after June 6, 1996, the  
21 department may include, in addition to the instructions in (b) of this  
22 subsection, any appropriate conditions of supervision, including but  
23 not limited to, prohibiting the offender from having contact with any  
24 other specified individuals or specific class of individuals.

25       (d) For offenders (~~((sentenced to terms of))~~) on whom the department  
26 has imposed community custody, as authorized by their sentences, for  
27 crimes committed on or after July 1, 2000, the department may impose  
28 conditions as specified in RCW 9.94A.715.

29       The conditions authorized under (c) of this subsection may be  
30 imposed by the department prior to or during an offender's community  
31 custody term. If a violation of conditions imposed by the court or the  
32 department pursuant to RCW 9.94A.710 occurs during community custody,  
33 it shall be deemed a violation of community placement for the purposes  
34 of RCW 9.94A.740 and shall authorize the department to transfer an  
35 offender to a more restrictive confinement status as provided in RCW  
36 9.94A.737. At any time prior to the completion of an offender's term  
37 of community custody, the department may recommend to the court that  
38 any or all of the conditions imposed by the court or the department

1 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the  
2 expiration of the offender's term of community custody as authorized in  
3 RCW 9.94A.715 (3) or (5).

4 The department may require offenders to pay for special services  
5 rendered on or after July 25, 1993, including electronic monitoring,  
6 day reporting, and telephone reporting, dependent upon the offender's  
7 ability to pay. The department may pay for these services for  
8 offenders who are not able to pay.

9 (2) No offender (~~sentenced to terms involving~~) on whom the  
10 department has imposed community supervision, community restitution,  
11 community custody, or community placement under the supervision of the  
12 department, as authorized by their sentences, may own, use, or possess  
13 firearms or ammunition. Offenders who own, use, or are found to be in  
14 actual or constructive possession of firearms or ammunition shall be  
15 subject to the violation process and sanctions under RCW 9.94A.634,  
16 9.94A.737, and 9.94A.740. "Constructive possession" as used in this  
17 subsection means the power and intent to control the firearm or  
18 ammunition. "Firearm" as used in this subsection has the same  
19 definition as in RCW 9.41.010.

20 **Sec. 71.** RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read  
21 as follows:

22 (1) Whenever a punishment authorized and imposed under this chapter  
23 requires supervision services to be provided, the offender shall pay to  
24 the department of corrections the monthly assessment, prescribed under  
25 subsection (2) of this section, which shall be for the duration of the  
26 terms of supervision and which shall be considered as payment or part  
27 payment of the cost of providing supervision to the offender. The  
28 department may exempt or defer a person from the payment of all or any  
29 part of the assessment based upon any of the following factors:

30 (a) The offender has diligently attempted but has been unable to  
31 obtain employment that provides the offender sufficient income to make  
32 such payments.

33 (b) The offender is a student in a school, college, university, or  
34 a course of vocational or technical training designed to fit the  
35 student for gainful employment.

36 (c) The offender has an employment handicap, as determined by an  
37 examination acceptable to or ordered by the department.

1 (d) The offender's age prevents him from obtaining employment.

2 (e) The offender is responsible for the support of dependents and  
3 the payment of the assessment constitutes an undue hardship on the  
4 offender.

5 (f) Other extenuating circumstances as determined by the  
6 department.

7 (2) The department of corrections shall adopt a rule prescribing  
8 the amount of the assessment. The department may, if it finds it  
9 appropriate, prescribe a schedule of assessments that shall vary in  
10 accordance with the intensity or cost of the supervision. The  
11 department may not prescribe any assessment that is less than ten  
12 dollars nor more than fifty dollars.

13 (3) All amounts required to be paid under this section shall be  
14 collected by the department of corrections and deposited by the  
15 department in the dedicated fund established pursuant to RCW 72.11.040.

16 (4) This section shall not apply to probation services provided  
17 under an interstate compact pursuant to chapter 9.95 RCW or to  
18 probation services provided for persons placed on probation prior to  
19 June 10, 1982.

20 **Sec. 72.** RCW 9.92.060 and 1996 c 298 s 5 are each amended to read  
21 as follows:

22 (1) Whenever any person is convicted of any crime except murder,  
23 burglary in the first degree, arson in the first degree, robbery, rape  
24 of a child, or rape, the superior court may, in its discretion, at the  
25 time of imposing sentence upon such person, direct that such sentence  
26 be stayed and suspended until otherwise ordered by the superior court,  
27 and ~~((that the sentenced person be placed under the charge of a  
28 community corrections officer employed by))~~ authorize the department of  
29 corrections to supervise the person under this section, or, if the  
30 county elects to assume responsibility for the supervision of ~~((all))~~  
31 superior court misdemeanor probationers, authorize the appropriate  
32 county agency to direct that the person be placed under the charge of  
33 a probation officer employed or contracted for by the county, upon such  
34 terms as the superior court may determine.

35 (2) As a condition to suspension of sentence, the superior court  
36 shall require the payment of the penalty assessment required by RCW  
37 7.68.035. In addition, the superior court may require the convicted

1 person to make such monetary payments, on such terms as the superior  
2 court deems appropriate under the circumstances, as are necessary: (a)  
3 To comply with any order of the court for the payment of family  
4 support; (b) to make restitution to any person or persons who may have  
5 suffered loss or damage by reason of the commission of the crime in  
6 question or when the offender pleads guilty to a lesser offense or  
7 fewer offenses and agrees with the prosecutor's recommendation that the  
8 offender be required to pay restitution to a victim of an offense or  
9 offenses which are not prosecuted pursuant to a plea agreement; (c) to  
10 pay any fine imposed and not suspended and the court or other costs  
11 incurred in the prosecution of the case, including reimbursement of the  
12 state for costs of extradition if return to this state by extradition  
13 was required; and (d) to contribute to a county or interlocal drug  
14 fund.

15 (3) As a condition of the suspended sentence, if the department of  
16 corrections or the county probation agency imposes supervision as  
17 authorized, the superior court may order the probationer to report to  
18 the secretary of corrections or such officer as the secretary may  
19 designate and as a condition of the probation to follow the  
20 instructions of the secretary. If the county legislative authority has  
21 elected to assume responsibility for the supervision of superior court  
22 misdemeanor probationers within its jurisdiction, the superior court  
23 misdemeanor probationer shall report to a probation officer employed  
24 or contracted for by the county. In cases where a superior court  
25 misdemeanor probationer is sentenced in one county, but resides within  
26 another county, there must be provisions for the probationer to report  
27 to the agency having supervision responsibility for the probationer's  
28 county of residence.

29 (4) If restitution to the victim has been ordered under subsection  
30 (2)(b) of this section (~~and~~) the superior court has (~~ordered~~)  
31 authorized supervision, and the department of corrections or county  
32 probation agency has imposed supervision as authorized, the officer  
33 supervising the probationer shall make a reasonable effort to ascertain  
34 whether restitution has been made as ordered. If the superior court  
35 has (~~ordered~~) authorized supervision, the department or county agency  
36 has imposed supervision, and restitution has not been made, the officer  
37 shall inform the prosecutor of that violation of the terms of the

1 suspended sentence not less than three months prior to the termination  
2 of the suspended sentence.

3 **Sec. 73.** RCW 9.95.204 and 1996 c 298 s 1 are each amended to read  
4 as follows:

5 (1) When a superior court places a defendant convicted of a  
6 misdemeanor or gross misdemeanor on probation and (~~orders~~) authorizes  
7 the department of corrections or county probation agency to impose  
8 supervision under RCW 9.92.060 or 9.95.210, and the department of  
9 corrections or county agency imposes supervision, the department or  
10 county agency has initial responsibility for supervision of that  
11 defendant.

12 (2) A county legislative authority may assume responsibility for  
13 the supervision of (~~all~~) any defendants within its jurisdiction who  
14 have been convicted of a misdemeanor or gross misdemeanor and sentenced  
15 to probation by a superior court. The assumption of responsibility  
16 shall be made by contract with the department of corrections on a  
17 biennial basis.

18 (3) If a county assumes supervision responsibility, the county  
19 (~~shall~~) may supervise any or all superior court misdemeanant  
20 probationers within that county for the duration of the biennium, as  
21 set forth in the contract with the department of corrections.

22 (4) A contract between a county legislative authority and the  
23 department of corrections for the transfer of supervision  
24 responsibility must include, at a minimum, the following provisions:

25 (a) The county's agreement to supervise any or all misdemeanant  
26 probationers who are sentenced by a superior court within that county  
27 and who reside within that county;

28 (b) A reciprocal agreement regarding the supervision of superior  
29 court misdemeanant probationers sentenced in one county but who reside  
30 in another county;

31 (c) The county's agreement to comply with the minimum standards for  
32 classification and supervision of offenders as required under RCW  
33 9.95.206;

34 (d) The amount of funds available from the department of  
35 corrections to the county for supervision of superior court  
36 misdemeanant probationers, calculated according to a formula  
37 established by the department of corrections;

1 (e) A method for the payment of funds by the department of  
2 corrections to the county;

3 (f) The county's agreement that any funds received by the county  
4 under the contract will be expended only to cover costs of supervision  
5 of superior court misdemeanant probationers;

6 (g) The county's agreement to account to the department of  
7 corrections for the expenditure of all funds received under the  
8 contract and to submit to audits for compliance with the supervision  
9 standards and financial requirements of this section;

10 (h) Provisions regarding rights and remedies in the event of a  
11 possible breach of contract or default by either party; and

12 (i) Provisions allowing for voluntary termination of the contract  
13 by either party, with good cause, after sixty days' written notice.

14 (5) If the contract between the county and the department of  
15 corrections is terminated for any reason, the department of corrections  
16 (~~shall~~) may reassume responsibility for supervision of superior court  
17 misdemeanant probationers within that county on a case-by-case basis.  
18 In such an event, the department of corrections retains any and all  
19 rights and remedies available by law and under the contract.

20 (6) The state of Washington, the department of corrections and its  
21 employees, community corrections officers, and volunteers who assist  
22 community corrections officers are not liable for any harm caused by  
23 the actions of a superior court misdemeanant probationer who is under  
24 the supervision of a county. A county, its probation department and  
25 employees, probation officers, and volunteers who assist probation  
26 officers are not liable for any harm caused by the actions of a  
27 superior court misdemeanant probationer who is under the supervision of  
28 the department of corrections. This subsection applies regardless of  
29 whether the supervising entity is in compliance with the standards of  
30 supervision at the time of the misdemeanant probationer's actions.

31 (7) The state of Washington, the department of corrections and its  
32 employees, community corrections officers, any county under contract  
33 with the department of corrections pursuant to this section and its  
34 employees, probation officers, and volunteers who assist community  
35 corrections officers and probation officers in the superior court  
36 misdemeanant probation program are not liable for civil damages  
37 resulting from any act or omission in the rendering of superior court

1 misdemeanor probation activities unless the act or omission  
2 constitutes gross negligence. For purposes of this section,  
3 "volunteers" is defined according to RCW 51.12.035.

4 **Sec. 74.** RCW 9.95.210 and 1996 c 298 s 3 are each amended to read  
5 as follows:

6 (1) In granting probation, the superior court may suspend the  
7 imposition or the execution of the sentence and may direct that the  
8 suspension may continue upon such conditions and for such time as it  
9 shall designate, not exceeding the maximum term of sentence or two  
10 years, whichever is longer.

11 (2) In the order granting probation and as a condition thereof, the  
12 superior court may in its discretion imprison the defendant in the  
13 county jail for a period not exceeding one year and may fine the  
14 defendant any sum not exceeding the statutory limit for the offense  
15 committed, and court costs. As a condition of probation, the superior  
16 court shall require the payment of the penalty assessment required by  
17 RCW 7.68.035. The superior court may also require the defendant to  
18 make such monetary payments, on such terms as it deems appropriate  
19 under the circumstances, as are necessary: (a) To comply with any  
20 order of the court for the payment of family support; (b) to make  
21 restitution to any person or persons who may have suffered loss or  
22 damage by reason of the commission of the crime in question or when the  
23 offender pleads guilty to a lesser offense or fewer offenses and agrees  
24 with the prosecutor's recommendation that the offender be required to  
25 pay restitution to a victim of an offense or offenses which are not  
26 prosecuted pursuant to a plea agreement; (c) to pay such fine as may be  
27 imposed and court costs, including reimbursement of the state for costs  
28 of extradition if return to this state by extradition was required; (d)  
29 following consideration of the financial condition of the person  
30 subject to possible electronic monitoring, to pay for the costs of  
31 electronic monitoring if that monitoring was required by the court as  
32 a condition of release from custody or as a condition of probation; (e)  
33 to contribute to a county or interlocal drug fund; and (f) to make  
34 restitution to a public agency for the costs of an emergency response  
35 under RCW 38.52.430, and may require bonds for the faithful observance  
36 of any and all conditions imposed in the probation.

1 (3) The superior court shall order restitution in all cases where  
2 the victim is entitled to benefits under the crime victims'  
3 compensation act, chapter 7.68 RCW. If the superior court does not  
4 order restitution and the victim of the crime has been determined to be  
5 entitled to benefits under the crime victims' compensation act, the  
6 department of labor and industries, as administrator of the crime  
7 victims' compensation program, may petition the superior court within  
8 one year of imposition of the sentence for entry of a restitution  
9 order. Upon receipt of a petition from the department of labor and  
10 industries, the superior court shall hold a restitution hearing and  
11 shall enter a restitution order.

12 (4) In granting probation, the superior court may (~~order~~)  
13 authorize the secretary of corrections to require the probationer to  
14 report to the secretary (~~of corrections~~) or such officer as the  
15 secretary may designate and as a condition of the probation to follow  
16 the instructions of the secretary. If the county legislative authority  
17 has elected to assume responsibility for the supervision of superior  
18 court misdemeanor probationers within its jurisdiction, the superior  
19 court misdemeanor probationer shall report to a probation officer  
20 employed or contracted for by the county. In cases where a superior  
21 court misdemeanor probationer is sentenced in one county, but resides  
22 within another county, there must be provisions for the probationer to  
23 report to the agency having supervision responsibility for the  
24 probationer's county of residence.

25 (5) If the probationer has been ordered to make restitution  
26 (~~and~~), the superior court has (~~ordered~~) authorized supervision, and  
27 the department of corrections has imposed supervision, the officer  
28 supervising the probationer shall make a reasonable effort to ascertain  
29 whether restitution has been made. If the superior court has ordered  
30 supervision and restitution has not been made as ordered, the officer  
31 shall inform the prosecutor of that violation of the terms of probation  
32 not less than three months prior to the termination of the probation  
33 period. The secretary of corrections will promulgate rules and  
34 regulations for the conduct of (~~the~~) persons supervised by the  
35 department during the term of probation. For defendants found guilty  
36 in district court, like functions as the secretary performs in regard  
37 to probation may be performed by probation officers employed for that



1 purpose by the county legislative authority of the county wherein the  
2 court is located.

3 NEW SECTION. **Sec. 75.** (1) Sections 64 through 74 of this act  
4 apply retroactively to offenders sentenced before, on, or after the  
5 effective date of this section, except where retroactive application  
6 would result in increased punishment in violation of Article I, section  
7 23 of the state Constitution.

8 (2) The amendments to sections 64 through 74 of this act operate to  
9 deprive the department of corrections of jurisdiction to supervise  
10 offenders on community custody, community placement, or community  
11 supervision under sentences imposed before the effective date of this  
12 section, unless on the effective date of this section the department  
13 has, based on a risk assessment, classified the offender in either of  
14 the two highest risk categories, or the offender is being supervised  
15 under RCW 9.94A.660, 9.94A.670, 9.94A.712, or 9.94A.728(1)(c). The  
16 department shall promptly terminate the community custody, community  
17 placement, or community supervision status of all other offenders in  
18 such status on the effective date of this section. The termination of  
19 supervision shall not affect the legal financial obligations imposed  
20 under the offenders' sentences or the department's duties under RCW  
21 9.94A.760.

22 **Sec. 76.** RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read  
23 as follows:

24 This section applies to offenses committed on or before July 1,  
25 1985.

26 (1) If restitution is ordered, the court shall determine the amount  
27 of restitution due at the sentencing hearing or within one hundred  
28 eighty days. The court may continue the hearing beyond the one hundred  
29 eighty days for good cause. The court shall then set a minimum monthly  
30 payment that the offender is required to make towards the restitution  
31 that is ordered. The court should take into consideration the total  
32 amount of the restitution owed, the offender's present, past, and  
33 future ability to pay, as well as any assets that the offender may  
34 have.

35 (2) During the period of supervision, the community corrections  
36 officer may examine the offender to determine if there has been a

1 change in circumstances that warrants an amendment of the monthly  
2 payment schedule. The community corrections officer may recommend a  
3 change to the schedule of payment and shall inform the court of the  
4 recommended change and the reasons for the change. The sentencing  
5 court may then reset the monthly minimum payments based on the report  
6 from the community corrections officer of the change in circumstances.

7 (3) Except as provided in subsection (6) of this section,  
8 restitution ordered by a court pursuant to a criminal conviction shall  
9 be based on easily ascertainable damages for injury to or loss of  
10 property, actual expenses incurred for treatment for injury to persons,  
11 and lost wages resulting from injury. Restitution shall not include  
12 reimbursement for damages for mental anguish, pain and suffering, or  
13 other intangible losses, but may include the costs of counseling  
14 reasonably related to the offense. The amount of restitution shall not  
15 exceed double the amount of the offender's gain or the victim's loss  
16 from the commission of the offense.

17 (4) For the purposes of this section, the offender shall remain  
18 under the court's jurisdiction for a term of ten years following the  
19 offender's release from total confinement or ten years subsequent to  
20 the entry of the judgment and sentence, whichever period is longer.  
21 Prior to the expiration of the initial ten-year period, the superior  
22 court may extend jurisdiction under the criminal judgment an additional  
23 ten years for payment of restitution. ~~((If jurisdiction under the  
24 criminal judgment is extended, the department is not responsible for  
25 supervision of the offender during the subsequent period.))~~ The  
26 portion of the sentence concerning restitution may be modified as to  
27 amount, terms and conditions during either the initial ten-year period  
28 or subsequent ten-year period if the criminal judgment is extended,  
29 regardless of the expiration of the offender's term of community  
30 supervision and regardless of the statutory maximum sentence for the  
31 crime. The court may not reduce the total amount of restitution  
32 ordered because the offender may lack the ability to pay the total  
33 amount. The offender's compliance with the restitution shall be  
34 supervised by the department during any term of community placement,  
35 community custody, or community supervision authorized by the court and  
36 imposed by the department. The department is not responsible for  
37 supervision of the offender during any subsequent period of time the  
38 offender remains under the court's jurisdiction.

1 (5) Restitution may be ordered whenever the offender is convicted  
2 of an offense which results in injury to any person or damage to or  
3 loss of property or as provided in subsection (6) of this section. In  
4 addition, restitution may be ordered to pay for an injury, loss, or  
5 damage if the offender pleads guilty to a lesser offense or fewer  
6 offenses and agrees with the prosecutor's recommendation that the  
7 offender be required to pay restitution to a victim of an offense or  
8 offenses which are not prosecuted pursuant to a plea agreement.

9 (6) Restitution for the crime of rape of a child in the first,  
10 second, or third degree, in which the victim becomes pregnant, shall  
11 include: (a) All of the victim's medical expenses that are associated  
12 with the rape and resulting pregnancy; and (b) child support for any  
13 child born as a result of the rape if child support is ordered pursuant  
14 to a proceeding in superior court or administrative order for support  
15 for that child. The clerk must forward any restitution payments made  
16 on behalf of the victim's child to the Washington state child support  
17 registry under chapter 26.23 RCW. Identifying information about the  
18 victim and child shall not be included in the order. The offender  
19 shall receive a credit against any obligation owing under the  
20 administrative or superior court order for support of the victim's  
21 child. For the purposes of this subsection, the offender shall remain  
22 under the court's jurisdiction until the offender has satisfied support  
23 obligations under the superior court or administrative order but not  
24 longer than a maximum term of twenty-five years following the  
25 offender's release from total confinement or twenty-five years  
26 subsequent to the entry of the judgment and sentence, whichever period  
27 is longer. The court may not reduce the total amount of restitution  
28 ordered because the offender may lack the ability to pay the total  
29 amount. The department shall supervise the offender's compliance with  
30 the restitution ordered under this subsection during any term of  
31 community placement, community custody, or community supervision  
32 authorized by the court and imposed by the department. The department  
33 is not responsible for supervision of the offender during any  
34 subsequent period of time the offender remains under the court's  
35 jurisdiction.

36 (7) In addition to any sentence that may be imposed, an offender  
37 who has been found guilty of an offense involving fraud or other  
38 deceptive practice or an organization which has been found guilty of

1 any such offense may be ordered by the sentencing court to give notice  
2 of the conviction to the class of persons or to the sector of the  
3 public affected by the conviction or financially interested in the  
4 subject matter of the offense by mail, by advertising in designated  
5 areas or through designated media, or by other appropriate means.

6 (8) This section does not limit civil remedies or defenses  
7 available to the victim or offender including support enforcement  
8 remedies for support ordered under subsection (6) of this section for  
9 a child born as a result of a rape of a child victim. The court shall  
10 identify in the judgment and sentence the victim or victims entitled to  
11 restitution and what amount is due each victim. The state or victim  
12 may enforce the court-ordered restitution in the same manner as a  
13 judgment in a civil action. Restitution collected through civil  
14 enforcement must be paid through the registry of the court and must be  
15 distributed proportionately according to each victim's loss when there  
16 is more than one victim.

17 **Sec. 77.** RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are  
18 each reenacted and amended to read as follows:

19 This section applies to offenses committed after July 1, 1985.

20 (1) When restitution is ordered, the court shall determine the  
21 amount of restitution due at the sentencing hearing or within one  
22 hundred eighty days except as provided in subsection (7) of this  
23 section. The court may continue the hearing beyond the one hundred  
24 eighty days for good cause. The court shall then set a minimum monthly  
25 payment that the offender is required to make towards the restitution  
26 that is ordered. The court should take into consideration the total  
27 amount of the restitution owed, the offender's present, past, and  
28 future ability to pay, as well as any assets that the offender may  
29 have.

30 (2) During the period of supervision, the community corrections  
31 officer may examine the offender to determine if there has been a  
32 change in circumstances that warrants an amendment of the monthly  
33 payment schedule. The community corrections officer may recommend a  
34 change to the schedule of payment and shall inform the court of the  
35 recommended change and the reasons for the change. The sentencing  
36 court may then reset the monthly minimum payments based on the report  
37 from the community corrections officer of the change in circumstances.

1           (3) Except as provided in subsection (6) of this section,  
2 restitution ordered by a court pursuant to a criminal conviction shall  
3 be based on easily ascertainable damages for injury to or loss of  
4 property, actual expenses incurred for treatment for injury to persons,  
5 and lost wages resulting from injury. Restitution shall not include  
6 reimbursement for damages for mental anguish, pain and suffering, or  
7 other intangible losses, but may include the costs of counseling  
8 reasonably related to the offense. The amount of restitution shall not  
9 exceed double the amount of the offender's gain or the victim's loss  
10 from the commission of the crime.

11           (4) For the purposes of this section, for an offense committed  
12 prior to July 1, 2000, the offender shall remain under the court's  
13 jurisdiction for a term of ten years following the offender's release  
14 from total confinement or ten years subsequent to the entry of the  
15 judgment and sentence, whichever period ends later. Prior to the  
16 expiration of the initial ten-year period, the superior court may  
17 extend jurisdiction under the criminal judgment an additional ten years  
18 for payment of restitution. For an offense committed on or after July  
19 1, 2000, the offender shall remain under the court's jurisdiction until  
20 the obligation is completely satisfied, regardless of the statutory  
21 maximum for the crime. The portion of the sentence concerning  
22 restitution may be modified as to amount, terms, and conditions during  
23 any period of time the offender remains under the court's jurisdiction,  
24 regardless of the expiration of the offender's term of community  
25 supervision and regardless of the statutory maximum sentence for the  
26 crime. The court may not reduce the total amount of restitution  
27 ordered because the offender may lack the ability to pay the total  
28 amount. The offender's compliance with the restitution shall be  
29 supervised by the department (~~((for ten years following the entry of the  
30 judgment and sentence or ten years following the offender's release  
31 from total confinement))~~ during any term of community placement,  
32 community custody, or community supervision authorized by the court and  
33 imposed by the department. The department is not responsible for  
34 supervision of the offender during any subsequent period of time the  
35 offender remains under the court's jurisdiction.

36           (5) Restitution shall be ordered whenever the offender is convicted  
37 of an offense which results in injury to any person or damage to or  
38 loss of property or as provided in subsection (6) of this section

1 unless extraordinary circumstances exist which make restitution  
2 inappropriate in the court's judgment and the court sets forth such  
3 circumstances in the record. In addition, restitution shall be ordered  
4 to pay for an injury, loss, or damage if the offender pleads guilty to  
5 a lesser offense or fewer offenses and agrees with the prosecutor's  
6 recommendation that the offender be required to pay restitution to a  
7 victim of an offense or offenses which are not prosecuted pursuant to  
8 a plea agreement.

9 (6) Restitution for the crime of rape of a child in the first,  
10 second, or third degree, in which the victim becomes pregnant, shall  
11 include: (a) All of the victim's medical expenses that are associated  
12 with the rape and resulting pregnancy; and (b) child support for any  
13 child born as a result of the rape if child support is ordered pursuant  
14 to a civil superior court or administrative order for support for that  
15 child. The clerk must forward any restitution payments made on behalf  
16 of the victim's child to the Washington state child support registry  
17 under chapter 26.23 RCW. Identifying information about the victim and  
18 child shall not be included in the order. The offender shall receive  
19 a credit against any obligation owing under the administrative or  
20 superior court order for support of the victim's child. For the  
21 purposes of this subsection, the offender shall remain under the  
22 court's jurisdiction until the offender has satisfied support  
23 obligations under the superior court or administrative order for the  
24 period provided in RCW 4.16.020 or a maximum term of twenty-five years  
25 following the offender's release from total confinement or twenty-five  
26 years subsequent to the entry of the judgment and sentence, whichever  
27 period is longer. The court may not reduce the total amount of  
28 restitution ordered because the offender may lack the ability to pay  
29 the total amount. The department shall supervise the offender's  
30 compliance with the restitution ordered under this subsection during  
31 any term of community placement, community custody, or community  
32 supervision authorized by the court and imposed by the department. The  
33 department is not responsible for supervision of the offender during  
34 any subsequent period of time the offender remains under the court's  
35 jurisdiction.

36 (7) Regardless of the provisions of subsections (1) through (6) of  
37 this section, the court shall order restitution in all cases where the  
38 victim is entitled to benefits under the crime victims' compensation

1 act, chapter 7.68 RCW. If the court does not order restitution and the  
2 victim of the crime has been determined to be entitled to benefits  
3 under the crime victims' compensation act, the department of labor and  
4 industries, as administrator of the crime victims' compensation  
5 program, may petition the court within one year of entry of the  
6 judgment and sentence for entry of a restitution order. Upon receipt  
7 of a petition from the department of labor and industries, the court  
8 shall hold a restitution hearing and shall enter a restitution order.

9 (8) In addition to any sentence that may be imposed, an offender  
10 who has been found guilty of an offense involving fraud or other  
11 deceptive practice or an organization which has been found guilty of  
12 any such offense may be ordered by the sentencing court to give notice  
13 of the conviction to the class of persons or to the sector of the  
14 public affected by the conviction or financially interested in the  
15 subject matter of the offense by mail, by advertising in designated  
16 areas or through designated media, or by other appropriate means.

17 (9) This section does not limit civil remedies or defenses  
18 available to the victim, survivors of the victim, or offender including  
19 support enforcement remedies for support ordered under subsection (6)  
20 of this section for a child born as a result of a rape of a child  
21 victim. The court shall identify in the judgment and sentence the  
22 victim or victims entitled to restitution and what amount is due each  
23 victim. The state or victim may enforce the court-ordered restitution  
24 in the same manner as a judgment in a civil action. Restitution  
25 collected through civil enforcement must be paid through the registry  
26 of the court and must be distributed proportionately according to each  
27 victim's loss when there is more than one victim.

28 **Sec. 78.** RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read  
29 as follows:

30 (1) Whenever a person is convicted of a felony, the court may order  
31 the payment of a legal financial obligation as part of the sentence.  
32 The court must on either the judgment and sentence or on a subsequent  
33 order to pay, designate the total amount of a legal financial  
34 obligation and segregate this amount among the separate assessments  
35 made for restitution, costs, fines, and other assessments required by  
36 law. On the same order, the court is also to set a sum that the  
37 offender is required to pay on a monthly basis towards satisfying the

1 legal financial obligation. If the court fails to set the offender  
2 monthly payment amount, the department shall set the amount. Upon  
3 receipt of an offender's monthly payment, restitution shall be paid  
4 prior to any payments of other monetary obligations. After restitution  
5 is satisfied, the county clerk shall distribute the payment  
6 proportionally among all other fines, costs, and assessments imposed,  
7 unless otherwise ordered by the court.

8 (2) If the court determines that the offender, at the time of  
9 sentencing, has the means to pay for the cost of incarceration, the  
10 court may require the offender to pay for the cost of incarceration at  
11 a rate of fifty dollars per day of incarceration. Payment of other  
12 court-ordered financial obligations, including all legal financial  
13 obligations and costs of supervision shall take precedence over the  
14 payment of the cost of incarceration ordered by the court. All funds  
15 recovered from offenders for the cost of incarceration in the county  
16 jail shall be remitted to the county and the costs of incarceration in  
17 a prison shall be remitted to the department.

18 (3) The court may add to the judgment and sentence or subsequent  
19 order to pay a statement that a notice of payroll deduction is to be  
20 issued immediately. If the court chooses not to order the immediate  
21 issuance of a notice of payroll deduction at sentencing, the court  
22 shall add to the judgment and sentence or subsequent order to pay a  
23 statement that a notice of payroll deduction may be issued or other  
24 income-withholding action may be taken, without further notice to the  
25 offender if a monthly court-ordered legal financial obligation payment  
26 is not paid when due, and an amount equal to or greater than the amount  
27 payable for one month is owed.

28 If a judgment and sentence or subsequent order to pay does not  
29 include the statement that a notice of payroll deduction may be issued  
30 or other income-withholding action may be taken if a monthly legal  
31 financial obligation payment is past due, the department may serve a  
32 notice on the offender stating such requirements and authorizations.  
33 Service shall be by personal service or any form of mail requiring a  
34 return receipt.

35 (4) Independent of the department, the party or entity to whom the  
36 legal financial obligation is owed shall have the authority to use any  
37 other remedies available to the party or entity to collect the legal  
38 financial obligation. These remedies include enforcement in the same



1 manner as a judgment in a civil action by the party or entity to whom  
2 the legal financial obligation is owed. Restitution collected through  
3 civil enforcement must be paid through the registry of the court and  
4 must be distributed proportionately according to each victim's loss  
5 when there is more than one victim. The judgment and sentence shall  
6 identify the party or entity to whom restitution is owed so that the  
7 state, party, or entity may enforce the judgment. If restitution is  
8 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of  
9 rape of a child or a victim's child born from the rape, the Washington  
10 state child support registry shall be identified as the party to whom  
11 payments must be made. Restitution obligations arising from the rape  
12 of a child in the first, second, or third degree that result in the  
13 pregnancy of the victim may be enforced for the time periods provided  
14 under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial  
15 obligations for an offense committed prior to July 1, 2000, may be  
16 enforced at any time during the ten-year period following the  
17 offender's release from total confinement or within ten years of entry  
18 of the judgment and sentence, whichever period ends later. Prior to  
19 the expiration of the initial ten-year period, the superior court may  
20 extend the criminal judgment an additional ten years for payment of  
21 legal financial obligations including crime victims' assessments. All  
22 other legal financial obligations for an offense committed on or after  
23 July 1, 2000, may be enforced at any time the offender remains under  
24 the court's jurisdiction. For an offense committed on or after July 1,  
25 2000, the court shall retain jurisdiction over the offender, for  
26 purposes of the offender's compliance with payment of the legal  
27 financial obligations, until the obligation is completely satisfied,  
28 regardless of the statutory maximum for the crime. The department of  
29 corrections shall supervise the offender's compliance with payment of  
30 the legal financial obligations (~~((for ten years following the entry of  
31 the judgment and sentence, or ten years following the offender's  
32 release from total confinement, whichever period ends later))~~) during  
33 any term of community placement, community custody, or community  
34 supervision authorized by the court and imposed by the department. The  
35 department is not responsible for supervision of the offender during  
36 any subsequent period of time the offender remains under the court's  
37 jurisdiction.

1 (5) In order to assist the court in setting a monthly sum that the  
2 offender must pay during the period of supervision, the offender is  
3 required to report to the department for purposes of preparing a  
4 recommendation to the court. When reporting, the offender is required,  
5 under oath, to respond truthfully and honestly to all questions  
6 concerning present, past, and future earning capabilities and the  
7 location and nature of all property or financial assets. The offender  
8 is further required to bring all documents requested by the department.

9 (6) After completing the investigation, the department shall make  
10 a report to the court on the amount of the monthly payment that the  
11 offender should be required to make towards a satisfied legal financial  
12 obligation.

13 (7) During the period of supervision, the department may make a  
14 recommendation to the court that the offender's monthly payment  
15 schedule be modified so as to reflect a change in financial  
16 circumstances. If the department sets the monthly payment amount, the  
17 department may modify the monthly payment amount without the matter  
18 being returned to the court. During the period of supervision, the  
19 department may require the offender to report to the department for the  
20 purposes of reviewing the appropriateness of the collection schedule  
21 for the legal financial obligation. During this reporting, the  
22 offender is required under oath to respond truthfully and honestly to  
23 all questions concerning earning capabilities and the location and  
24 nature of all property or financial assets. The offender shall bring  
25 all documents requested by the department in order to prepare the  
26 collection schedule.

27 (8) After the judgment and sentence or payment order is entered,  
28 the department is authorized, for any period of supervision, to collect  
29 the legal financial obligation from the offender. Any amount collected  
30 by the department shall be remitted daily to the county clerk for the  
31 purpose of disbursements. The department is authorized to accept  
32 credit cards as payment for a legal financial obligation, and any costs  
33 incurred related to accepting credit card payments shall be the  
34 responsibility of the offender.

35 (9) The department or any obligee of the legal financial obligation  
36 may seek a mandatory wage assignment for the purposes of obtaining  
37 satisfaction for the legal financial obligation pursuant to RCW  
38 9.94A.7701.

1 (10) The requirement that the offender pay a monthly sum towards a  
2 legal financial obligation constitutes a condition or requirement of a  
3 sentence and the offender is subject to the penalties for noncompliance  
4 as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

5 (11) During any period of supervision, the ((county clerk))  
6 department shall ((provide the department with)) mail individualized  
7 monthly billings ((for)) to the address known to the department of each  
8 offender with an unsatisfied legal financial obligation ((and shall  
9 provide the department with notice of payments by such offenders no  
10 less frequently than weekly)). The billing shall direct payment of  
11 legal financial obligations, other than cost of supervision assessments  
12 under RCW 9.94A.780, to the county clerk, and payment of cost of  
13 supervision assessments to the department.

14 (12) The department may arrange for the collection of unpaid legal  
15 financial obligations through the county clerk, or through another  
16 entity if the clerk does not assume responsibility for collection. The  
17 costs for collection services shall be paid by the offender.

18 (13) Nothing in this chapter makes the department, the state, or  
19 any of its employees, agents, or other persons acting on their behalf  
20 liable under any circumstances for the payment of these legal financial  
21 obligations, or for the acts of offenders who have completed the terms  
22 of community custody, community placement, or community supervision  
23 authorized by the court and imposed by the department of corrections,  
24 and are being monitored solely for the collection of legal financial  
25 obligations.

26 **Sec. 79.** RCW 9.94A.760 and 2003 c . . . s 78 (section 78 of this  
27 act) are each amended to read as follows:

28 (1) Whenever a person is convicted of a felony, the court may order  
29 the payment of a legal financial obligation as part of the sentence.  
30 The court must on either the judgment and sentence or on a subsequent  
31 order to pay, designate the total amount of a legal financial  
32 obligation and segregate this amount among the separate assessments  
33 made for restitution, costs, fines, and other assessments required by  
34 law. On the same order, the court is also to set a sum that the  
35 offender is required to pay on a monthly basis towards satisfying the  
36 legal financial obligation. If the court fails to set the offender  
37 monthly payment amount, the department shall set the amount. Upon

1 receipt of an offender's monthly payment, restitution shall be paid  
2 prior to any payments of other monetary obligations. After restitution  
3 is satisfied, the county clerk shall distribute the payment  
4 proportionally among all other fines, costs, and assessments imposed,  
5 unless otherwise ordered by the court.

6 (2) If the court determines that the offender, at the time of  
7 sentencing, has the means to pay for the cost of incarceration, the  
8 court may require the offender to pay for the cost of incarceration at  
9 a rate of fifty dollars per day of incarceration. Payment of other  
10 court-ordered financial obligations, including all legal financial  
11 obligations and costs of supervision shall take precedence over the  
12 payment of the cost of incarceration ordered by the court. All funds  
13 recovered from offenders for the cost of incarceration in the county  
14 jail shall be remitted to the county and the costs of incarceration in  
15 a prison shall be remitted to the department.

16 (3) The court may add to the judgment and sentence or subsequent  
17 order to pay a statement that a notice of payroll deduction is to be  
18 issued immediately. If the court chooses not to order the immediate  
19 issuance of a notice of payroll deduction at sentencing, the court  
20 shall add to the judgment and sentence or subsequent order to pay a  
21 statement that a notice of payroll deduction may be issued or other  
22 income-withholding action may be taken, without further notice to the  
23 offender if a monthly court-ordered legal financial obligation payment  
24 is not paid when due, and an amount equal to or greater than the amount  
25 payable for one month is owed.

26 If a judgment and sentence or subsequent order to pay does not  
27 include the statement that a notice of payroll deduction may be issued  
28 or other income-withholding action may be taken if a monthly legal  
29 financial obligation payment is past due, the department may serve a  
30 notice on the offender stating such requirements and authorizations.  
31 Service shall be by personal service or any form of mail requiring a  
32 return receipt.

33 (4) Independent of the department, the party or entity to whom the  
34 legal financial obligation is owed shall have the authority to use any  
35 other remedies available to the party or entity to collect the legal  
36 financial obligation. These remedies include enforcement in the same  
37 manner as a judgment in a civil action by the party or entity to whom  
38 the legal financial obligation is owed. Restitution collected through

1 civil enforcement must be paid through the registry of the court and  
2 must be distributed proportionately according to each victim's loss  
3 when there is more than one victim. The judgment and sentence shall  
4 identify the party or entity to whom restitution is owed so that the  
5 state, party, or entity may enforce the judgment. If restitution is  
6 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of  
7 rape of a child or a victim's child born from the rape, the Washington  
8 state child support registry shall be identified as the party to whom  
9 payments must be made. Restitution obligations arising from the rape  
10 of a child in the first, second, or third degree that result in the  
11 pregnancy of the victim may be enforced for the time periods provided  
12 under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial  
13 obligations for an offense committed prior to July 1, 2000, may be  
14 enforced at any time during the ten-year period following the  
15 offender's release from total confinement or within ten years of entry  
16 of the judgment and sentence, whichever period ends later. Prior to  
17 the expiration of the initial ten-year period, the superior court may  
18 extend the criminal judgment an additional ten years for payment of  
19 legal financial obligations including crime victims' assessments. All  
20 other legal financial obligations for an offense committed on or after  
21 July 1, 2000, may be enforced at any time the offender remains under  
22 the court's jurisdiction. For an offense committed on or after July 1,  
23 2000, the court shall retain jurisdiction over the offender, for  
24 purposes of the offender's compliance with payment of the legal  
25 financial obligations, until the obligation is completely satisfied,  
26 regardless of the statutory maximum for the crime. The department of  
27 corrections shall supervise the offender's compliance with payment of  
28 the legal financial obligations during any term of community placement,  
29 community custody, or community supervision authorized by the court and  
30 imposed by the department, and the department of social and health  
31 services is authorized to collect unpaid obligations at any time during  
32 the ten-year period following the offender's release from total  
33 confinement or within ten years of entry of the judgment and sentence,  
34 whichever period ends later. Neither the department of corrections nor  
35 the department of social and health services is ((not)) responsible for  
36 supervision of the offender during any subsequent period of time the  
37 offender remains under the court's jurisdiction.

1 (5) In order to assist the court in setting a monthly sum that the  
2 offender must pay during the period of supervision, the offender is  
3 required to report to the department for purposes of preparing a  
4 recommendation to the court. When reporting, the offender is required,  
5 under oath, to respond truthfully and honestly to all questions  
6 concerning present, past, and future earning capabilities and the  
7 location and nature of all property or financial assets. The offender  
8 is further required to bring all documents requested by the department.

9 (6) After completing the investigation, the department shall make  
10 a report to the court on the amount of the monthly payment that the  
11 offender should be required to make towards a satisfied legal financial  
12 obligation.

13 (7) During the period of supervision, the department may make a  
14 recommendation to the court that the offender's monthly payment  
15 schedule be modified so as to reflect a change in financial  
16 circumstances. If the department sets the monthly payment amount, the  
17 department may modify the monthly payment amount without the matter  
18 being returned to the court. During the period of supervision, the  
19 department may require the offender to report to the department for the  
20 purposes of reviewing the appropriateness of the collection schedule  
21 for the legal financial obligation. During this reporting, the  
22 offender is required under oath to respond truthfully and honestly to  
23 all questions concerning earning capabilities and the location and  
24 nature of all property or financial assets. The offender shall bring  
25 all documents requested by the department in order to prepare the  
26 collection schedule.

27 (8) After the judgment and sentence or payment order is entered,  
28 the department is authorized, for any period of supervision, to collect  
29 the legal financial obligation from the offender. Subsequent to any  
30 period of supervision, or if the department does not impose a period of  
31 supervision, the department of social and health services is authorized  
32 to collect unpaid legal financial obligations from the offender. Any  
33 amount collected by ((the)) either department shall be remitted  
34 ((daily)) monthly to the county clerk for the purpose of disbursements.  
35 ((The)) Either department is authorized, but not required, to accept  
36 credit cards as payment for a legal financial obligation, and any costs  
37 incurred related to accepting credit card payments shall be the  
38 responsibility of the offender.

1 (9) The department of corrections, the department of social and  
2 health services, or any obligee of the legal financial obligation may  
3 seek a mandatory wage assignment for the purposes of obtaining  
4 satisfaction for the legal financial obligation pursuant to RCW  
5 9.94A.7701.

6 (10) The requirement that the offender pay a monthly sum towards a  
7 legal financial obligation constitutes a condition or requirement of a  
8 sentence and the offender is subject to the penalties for noncompliance  
9 as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

10 (11) During any period of supervision, the department shall mail  
11 individualized monthly billings to the address known to the department  
12 of each offender with an unsatisfied legal financial obligation. The  
13 billing shall direct payment of legal financial obligations, other than  
14 cost of supervision assessments under RCW 9.94A.780, to the county  
15 clerk, and payment of cost of supervision assessments to the  
16 department. Subsequent to any period of supervision, or if the  
17 department does not impose a period of supervision, the department of  
18 social and health services shall provide the billings and notice of  
19 payments to the clerk.

20 (12) The department of corrections or the department of social and  
21 health services may arrange for the collection of unpaid legal  
22 financial obligations through the county clerk, or through another  
23 entity if the clerk does not assume responsibility for collection. The  
24 costs for collection services shall be paid by the offender.

25 (13) Nothing in this chapter makes the department of corrections,  
26 the department of social and health services, the state, or any of its  
27 employees, agents, or other persons acting on their behalf liable under  
28 any circumstances for the payment of these legal financial obligations,  
29 or for the acts of offenders who have completed the terms of community  
30 custody, community placement, or community supervision authorized by  
31 the court and imposed by the department of corrections, and are being  
32 monitored solely for the collection of legal financial obligations.

33 NEW SECTION. Sec. 80. A new section is added to chapter 9.94A RCW  
34 to read as follows:

35 (1) If an offender has not completed payment of all legal financial  
36 obligations included in the sentence at the expiration of any term of  
37 community placement, community custody, or community supervision

1 authorized by the court and imposed by the department of corrections,  
2 or if the department of corrections does not impose a term of community  
3 placement, community custody, or community supervision, the department  
4 of corrections shall notify the department of social and health  
5 services of the offender's remaining unpaid obligations, and provide  
6 information to enable the department of social and health services to  
7 monitor payment of the remaining obligations. The department of social  
8 and health services is responsible for monitoring payment after  
9 notification. The secretaries of corrections and social and health  
10 services shall enter into an interagency agreement to facilitate the  
11 transfer of information about offenders, unpaid obligations, and payees  
12 to carry out the purposes of this chapter.

13 (2) All references to "the department" in RCW 9.94A.7601 through  
14 9.94A.771 shall apply to the department of social and health services  
15 and the department of corrections.

16 **Sec. 81.** RCW 4.56.100 and 1997 c 358 s 4 are each amended to read  
17 as follows:

18 (1) When any judgment for the payment of money only shall have been  
19 paid or satisfied, the clerk of the court in which such judgment was  
20 rendered shall note upon the record in the execution docket  
21 satisfaction thereof giving the date of such satisfaction upon either  
22 the payment to such clerk of the amount of such judgment, costs and  
23 interest and any accrued costs by reason of the issuance of any  
24 execution, or the filing with such clerk of a satisfaction entitled in  
25 such action and identifying the same executed by the judgment creditor  
26 or his or her attorney of record in such action or his or her assignee  
27 acknowledged as deeds are acknowledged. The clerk has the authority to  
28 note the satisfaction of judgments for criminal and juvenile legal  
29 financial obligations when the clerk's record indicates payment in full  
30 or as directed by the court. Every satisfaction of judgment and every  
31 partial satisfaction of judgment which provides for the payment of  
32 money shall clearly designate the judgment creditor and his or her  
33 attorney if any, the judgment debtor, the amount or type of  
34 satisfaction, whether the satisfaction is full or partial, the cause  
35 number, and the date of entry of the judgment. A certificate by such  
36 clerk of the entry of such satisfaction by him or her may be filed in



1 the office of the clerk of any county in which an abstract of such  
2 judgment has been filed. When so satisfied by the clerk or the filing  
3 of such certificate the lien of such judgment shall be discharged.

4 (2) The department of social and health services shall file a  
5 satisfaction of judgment for welfare fraud conviction if a person does  
6 not pay money through the clerk as required under subsection (1) of  
7 this section.

8 ~~((3) The department of corrections shall file a satisfaction of  
9 judgment if a person does not pay money through the clerk's office as  
10 required under subsection (1) of this section.))~~

11 **Sec. 82.** RCW 9.94A.780 and 2003 c . . . s 71 (section 71 of this  
12 act) are each amended to read as follows:

13 (1) Whenever a punishment authorized and imposed under this chapter  
14 requires supervision services to be provided, the offender shall pay to  
15 the department of corrections the monthly assessment, prescribed under  
16 subsection (2) of this section, which shall be for the duration of the  
17 terms of supervision and which shall be considered as payment or part  
18 payment of the cost of providing supervision to the offender. The  
19 department may exempt or defer a person from the payment of all or any  
20 part of the assessment based upon any of the following factors:

21 (a) The offender has diligently attempted but has been unable to  
22 obtain employment that provides the offender sufficient income to make  
23 such payments.

24 (b) The offender is a student in a school, college, university, or  
25 a course of vocational or technical training designed to fit the  
26 student for gainful employment.

27 (c) The offender has an employment handicap, as determined by an  
28 examination acceptable to or ordered by the department.

29 (d) The offender's age prevents him from obtaining employment.

30 (e) The offender is responsible for the support of dependents and  
31 the payment of the assessment constitutes an undue hardship on the  
32 offender.

33 (f) Other extenuating circumstances as determined by the  
34 department.

35 (2) The department of corrections shall adopt a rule prescribing  
36 the amount of the assessment. The department may, if it finds it  
37 appropriate, prescribe a schedule of assessments that shall vary in

1 accordance with the intensity or cost of the supervision. The  
2 department may not prescribe any assessment that is less than ten  
3 dollars nor more than fifty dollars.

4 (3) All amounts required to be paid under subsection (1) of this  
5 section shall be collected by the department of corrections and  
6 deposited by the department in the dedicated fund established pursuant  
7 to RCW 72.11.040.

8 (4) This section shall not apply to probation services provided  
9 under an interstate compact pursuant to chapter 9.95 RCW or to  
10 probation services provided for persons placed on probation prior to  
11 June 10, 1982.

12 (5) When the department of social and health services assumes  
13 responsibility for collection of unpaid legal financial obligations  
14 under RCW 9.94A.760 or under any agreement with the department of  
15 corrections under that section, whether before or after the completion  
16 of any period of community custody, community placement, or community  
17 supervision, the department of social and health services may prescribe  
18 by rule a monthly or annual assessment as payment or part payment of  
19 the cost of collecting the obligations. The department of social and  
20 health services may exempt or defer a person from the payment of all or  
21 any part of the assessment based upon any of the factors listed in  
22 subsection (1) of this section. The offender shall pay the assessment  
23 under this subsection to the department of social and health services,  
24 which shall apply payments to the cost of collecting legal financial  
25 obligations under RCW 9.94A.760 or an agreement with the department of  
26 corrections.

27 NEW SECTION. Sec. 83. A new section is added to chapter 43.20B  
28 RCW to read as follows:

29 The department may apply the collection remedies authorized in this  
30 chapter or applicable federal law to recover legal financial  
31 obligations imposed by the superior courts on offenders under RCW  
32 9.94A.760, or to recover any debt established by and owed to the state  
33 of Washington.

34 **Sec. 84.** RCW 71.09.300 and 2001 2nd sp.s. c 12 s 216 are each  
35 amended to read as follows:

1 ((+1)) Secure community transition facilities shall meet the  
2 following minimum staffing requirements:

3 ((+a)) (1) At any time the census of a facility is six or fewer  
4 residents, the facility shall maintain a minimum staffing ratio of one  
5 staff per three residents during normal waking hours and ((+two)) one  
6 awake staff per ((+three)) four residents during normal sleeping hours.

7 ((+b)) (2) At any time the census of a facility is six or fewer  
8 residents, all staff shall be classified as residential rehabilitation  
9 counselor II or have a classification that indicates a higher level of  
10 skill, experience, and training.

11 ((+c)) (3) Before being assigned to a facility, all staff shall  
12 have training in sex offender issues, self-defense, and crisis de-  
13 escalation skills in addition to departmental orientation and, as  
14 appropriate, management training. All staff with resident treatment or  
15 care duties must participate in ongoing in-service training.

16 ((+d)) (4) All staff must pass a departmental background check and  
17 the check is not subject to the limitations in chapter 9.96A RCW. A  
18 person who has been convicted of a felony, or any sex offense, may not  
19 be employed at the secure community transition facility or be approved  
20 as an escort for a resident of the facility.

21 ~~((+2) With respect to the facility established pursuant to RCW  
22 71.09.250(1), the department shall, no later than December 1, 2001,  
23 provide a staffing plan to the appropriate committees of the  
24 legislature that will cover the growth of that facility to its full  
25 capacity.))~~

26 NEW SECTION. Sec. 85. The following acts or parts of acts are  
27 each repealed:

- 28 (1) RCW 43.06A.010 (Office created--Purpose) and 1996 c 131 s 2;
- 29 (2) RCW 43.06A.020 (Ombudsman--Appointment, term of office) and  
30 1998 c 288 s 7 & 1996 c 131 s 3;
- 31 (3) RCW 43.06A.030 (Duties) and 1996 c 131 s 4;
- 32 (4) RCW 43.06A.050 (Confidentiality) and 1996 c 131 s 6;
- 33 (5) RCW 43.06A.060 (Admissibility of evidence--Testimony regarding  
34 official duties) and 1998 c 288 s 1;
- 35 (6) RCW 43.06A.070 (Release of identifying information) and 1998 c  
36 288 s 2;

- 1 (7) RCW 43.06A.080 (Inapplicability of privilege in RCW 43.06A.060)  
2 and 1998 c 288 s 3;
- 3 (8) RCW 43.06A.085 (Liability for good faith performance--  
4 Privileged communications) and 1999 c 390 s 7;
- 5 (9) RCW 43.06A.090 (Report of conduct warranting criminal or  
6 disciplinary proceedings) and 1998 c 288 s 4;
- 7 (10) RCW 43.06A.100 (Communication with children in custody of  
8 department of social and health services--Access to information in  
9 possession or control of department or state institutions) and 1999 c  
10 390 s 5; and
- 11 (11) RCW 43.06A.900 (Construction) and 1998 c 288 s 5.

12 NEW SECTION. **Sec. 86.** The following acts or parts of acts are  
13 each repealed:

- 14 (1) RCW 43.121.010 (Legislative declaration, intent) and 1982 c 4  
15 s 1;
- 16 (2) RCW 43.121.015 (Definitions) and 1988 c 278 s 4 & 1987 c 351 s  
17 2;
- 18 (3) RCW 43.121.020 (Council established--Members, chairperson--  
19 Appointment, qualifications, terms, vacancies) and 1996 c 10 s 1, 1994  
20 c 48 s 1, 1989 c 304 s 4, 1987 c 351 s 3, 1984 c 261 s 1, & 1982 c 4 s  
21 2;
- 22 (4) RCW 43.121.030 (Compensation and travel expenses of members)  
23 and 1984 c 287 s 87 & 1982 c 4 s 3;
- 24 (5) RCW 43.121.040 (Executive director, salary--Staff) and 1982 c  
25 4 s 4;
- 26 (6) RCW 43.121.050 (Council powers and duties--Generally--Rules)  
27 and 1988 c 278 s 5, 1987 c 351 s 4, & 1982 c 4 s 5;
- 28 (7) RCW 43.121.060 (Contracts for services--Scope of programs--  
29 Funding) and 1982 c 4 s 6;
- 30 (8) RCW 43.121.070 (Contracts for services--Factors in awarding)  
31 and 1982 c 4 s 7;
- 32 (9) RCW 43.121.080 (Contracts for services--Partial funding by  
33 administering organization, what constitutes) and 1982 c 4 s 8;
- 34 (10) RCW 43.121.100 (Contributions, grants, gifts--Depository for  
35 and disbursement and expenditure control of moneys received--Children's  
36 trust fund) and 1987 c 351 s 5, 1984 c 261 s 3, & 1982 c 4 s 10;

- 1 (11) RCW 43.121.110 (Parenting skills--Legislative findings) and  
2 1988 c 278 s 1;
- 3 (12) RCW 43.121.120 (Community-based early parenting skills  
4 programs--Funding) and 1988 c 278 s 2;
- 5 (13) RCW 43.121.130 (Decreased state funding of parenting skills  
6 programs--Evaluation) and 1998 c 245 s 48 & 1988 c 278 s 3;
- 7 (14) RCW 43.121.140 (Shaken baby syndrome--Outreach campaign) and  
8 1993 c 107 s 2;
- 9 (15) RCW 43.121.150 (Juvenile crime--Legislative findings) and 1997  
10 c 338 s 56; and
- 11 (16) RCW 43.121.910 (Severability--1982 c 4) and 1982 c 4 s 15.

12 NEW SECTION. **Sec. 87.** RCW 43.330.135 (Court-appointed special  
13 advocate programs--Funds--Eligibility) and 1995 c 13 s 1 are each  
14 repealed.

15 NEW SECTION. **Sec. 88.** The following acts or parts of acts are  
16 each repealed:

- 17 (1) RCW 70.190.005 (Purpose) and 1994 sp.s. c 7 s 301 & 1992 c 198  
18 s 1;
- 19 (2) RCW 70.190.010 (Definitions) and 1996 c 132 s 2, 1995 c 399 s  
20 200, & 1992 c 198 s 3;
- 21 (3) RCW 70.190.020 (Consolidate efforts of existing entities) and  
22 1994 sp.s. c 7 s 315 & 1992 c 198 s 4;
- 23 (4) RCW 70.190.030 (Proposals to facilitate services at the  
24 community level) and 1994 sp.s. c 7 s 316 & 1992 c 198 s 5;
- 25 (5) RCW 70.190.040 (Finding--Grants to improve readiness to learn)  
26 and 1993 c 336 s 901;
- 27 (6) RCW 70.190.050 (Community networks--Outcome evaluation) and  
28 1998 c 245 s 122 & 1994 sp.s. c 7 s 207;
- 29 (7) RCW 70.190.060 (Community networks--Legislative intent--  
30 Membership--Open meetings) and 1998 c 314 s 12, 1996 c 132 s 3, & 1994  
31 sp.s. c 7 s 303;
- 32 (8) RCW 70.190.065 (Member's authorization of expenditures--  
33 Limitation) and 1996 c 132 s 5;
- 34 (9) RCW 70.190.070 (Community networks--Duties) and 1994 sp.s. c 7  
35 s 304;
- 36 (10) RCW 70.190.075 (Lead fiscal agent) and 1996 c 132 s 4;

1 (11) RCW 70.190.080 (Community networks--Programs and plans) and  
2 1996 c 132 s 6 & 1994 sp.s. c 7 s 305;  
3 (12) RCW 70.190.085 (Community networks--Sexual abstinence and  
4 activity campaign) and 1994 c 299 s 5;  
5 (13) RCW 70.190.090 (Community networks--Planning grants and  
6 contracts--Distribution of funds--Reports) and 1999 c 309 s 918, 1996  
7 c 132 s 7, & 1994 sp.s. c 7 s 306;  
8 (14) RCW 70.190.100 (Duties of council) and 1998 c 245 s 123 & 1994  
9 sp.s. c 7 s 307;  
10 (15) RCW 70.190.110 (Program review) and 1998 c 245 s 124 & 1994  
11 sp.s. c 7 s 308;  
12 (16) RCW 70.190.120 (Interagency agreement) and 1994 sp.s. c 7 s  
13 309;  
14 (17) RCW 70.190.130 (Comprehensive plan--Approval process--Network  
15 expenditures--Penalty for noncompliance with chapter) and 1998 c 314 s  
16 13, 1996 c 132 s 8, & 1994 sp.s. c 7 s 310;  
17 (18) RCW 70.190.150 (Federal restrictions on funds transfers,  
18 waivers) and 1994 sp.s. c 7 s 312;  
19 (19) RCW 70.190.160 (Community networks--Implementation in federal  
20 and state plans) and 1994 sp.s. c 7 s 314;  
21 (20) RCW 70.190.170 (Transfer of funds and programs to state  
22 agency) and 1994 sp.s. c 7 s 320;  
23 (21) RCW 70.190.180 (Community network--Grants for use of school  
24 facilities) and 1994 sp.s. c 7 s 604;  
25 (22) RCW 70.190.190 (Network members immune from civil liability--  
26 Network assets not subject to attachment or execution) and 1996 c 132  
27 s 9;  
28 (23) RCW 70.190.910 (Severability--1992 c 198) and 1992 c 198 s 20;  
29 (24) RCW 70.190.920 (Effective date--1992 c 198) and 1992 c 198 s  
30 21; and  
31 (25) RCW 74.14C.050 (Implementation and evaluation plan) and 1995  
32 c 311 s 9 & 1992 c 214 s 6.

33 NEW SECTION. **Sec. 89.** The following acts or parts of acts are  
34 each repealed:

35 (1) RCW 13.32A.125 (Temporary out-of-home placement in semi-secure  
36 crisis residential center) and 1995 c 312 s 44;

1 (2) RCW 13.32A.042 (Multidisciplinary team--Formation) and 2000 c  
2 123 s 4 & 1995 c 312 s 13;

3 (3) RCW 13.32A.090 (Duty to inform parents--Transportation to  
4 child's home or out-of-home placement--Notice to department) and 2000  
5 c 123 s 11, 1996 c 133 s 7, 1995 c 312 s 10, 1990 c 276 s 6, 1981 c 298  
6 s 7, & 1979 c 155 s 23;

7 (4) RCW 13.32A.095 (Unauthorized leave from crisis residential  
8 center--Notice to parents, law enforcement, and the department) and  
9 2000 c 123 s 12, 1996 c 133 s 15, & 1995 c 312 s 21;

10 (5) RCW 13.32A.130 (Child admitted to secure facility--Maximum  
11 hours of custody--Evaluation for semi-secure facility or release to  
12 department--Parental right to remove child--Reconciliation effort--  
13 Information to parent and child--Written statement of services and  
14 rights--Crisis residential center immunity from liability) and 2000 c  
15 162 s 13, 2000 c 162 s 3, 2000 c 123 s 15, 1997 c 146 s 4, 1996 c 133  
16 s 8, 1995 c 312 s 12, 1994 sp.s. c 7 s 508, 1992 c 205 s 206, 1990 c  
17 276 s 8, 1985 c 257 s 9, 1981 c 298 s 9, & 1979 c 155 s 27;

18 (6) RCW 74.13.032 (Crisis residential centers--Establishment--  
19 Staff--Duties--Semi-secure facilities--Secure facilities) and 1998 c  
20 296 s 4, 1995 c 312 s 60, & 1979 c 155 s 78;

21 (7) RCW 74.13.033 (Crisis residential centers--Removal from--  
22 Services available--Unauthorized leave) and 2000 c 162 s 16, 2000 c 162  
23 s 7, 1995 c 312 s 62, 1992 c 205 s 213, & 1979 c 155 s 79;

24 (8) RCW 74.13.034 (Crisis residential centers--Removal to another  
25 center or secure facility--Placement in secure juvenile detention  
26 facility) and 2000 c 162 s 17, 2000 c 162 s 8, 1995 c 312 s 63, 1992 c  
27 205 s 214, 1991 c 364 s 5, 1981 c 298 s 17, 1979 ex.s. c 165 s 21, &  
28 1979 c 155 s 80;

29 (9) RCW 43.41.190 (Community network programs--Recommended  
30 legislation) and 1994 sp.s. c 7 s 318;

31 (10) RCW 43.41.195 (Community networks--Fund distribution formula)  
32 and 1999 c 372 s 8 & 1994 sp.s. c 7 s 319;

33 (11) RCW 74.13.035 (Crisis residential centers--Annual records,  
34 contents--Multiple licensing) and 1979 c 155 s 81; and

35 (12) RCW 74.13.0321 (Crisis residential centers--Limit on  
36 reimbursement or compensation) and 1995 c 312 s 61.

1        NEW SECTION.    **Sec. 90.**    RCW 74.14D.040 (Court may order delivery of  
2 services) and 1997 c 386 s 12 are each repealed.

3        NEW SECTION.    **Sec. 91.**    The following acts or parts of acts are  
4 each repealed:

5            (1) RCW 71.24.450 (Mentally ill offenders--Findings and intent) and  
6 1997 c 342 s 1;

7            (2) RCW 71.24.455 (Mentally ill offenders--Contracts for  
8 specialized access and services) and 1997 c 342 s 2; and

9            (3) RCW 71.24.460 (Mentally ill offenders--Report to legislature--  
10 Contingent termination of program) and 1999 c 10 s 13 & 1997 c 342 s 4.

11        NEW SECTION.    **Sec. 92.**    RCW 71.09.270 (Transition facility--Law  
12 enforcement presence) and 2001 2nd sp.s. c 12 s 210 are each repealed.

13        NEW SECTION.    **Sec. 93.**    Sections 79, 80, 82, and 83 of this act  
14 take effect January 1, 2004.

15        NEW SECTION.    **Sec. 94.**    Section 60 of this act expires July 1,  
16 2004.

17        NEW SECTION.    **Sec. 95.**    Section 61 of this act takes effect July 1,  
18 2004.

19        NEW SECTION.    **Sec. 96.**    Sections 56 through 58, 60, 63 through 78,  
20 81, 84, and 92 of this act are necessary for the immediate preservation  
21 of the public peace, health, or safety, or support of the state  
22 government and its existing public institutions, and take effect  
23 immediately.

24        NEW SECTION.    **Sec. 97.**    Section 34 of this act expires July 1,  
25 2005.

26        NEW SECTION.    **Sec. 98.**    Sections 44 through 54, 59, and 87 of this  
27 act are necessary for the immediate preservation of the public peace,  
28 health, or safety, or support of the state government and its existing  
29 public institutions, and take effect July 1, 2003.

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