

SHB 2164 - H AMD 616

By Representative Orwall

ADOPTED 02/11/2014

1 On page 6, after line 9, insert the following:

2 "Sec. 3. RCW 13.40.210 and 2009 c 187 s 1 are each amended to read
3 as follows:

4 (1) The secretary shall set a release date for each juvenile
5 committed to its custody. The release date shall be within the
6 prescribed range to which a juvenile has been committed under RCW
7 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning
8 offenders the department determines are eligible for the juvenile
9 offender basic training camp program. Such dates shall be determined
10 prior to the expiration of sixty percent of a juvenile's minimum term
11 of confinement included within the prescribed range to which the
12 juvenile has been committed. The secretary shall release any juvenile
13 committed to the custody of the department within four calendar days
14 prior to the juvenile's release date or on the release date set under
15 this chapter. Days spent in the custody of the department shall be
16 tolled by any period of time during which a juvenile has absented
17 himself or herself from the department's supervision without the prior
18 approval of the secretary or the secretary's designee.

19 (2) The secretary shall monitor the average daily population of
20 the state's juvenile residential facilities. When the secretary
21 concludes that in-residence population of residential facilities
22 exceeds one hundred five percent of the rated bed capacity specified
23 in statute, or in absence of such specification, as specified by the
24 department in rule, the secretary may recommend reductions to the
25 governor. On certification by the governor that the recommended
26 reductions are necessary, the secretary has authority to
27 administratively release a sufficient number of offenders to reduce

1 in-residence population to one hundred percent of rated bed capacity.
2 The secretary shall release those offenders who have served the
3 greatest proportion of their sentence. However, the secretary may
4 deny release in a particular case at the request of an offender, or if
5 the secretary finds that there is no responsible custodian, as
6 determined by the department, to whom to release the offender, or if
7 the release of the offender would pose a clear danger to society. The
8 department shall notify the committing court of the release at the
9 time of release if any such early releases have occurred as a result
10 of excessive in-residence population. In no event shall an offender
11 adjudicated of a violent offense be granted release under the
12 provisions of this subsection.

13 (3)(a) Following the release of any juvenile under subsection (1)
14 of this section, the secretary may require the juvenile to comply with
15 a program of parole to be administered by the department in his or her
16 community which shall last no longer than eighteen months, except that
17 in the case of a juvenile sentenced for rape in the first or second
18 degree, rape of a child in the first or second degree, child
19 molestation in the first degree, or indecent liberties with forcible
20 compulsion, the period of parole shall be twenty-four months and, in
21 the discretion of the secretary, may be up to thirty-six months when
22 the secretary finds that an additional period of parole is necessary
23 and appropriate in the interests of public safety or to meet the
24 ongoing needs of the juvenile. A parole program is mandatory for
25 offenders released under subsection (2) of this section and for
26 offenders who receive a juvenile residential commitment sentence of
27 theft of a motor vehicle, possession of a stolen motor vehicle, or
28 taking a motor vehicle without permission 1. A juvenile adjudicated of
29 unlawful possession of a firearm, possession of a stolen firearm,
30 theft of a firearm, or drive-by shooting may participate in aggression
31 replacement training, functional family therapy, or functional family
32 parole aftercare if the juvenile meets eligibility requirements for
33 these services. The decision to place an offender ((~~en~~)) in an
34 evidence-based parole program shall be based on an assessment by the

1 department of the offender's risk for reoffending upon release and an
2 assessment of the ongoing treatment needs of the juvenile. The
3 department shall prioritize available parole resources to provide
4 supervision and services to offenders at moderate to high risk for
5 reoffending.

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

29 (c) The secretary may further require up to twenty-five percent of
30 the highest risk juvenile offenders who are placed on parole to
31 participate in an intensive supervision program. Offenders
32 participating in an intensive supervision program shall be required to
33 comply with all terms and conditions listed in (b) of this subsection
34 and shall also be required to comply with the following additional

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

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

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

34

1 (b) The secretary may modify parole and order any of the
2 conditions or may return the offender to confinement for up to twenty-
3 four weeks if the offender was sentenced for a sex offense as defined
4 under *RCW 9A.44.130 and is known to have violated the terms of
5 parole. Confinement beyond thirty days is intended to only be used
6 for a small and limited number of sex offenders. It shall only be
7 used when other graduated sanctions or interventions have not been
8 effective or the behavior is so egregious it warrants the use of the
9 higher level intervention and the violation: (i) Is a known pattern
10 of behavior consistent with a previous sex offense that puts the youth
11 at high risk for reoffending sexually; (ii) consists of sexual
12 behavior that is determined to be predatory as defined in RCW
13 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to
14 a recent overt act. The total number of days of confinement for
15 violations of parole conditions during the parole period shall not
16 exceed the number of days provided by the maximum sentence imposed by
17 the disposition for the underlying offense pursuant to RCW 13.40.0357.
18 The department shall not aggregate multiple parole violations that
19 occur prior to the parole revocation hearing and impose consecutive
20 twenty-four week periods of confinement for each parole violation.
21 The department is authorized to engage in rule making pursuant to
22 chapter 34.05 RCW, to implement this subsection, including narrowly
23 defining the behaviors that could lead to this higher level
24 intervention.

25 (c) If the department finds that any juvenile in a program of
26 parole has possessed a firearm or used a deadly weapon during the
27 program of parole, the department shall modify the parole under (a) of
28 this subsection and confine the juvenile for at least thirty days.
29 Confinement shall be in a facility operated by or pursuant to a
30 contract with the state or any county.

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

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

4

5 Correct the title.

EFFECT: The amendment makes the following changes:

- Provides that, following release from Department of Social and Health Services custody, juveniles who have been adjudicated of specified firearm crimes may participate in Aggression Replacement Training, Functional Family Therapy, or Functional Family Parole Aftercare if they meet eligibility requirements for these services.
- Requires that the decision to place a juvenile in an evidence-based parole program is based on an assessment of the juvenile's ongoing treatment needs (in addition to an assessment of the juvenile's risk of re-offense upon release).

--- END ---