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**SENATE BILL 5695**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Darneille and Hunt

AN ACT Relating to the development of a juvenile special sex offender disposition alternative treatment court; and adding a new section to chapter 13.40 RCW.

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

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

(1) Counties may establish and operate juvenile special sex offender disposition alternative treatment courts.

(2) For the purposes of this section, "juvenile treatment court" means a court that has special calendars or dockets designed to achieve a reduction in sex offenses among juvenile offenders by increasing their likelihood for successful rehabilitation through early, continuous, and judicially supervised outpatient sex offender treatment authorized under the special sex offender disposition alternative, RCW 13.40.162.

(3) Any county that establishes a juvenile treatment court pursuant to this section may establish local minimum requirements for the consideration, motion, entry, and participation of offenders in the program. Regardless of local requirements, a juvenile may only participate in juvenile treatment court if, in addition to any local minimum requirements established by the county, all of the following apply:

(a) The juvenile is currently charged with a minimum of one sex offense as defined in RCW 9A.44.128, and the currently charged offense and any other offenses charged do not involve:

(i) A serious violent offense as defined in RCW 9.94A.030; or

(ii) Promoting prostitution in the first or second degree under chapter 9A.88 RCW;

(b) The juvenile is age fifteen or younger at the time any currently charged sex offense is committed;

(c) The juvenile has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(d) The juvenile offender is found by the juvenile treatment court to be amenable to sex offender treatment after submitting to an examination specified under the special sex offender disposition alternative, RCW 13.40.162.

(4) The court, the prosecutor, and the juvenile must all agree to allow the juvenile to apply for entry into the juvenile treatment court. However, that agreement does not guarantee entry into and participation in the juvenile treatment court in the event the juvenile otherwise fails to meet the minimum requirements. Before agreeing, the court shall consider whether the offender and the community will benefit from use of the juvenile treatment court. In considering whether the community will benefit, the court shall consider the victim's opinion as well as any other factors the court finds necessary.

(5) Prior to being admitted into the juvenile treatment court, the juvenile must:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a standard range disposition under RCW 13.40.0357 if the juvenile fails to meet the minimum requirements for entry into the juvenile treatment court, or fails to comply with the requirements of the juvenile treatment court and is terminated therefrom;

(c) Waive the right to a speedy disposition and the right to call and confront witnesses; and

(d) Be found guilty by the court. The adjudicatory hearing must be limited to a reading of the court's record.

(6) Following the stipulation to the facts in the police report, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition pending consideration for admission and participation in the juvenile treatment court and shall order any sex offender registration otherwise required by chapter 9A.44 RCW waived during the pendency of the case. In the meantime, the juvenile shall participate in and complete an examination specified under the special sex offender disposition alternative, RCW 13.40.162.

(7) Upon admission to juvenile treatment court, the court shall continue to defer entry of an order of disposition and shall maintain waiver of sex offender registration herein. An individualized plan shall be developed for the juvenile, identifying goals for the juvenile and a team to support the juvenile, which must include the following:

(a) Participation in sex offender treatment as recommended by the examination specified under the special sex offender disposition alternative, RCW 13.40.162;

(b) Participation in juvenile treatment court for a minimum of twenty-four months regardless of whether or not the juvenile needs to continue participation in sex offender treatment for that length of time;

(c) Conditions requiring the juvenile to:

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

(ii) Not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and obtaining court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Participate in any mental health treatment or chemical dependency treatment, or both, deemed necessary;

(iv) Report as directed to the juvenile treatment court and to the probation counselor and to comply with any monitoring and reporting requirements;

(v) Not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings;

(vi) Have no contact with anyone prohibited by the court;

(vii) Pay all court-ordered legal financial obligations, including restitution. Restitution may include the cost of any victim counseling reasonably related to the offense; and

(viii) Comply with the conditions of any court-ordered probation bond.

(8) The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district.

(9)(a) Upon successful completion of the requirements of the juvenile treatment court, any convictions entered by the court in the case shall be vacated and all charges in the case dismissed with prejudice.

(b) Upon vacating the convictions and dismissing charges, no further conditions may be required. The court shall terminate any previous orders entered in the case and shall enter any further orders necessary to waive sex offender registration requirements.

(c) Regardless of chapter 13.50 RCW, upon vacating the convictions and dismissing charges, the juvenile court records in the case shall remain unsealed, except that the juvenile court records in the case are entitled to administrative sealing pursuant to RCW 13.50.260 within thirty days after the juvenile reaches the age of eighteen years, or at the time the case is dismissed if the juvenile has already reached the age of eighteen.

(10) A juvenile may only be admitted to juvenile treatment court a single time, regardless of whether he or she successfully completes the program. If the juvenile fails to complete the requirements after being admitted, or successfully completes the requirements after being admitted, the juvenile may not be admitted again.

(11) If the juvenile fails to enter juvenile treatment court or fails to complete juvenile treatment court requirements and is terminated from the program, any convictions in the case remain and the court shall enter an order of disposition pursuant to RCW 13.40.0357. Upon entry of an order of disposition pursuant to this subsection, the court shall order the juvenile to register as a sex offender pursuant to chapter 9A.44 RCW and shall terminate any previous orders waiving sex offender registration.

(12) In no case shall participation in the juvenile treatment court extend beyond the juvenile's twenty-first birthday. In the event the juvenile has not completed the program before turning twenty-one years of age, the juvenile is deemed to have failed completion and the superior court of the county shall enter an order of disposition pursuant to RCW 13.40.0357, except that no further sanctions, confinement, or supervision imposed may be served past the juvenile's twenty-first birthday. Upon entry of an order of disposition pursuant to this subsection, the court shall order the juvenile to register as a sex offender pursuant to chapter 9A.44 RCW and shall terminate any previous orders waiving sex offender registration.

(13) The superior court may retain jurisdiction for purposes of enforcing any financial obligations, including restitution, for the periods allowed in RCW 13.40.190 and 13.40.192.

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