

SHB 1394 - H AMD 256

By Representative Couture

ADOPTED 03/03/2023

1 On page 21, after line 4, insert the following:

2 "Sec. 9. RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each
3 amended to read 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
8 concerning offenders the department determines are eligible for the
9 juvenile offender basic training camp program. Such dates shall be
10 determined prior to the expiration of sixty percent of a juvenile's
11 minimum term of confinement included within the prescribed range to
12 which the juvenile has been committed. The secretary shall release
13 any juvenile committed to the custody of the department within four
14 calendar days prior to the juvenile's release date or on the release
15 date set under this chapter. Days spent in the custody of the
16 department shall be tolled by any period of time during which a
17 juvenile has absented himself or herself from the department's
18 supervision without the prior approval of the secretary or the
19 secretary's designee.

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

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

14 (3)(a) Following the release of any juvenile under subsection
15 (1) of this section, the secretary may require the juvenile to
16 comply with a program of parole to be administered by the department
17 in his or her community which shall last no longer than eighteen
18 months, except that in the case of a juvenile sentenced for (~~rape~~
19 ~~in the first or second degree, rape of a child in the first or~~
20 ~~second degree, child molestation in the first degree, or indecent~~
21 ~~liberties with forcible compulsion,~~) a sex offense as defined under
22 RCW 9.94A.030 the period of parole shall be twenty-four months and,
23 in the discretion of the secretary, may be up to thirty-six months
24 when the secretary finds that an additional period of parole is
25 necessary and appropriate in the interests of public safety or to
26 meet the ongoing needs of the juvenile. A parole program is
27 mandatory for offenders released under subsection (2) of this
28 section and for offenders who receive a juvenile residential
29 commitment sentence for theft of a motor vehicle, possession of a
30 stolen motor vehicle, or taking a motor vehicle without permission
31 1. A juvenile adjudicated for unlawful possession of a firearm,
32 possession of a stolen firearm, theft of a firearm, or drive-by
33 shooting may participate in aggression replacement training,
34 functional family therapy, or functional family parole aftercare if

1 the juvenile meets eligibility requirements for these services. The
2 decision to place an offender in an evidence-based parole program
3 shall be based on an assessment by the department of the offender's
4 risk for reoffending upon release and an assessment of the ongoing
5 treatment needs of the juvenile. The department shall prioritize
6 available parole resources to provide supervision and services to
7 offenders at moderate to high risk for reoffending.

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

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

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

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

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

1 secretary may order any of the conditions or may return the offender
2 to confinement for the remainder of the sentence range if the youth
3 has completed the basic training camp program as described in RCW
4 13.40.320.

5 (b) The secretary may modify parole and order any of the
6 conditions or may return the offender to confinement for up to
7 twenty-four weeks if the offender was sentenced for a sex offense as
8 defined under RCW 9A.44.128 and is known to have violated the terms
9 of parole. Confinement beyond thirty days is intended to only be
10 used for a small and limited number of sex offenders. It shall only
11 be used when other graduated sanctions or interventions have not
12 been effective or the behavior is so egregious it warrants the use
13 of the higher level intervention and the violation: (i) Is a known
14 pattern of behavior consistent with a previous sex offense that puts
15 the youth at high risk for reoffending sexually; (ii) consists of
16 sexual behavior that is determined to be predatory as defined in RCW
17 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due
18 to a recent overt act. The total number of days of confinement for
19 violations of parole conditions during the parole period shall not
20 exceed the number of days provided by the maximum sentence imposed
21 by the disposition for the underlying offense pursuant to RCW
22 13.40.0357. The department shall not aggregate multiple parole
23 violations that occur prior to the parole revocation hearing and
24 impose consecutive twenty-four week periods of confinement for each
25 parole violation. The department is authorized to engage in rule
26 making pursuant to chapter 34.05 RCW, to implement this subsection,
27 including narrowly defining the behaviors that could lead to this
28 higher level intervention.

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

1 (5) A parole officer of the department of children, youth, and
2 families shall have the power to arrest a juvenile under his or her
3 supervision on the same grounds as a law enforcement officer would
4 be authorized to arrest the person.

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

8

9 Renumber the remaining sections consecutively and correct any
10 internal references accordingly.

11

12 Correct the title.

EFFECT: Requires that any person releasing from a Department of Children, Youth, and Families juvenile rehabilitation facility who was sentenced as a juvenile for a sex offense receive 2-3 years of parole (rather than just those who received a sentence as a juvenile for Rape in the First or Second Degree, Rape of a Child in the First or Second degree, Child Molestation in the First Degree, or Indecent Liberties with Forcible Compulsion).

--- END ---