

**E2SSB 5296** - H COMM AMD  
By Committee on Appropriations

**NOT CONSIDERED 04/27/2025**

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

3 **"Sec. 1.** RCW 13.40.160 and 2023 c 295 s 9 are each amended to  
4 read as follows:

5 (1) The standard range disposition for a juvenile adjudicated of  
6 an offense is determined according to RCW 13.40.0357 and this  
7 section.

8 (a) When the court sentences an offender to a local sanction as  
9 provided in RCW 13.40.0357 option A, the court shall impose a  
10 determinate disposition within the standard ranges, except as  
11 provided in subsections (2) (~~(3), (4)~~) through (5) (~~or (6)~~) of  
12 this section. The disposition may be comprised of one or more local  
13 sanctions.

14 (b) When the court sentences an offender to a standard range as  
15 provided in RCW 13.40.0357 option A that includes a term of  
16 confinement exceeding (~~thirty~~) 30 days, commitment shall be to the  
17 department for the standard range of confinement, except as provided  
18 in subsections (2) (~~(3), (4)~~) through (5) (~~or (6)~~) of this  
19 section for offenses described in (h) of this subsection.

20 (c) Except for offenses described in (h) of this subsection,  
21 before the court sentences an offender to a standard range as  
22 provided in RCW 13.40.0357 option A that includes a term of  
23 confinement exceeding 30 days, the court shall make an independent  
24 finding, supported by a preponderance of the evidence, that  
25 commitment to the department is needed because a community-based  
26 placement would not adequately protect the community. A stipulation  
27 by the parties alone is not sufficient to support an independent  
28 finding that commitment to the department is needed under this  
29 subsection. Commitment of a juvenile to confinement over 30 days must  
30 be to the department for the standard range of confinement, except as  
31 provided in this subsection and subsections (2) through (5) of this  
32 section.

1 (d) In making a finding under (c) of this subsection, the court  
2 shall consider the following factors:

3 (i) The severity of the offense or offenses for which the  
4 juvenile has most recently been adjudicated, including the juvenile's  
5 role in the offense, the juvenile's behavior, and harm done to  
6 victims;

7 (ii) The juvenile's criminal history, including the adequacy and  
8 success of previous attempts by the juvenile court to rehabilitate  
9 the juvenile;

10 (iii) Whether the programming, treatment, and education offered  
11 and provided in a juvenile rehabilitation facility is appropriate to  
12 meet the treatment and security needs of the juvenile;

13 (iv) Whether the goals of rehabilitation and community safety can  
14 be met by assigning the juvenile to a less restrictive disposition  
15 that is available to the court; and

16 (v) The juvenile's age, developmental maturity, mental and  
17 emotional health, sexual orientation, gender identity and expression,  
18 and any disabilities or special needs impacting the safety or  
19 suitability of committing the juvenile to a term of confinement in  
20 juvenile court.

21 (e) If the court does not make a finding under (c) of this  
22 subsection that commitment to the department is needed, the court may  
23 impose one or more local sanctions, in addition to a determinate  
24 sentence of electronic monitoring for up to the minimum of the  
25 juvenile's standard range while on community supervision.

26 (f) If the court does make a finding under (c) of this  
27 subsection, the court must maintain concurrent jurisdiction with the  
28 department over the juvenile, except the court's concurrent  
29 jurisdiction may be only for the purposes of conducting the review  
30 hearings described under RCW 13.40.185(3), and any community  
31 supervision that is ordered if a juvenile is released at the review  
32 hearing.

33 (g) If a juvenile is sentenced to a determinate sentence of  
34 electronic monitoring for up to the minimum of the juvenile's  
35 standard range under (e) of this subsection, and is found by the  
36 court to have violated any terms of an electronic monitoring  
37 agreement, the court may impose a sanction pursuant to RCW 13.40.200,  
38 or if the court makes a finding under RCW 13.40.160(1)(c), revoke the  
39 electronic monitoring and order confinement for up to the remainder  
40 of the determinate electronic monitoring sentence previously imposed.

1 Upon completion of a sanction, the juvenile may resume electronic  
2 monitoring. Any time served in detention due to a violation of the  
3 terms of an electronic monitoring agreement shall be applied as  
4 credit for time served for the remaining time on electronic  
5 monitoring, or if revoked, confinement.

6 (h) The court finding described in (c) of this subsection is not  
7 required for the following:

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

9 (ii) A violent offense as defined in RCW 9.94A.030 and the  
10 juvenile has a criminal history consisting of: One or more prior  
11 serious violent offenses; two or more prior violent offenses; or  
12 three or more of any combination of the following offenses: Any class  
13 A felony, any class B felony, vehicular assault, or manslaughter in  
14 the second degree, all of which must have been committed after the  
15 juvenile's 13th birthday and prosecuted separately;

16 (iii) Rape of a child in the first or second degree under RCW  
17 9A.44.073 and 9A.44.076;

18 (iv) Rape in the second degree under RCW 9A.44.050;

19 (v) Hit and run resulting in death under RCW 46.52.020(4)(a); and

20 (vi) Child molestation in the first degree under RCW 9A.44.083.

21 (2) If the court concludes, and enters reasons for its  
22 conclusion, that disposition within the standard range would  
23 effectuate a manifest injustice the court shall impose a disposition  
24 outside the standard range, as indicated in option D of RCW  
25 13.40.0357. The court's finding of manifest injustice shall be  
26 supported by clear and convincing evidence.

27 A disposition outside the standard range shall be determinate,  
28 subject to RCW 13.40.185(3), and shall be comprised of confinement or  
29 community supervision, or a combination thereof. When a judge finds a  
30 manifest injustice and imposes a sentence of confinement exceeding  
31 ~~((thirty))~~ 30 days, the court shall sentence the juvenile to a  
32 maximum term, and the provisions of RCW 13.40.030(2) shall be used to  
33 determine the range. A disposition outside the standard range is  
34 appealable under RCW 13.40.230 by the state or the respondent. A  
35 disposition ~~((within the standard range))~~ with a term of confinement  
36 that is 30 days or more is ~~((not))~~ appealable under RCW 13.40.230. A  
37 disposition within the standard range for the offenses in subsection  
38 (1)(h) of this section is not appealable under RCW 13.40.230.

39 (3) If a juvenile offender is found to have committed a sex  
40 offense, other than a sex offense that is also a serious violent

1 offense as defined by RCW 9.94A.030, and has no history of a prior  
2 sex offense, the court may impose the special sex offender  
3 disposition alternative under RCW 13.40.162.

4 ~~(4) ((If the juvenile offender is subject to a standard range~~  
5 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~  
6 ~~has not committed an A- or B+ offense, the))~~ The court may impose the  
7 disposition alternative under RCW 13.40.165 unless a juvenile has  
8 been adjudicated of an offense described in subsection (1)(h) of this  
9 section.

10 ~~(5) ((If a juvenile is subject to a commitment of 15 to 65 weeks~~  
11 ~~of confinement, the court may impose the disposition alternative~~  
12 ~~under RCW 13.40.167.~~

13 ~~(6) When the offender is subject to a standard range commitment~~  
14 ~~of 15 to 36 weeks and is ineligible for a suspended disposition~~  
15 ~~alternative, a manifest injustice disposition below the standard~~  
16 ~~range, special sex offender disposition alternative, chemical~~  
17 ~~dependency disposition alternative, or mental health disposition~~  
18 ~~alternative, the court in a county with a pilot program under RCW~~  
19 ~~13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

20 ~~(7))~~ RCW 13.40.193 shall govern the disposition of any juvenile  
21 adjudicated of possessing a firearm in violation of RCW  
22 9.41.040(2)(a)(v) or any crime in which a special finding is entered  
23 that the juvenile was armed with a firearm.

24 ~~((8))~~ (6) RCW 13.40.308 shall govern the disposition of any  
25 juvenile adjudicated of theft of a motor vehicle as defined under RCW  
26 9A.56.065, possession of a stolen motor vehicle as defined under RCW  
27 9A.56.068, taking a motor vehicle without permission in the first  
28 degree under RCW 9A.56.070, and taking a motor vehicle without  
29 permission in the second degree under RCW 9A.56.075.

30 ~~((9))~~ (7) Whenever a juvenile offender is entitled to credit  
31 for time spent in detention prior to a dispositional order, the  
32 dispositional order shall specifically state the number of days of  
33 credit for time served.

34 ~~((10))~~ (8) Except as provided under subsections (3) ~~((, (4),))~~  
35 through (5) ~~((, or (6))~~ of this section, or option B of RCW  
36 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer  
37 the imposition or the execution of the disposition.

38 ~~((11))~~ (9) In no case shall the term of confinement imposed by  
39 the court at disposition exceed that to which an adult could be  
40 subjected for the same offense.

1       **Sec. 2.** RCW 13.40.165 and 2023 c 449 s 18 are each amended to  
2 read as follows:

3       (1) The purpose of this disposition alternative is to ensure that  
4 successful treatment options to reduce recidivism are available to  
5 eligible youth, pursuant to RCW 71.24.615. It is also the purpose of  
6 the disposition alternative to assure that minors in need of  
7 substance use disorder, mental health, and/or co-occurring disorder  
8 treatment receive an appropriate continuum of culturally relevant  
9 care and treatment, including prevention and early intervention,  
10 self-directed care, parent-directed care, and residential treatment.  
11 To facilitate the continuum of care and treatment to minors in out-  
12 of-home placements, all divisions of the department that provide  
13 these services to minors shall jointly plan and deliver these  
14 services. It is also the purpose of the disposition alternative to  
15 protect the rights of minors against needless hospitalization and  
16 deprivations of liberty and to enable treatment decisions to be made  
17 in response to clinical needs and in accordance with sound  
18 professional judgment. The mental health, substance abuse, and co-  
19 occurring disorder treatment providers shall, to the extent possible,  
20 offer services that involve minors' parents, guardians, and family.

21       (2) The court must consider eligibility for the substance use  
22 disorder or mental health disposition alternative when a juvenile  
23 offender is subject to a standard range disposition (~~(of local~~  
24 ~~sanctions or 15 to 36 weeks of confinement))~~) and has not committed an  
25 (~~(A- or B+ offense, other than a first time B+ offense under chapter~~  
26 ~~69.50 RCW))~~ offense under RCW 13.40.160(1)(h). The court, on its own  
27 motion or the motion of the state or the respondent if the evidence  
28 shows that the offender may be chemically dependent, substance  
29 abusing, or has significant mental health or co-occurring disorders  
30 may order an examination by a substance use disorder counselor from a  
31 substance use disorder treatment facility approved under chapter  
32 70.96A RCW or a mental health professional as defined in chapter  
33 71.34 RCW to determine if the youth is chemically dependent,  
34 substance abusing, or suffers from significant mental health or co-  
35 occurring disorders. The state shall pay the cost of any examination  
36 ordered under this subsection unless third-party insurance coverage  
37 is available.

38       (3) The report of the examination shall include at a minimum the  
39 following: The respondent's version of the facts and the official  
40 version of the facts, the respondent's offense history, an assessment

1 of drug-alcohol problems, mental health diagnoses, previous treatment  
2 attempts, the respondent's social, educational, and employment  
3 situation, and other evaluation measures used. The report shall set  
4 forth the sources of the examiner's information.

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

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

9 (b) Availability of appropriate treatment;

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

13 (d) Anticipated length of treatment; and

14 (e) Recommended crime-related prohibitions.

15 (5) The court on its own motion may order, or on a motion by the  
16 state or the respondent shall order, a second examination. The  
17 evaluator shall be selected by the party making the motion. The  
18 requesting party shall pay the cost of any examination ordered under  
19 this subsection unless the requesting party is the offender, in which  
20 case the state shall pay the cost if no third-party insurance  
21 coverage is available.

22 (6)(a) After receipt of reports of the examination, the court  
23 shall then consider whether the offender and the community will  
24 benefit from use of this disposition alternative and consider the  
25 victim's opinion whether the offender should receive a treatment  
26 disposition under this section.

27 (b) If the court determines that this disposition alternative is  
28 appropriate, then the court shall impose the standard range for the  
29 offense, or if the court concludes, and enters reasons for its  
30 conclusion, that such disposition would effectuate a manifest  
31 injustice, the court shall impose a disposition above the standard  
32 range as indicated in option D of RCW 13.40.0357 if the disposition  
33 is an increase from the standard range and the confinement of the  
34 offender does not exceed a maximum of 52 weeks, suspend execution of  
35 the disposition, and place the offender on community supervision for  
36 up to one year. As a condition of the suspended disposition, the  
37 court shall require the offender to undergo available outpatient  
38 drug/alcohol, mental health, or co-occurring disorder treatment  
39 and/or inpatient mental health or drug/alcohol treatment. The court  
40 shall only order inpatient treatment under this section if a funded

1 bed is available. If the inpatient treatment is longer than 90 days,  
2 the court shall hold a review hearing every 30 days beyond the  
3 initial 90 days. The respondent may appear telephonically at these  
4 review hearings if in compliance with treatment. As a condition of  
5 the suspended disposition, the court may impose conditions of  
6 community supervision and other sanctions, including up to 30 days of  
7 confinement, 150 hours of community restitution, and payment of  
8 restitution.

9 (7) The mental health/co-occurring disorder/drug/alcohol  
10 treatment provider shall submit monthly reports on the respondent's  
11 progress in treatment to the court and the parties. The reports shall  
12 reference the treatment plan and include at a minimum the following:  
13 Dates of attendance, respondent's compliance with requirements,  
14 treatment activities, the respondent's relative progress in  
15 treatment, and any other material specified by the court at the time  
16 of the disposition.

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

19 If the offender violates any condition of the disposition or the  
20 court finds that the respondent is failing to make satisfactory  
21 progress in treatment, the court may impose sanctions pursuant to RCW  
22 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),  
23 revoke the suspension and order execution of the disposition. The  
24 court shall give credit for any confinement time previously served if  
25 that confinement was for the offense for which the suspension is  
26 being revoked.

27 (8) For purposes of this section, "victim" means any person who  
28 has sustained emotional, psychological, physical, or financial injury  
29 to person or property as a direct result of the offense charged.  
30 "Victim" may also include a known parent or guardian of a victim who  
31 is a minor child or is not a minor child but is incapacitated,  
32 incompetent, disabled, or deceased.

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

37 (10) In no case shall the term of confinement imposed by the  
38 court at disposition exceed that to which an adult could be subjected  
39 for the same offense.

1 (11) A disposition under this section is not appealable under RCW  
2 13.40.230.

3 (12) Subject to funds appropriated for this specific purpose, the  
4 costs incurred by the juvenile courts for the mental health,  
5 substance use disorder, and/or co-occurring disorder evaluations,  
6 treatment, and costs of supervision required under this section shall  
7 be paid by the health care authority.

8 (13) A juvenile, or the parent, guardian, or other person having  
9 custody of the juvenile shall not be required to pay the cost of any  
10 evaluation or treatment ordered under this section.

11 **Sec. 3.** RCW 13.40.185 and 2017 3rd sp.s. c 6 s 608 are each  
12 amended to read as follows:

13 (1) ~~((Any))~~ Except as provided under RCW 13.40.160(1)(e), any  
14 term of confinement imposed for an offense which exceeds ((thirty))  
15 30 days shall be served under the supervision of the department,  
16 although the juvenile court maintains concurrent jurisdiction with  
17 the department over the juvenile, only for the purposes of conducting  
18 review hearings described under this section and any community  
19 supervision that is ordered if a juvenile is released at the review  
20 hearing. If the period of confinement imposed for more than one  
21 offense exceeds ~~((thirty))~~ 30 days but the term imposed for each  
22 offense is less than ~~((thirty))~~ 30 days or if the court orders  
23 electronic monitoring up to the minimum of the standard range under  
24 RCW 13.40.160(1)(e), the confinement may, in the discretion of the  
25 court, be served in a juvenile facility operated by or pursuant to a  
26 contract with the state or a county.

27 (a) The juvenile court administrator and the secretary of the  
28 department, or the secretary's designee, in alignment with the  
29 definition of confinement in RCW 13.40.020(7), shall prioritize  
30 capacity-related concerns related to the physical custody of the  
31 juvenile when establishing contractual agreements in efforts to  
32 provide a humane, safe, and rehabilitative environment.

33 (b) Subject to the availability of funds appropriated for this  
34 specific purpose, the department shall establish contractual  
35 agreements with at least four juvenile court administrators,  
36 including at least one that is located east of the Cascade mountains,  
37 for the confinement of youth in a juvenile facility with terms of  
38 confinement that are less than 90 days, as determined by RCW  
39 13.40.210(1), and shall include costs associated with physical



1 custody, treatment or relevant programming, medical costs, and any  
2 other costs associated with the confinement of the juvenile. Any  
3 existing contractual agreements as of January 1, 2025, created by the  
4 department and a juvenile court administrator to confine a juvenile  
5 locally pending transport of the youth to a juvenile rehabilitation  
6 facility after sentencing do not apply to this subsection (1)(b). The  
7 department must negotiate the contractual agreements required under  
8 this subsection with each county interested in providing for physical  
9 custody of young people as described under this subsection. Counties  
10 are not required to provide for the physical custody of young people  
11 as described under this subsection under existing contracts.

12 (2) Whenever a juvenile is confined in a detention facility or is  
13 committed to the department, the court may not directly order a  
14 juvenile into a particular county or state facility. The juvenile  
15 court administrator and the secretary or the secretary's designee, as  
16 appropriate, has the sole discretion to determine in which facility a  
17 juvenile should be confined or committed. The counties may operate a  
18 variety of detention facilities as determined by the county  
19 legislative authority subject to available funds.

20 (3) Excluding the offenses listed in RCW 13.40.160(1)(h), the  
21 juvenile court maintains concurrent jurisdiction with the department  
22 over a juvenile who is committed to the department, except the  
23 court's concurrent jurisdiction may be only for the purposes of  
24 scheduling and conducting a review hearing at the mid-point of the  
25 minimum range, provided the review does not occur until after the  
26 juvenile has served at least four months in the custody of the  
27 department, and imposing any community supervision that is ordered if  
28 a juvenile is released at the review hearing. The court may schedule  
29 additional review hearings at its discretion.

30 (a) The department shall provide a report to the juvenile court  
31 at least 14 days before each review hearing detailing:

32 (i) The services received by the juvenile;

33 (ii) Any infractions committed by the juvenile;

34 (iii) How often the juvenile and the juvenile's family have had  
35 in-person visitation and video visits since the disposition hearing  
36 or the last review hearing, whichever is later; and

37 (iv) How often the juvenile has been under room confinement due  
38 to staffing issues or overpopulation and whether there have been any  
39 major disruptions to programming in the three months preceding the  
40 review hearing.

(b) During each review hearing the court shall consider the juvenile's progress and, unless the court makes a finding under RCW 13.40.160(1)(c), shall release the juvenile from the custody of the department and place the juvenile on up to a year of community supervision administered by the county, unless the juvenile will be placed on mandatory parole, in which case the juvenile shall be released to parole rather than community supervision.

(c) The prosecutor shall provide notice to the victim at least two weeks before each review hearing described under subsection (3) of this section, if the victim requests such notice be provided.

(d) The respondent shall appear remotely for the hearing described under subsection (3) of this section, unless ordered by the court to appear in person.

**Sec. 4.** RCW 13.40.0357 and 2023 c 295 s 8 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

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

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes Involving Physical Harm**

1	A	Assault 1 (9A.36.011)	B+
2	B+	Assault 2 (9A.36.021)	C+
3	C+	Assault 3 (9A.36.031)	D+
4	D+	Assault 4 (9A.36.041)	E
5	B+	Drive-By Shooting (9A.36.045)	C+
6		committed at age 15 or under	
7	A++	Drive-By Shooting (9A.36.045)	A
8		committed at age 16 or 17	
9	D+	Reckless Endangerment (9A.36.050)	E
10	C+	Promoting Suicide Attempt (9A.36.060)	D+
11	D+	Coercion (9A.36.070)	E
12	C+	Custodial Assault (9A.36.100)	D+
13		<b>Burglary and Trespass</b>	
14	B+	Burglary 1 (9A.52.020) committed at	C+
15		age 15 or under	
16	A-	Burglary 1 (9A.52.020) committed at	B+
17		age 16 or 17	
18	B	Residential Burglary (9A.52.025)	C
19	B	Burglary 2 (9A.52.030)	C
20	D	Burglary Tools (Possession of)	E
21		(9A.52.060)	
22	D	Criminal Trespass 1 (9A.52.070)	E
23	E	Criminal Trespass 2 (9A.52.080)	E
24	C	Mineral Trespass (78.44.330)	C
25	C	Vehicle Prowling 1 (9A.52.095)	D
26	D	Vehicle Prowling 2 (9A.52.100)	E
27		<b>Drugs</b>	
28	E	Possession/Consumption of Alcohol	E
29		(66.44.270)	
30	C	Illegally Obtaining Legend Drug	D
31		(69.41.020)	
32	C+	Sale, Delivery, Possession of Legend	D+
33		Drug with Intent to Sell (69.41.030(2)(a))	
34	E	Possession of Legend	E
35		Drug (69.41.030(2)(b))	

1	B+	Violation of Uniform Controlled	B+
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Sale (69.50.401(2) (a) or (b))	
5	C	Violation of Uniform Controlled	C
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(2)(c))	
8	E	Possession of Cannabis <40 grams	E
9		(69.50.4014)	
10	C	Fraudulently Obtaining Controlled	C
11		Substance (69.50.403)	
12	C+	Sale of Controlled Substance for Profit	C+
13		(69.50.410)	
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	B
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam	
18		Counterfeit Substances (69.50.4011(2)	
19		(a) or (b))	
20	C	Violation of Uniform Controlled	C
21		Substances Act - Nonnarcotic Counterfeit	
22		Substances (69.50.4011(2) (c), (d), or (e))	
23	E	Violation of Uniform Controlled	E
24		Substances Act - Possession of a	
25		Controlled Substance (69.50.4013)	
26	C	Violation of Uniform Controlled	C
27		Substances Act - Possession of a	
28		Controlled Substance (69.50.4012)	
29		<b>Firearms and Weapons</b>	
30	B	Theft of Firearm (9A.56.300)	C
31	B	Possession of Stolen Firearm	C
32		(9A.56.310)	
33	E	Carrying Loaded Pistol Without Permit	E
34		(9.41.050)	
35	C	Possession of Firearms by Minor (<18)	C
36		(9.41.040(2)(a) (v))	
37	D+	Possession of Dangerous Weapon	E
38		(9.41.250)	

1	D	Intimidating Another Person by use of	E
2		Weapon (9.41.270)	
3		<b>Homicide</b>	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		<b>Kidnapping</b>	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment (9A.40.040)	D+
13		<b>Obstructing Governmental Operation</b>	
14	D	Obstructing a Law Enforcement Officer	E
15		(9A.76.020)	
16	E	Resisting Arrest (9A.76.040)	E
17	B	Introducing Contraband 1 (9A.76.140)	C
18	C	Introducing Contraband 2 (9A.76.150)	D
19	E	Introducing Contraband 3 (9A.76.160)	E
20	B+	Intimidating a Public Servant	C+
21		(9A.76.180)	
22	B+	Intimidating a Witness (9A.72.110)	C+
23		<b>Public Disturbance</b>	
24	C+	Criminal Mischief with Weapon	D+
25		(9A.84.010(2)(b))	
26	D+	Criminal Mischief Without Weapon	E
27		(9A.84.010(2)(a))	
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		<b>Sex Crimes</b>	
31	A	Rape 1 (9A.44.040)	B+
32	B++	Rape 2 (9A.44.050) committed at age 14	B+
33		or under	
34	A-	Rape 2 (9A.44.050) committed at age 15	B+
35		through age 17	
36	C+	Rape 3 (9A.44.060)	D+

1	B++	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 14 or under	
3	A-	Rape of a Child 1 (9A.44.073)	B+
4		committed at age 15	
5	B+	Rape of a Child 2 (9A.44.076)	C+
6	B	Incest 1 (9A.64.020(1))	C
7	C	Incest 2 (9A.64.020(2))	D
8	D+	Indecent Exposure (Victim <14)	E
9		(9A.88.010)	
10	E	Indecent Exposure (Victim 14 or over)	E
11		(9A.88.010)	
12	B+	Promoting Prostitution 1 (9A.88.070)	C+
13	C+	Promoting Prostitution 2 (9A.88.080)	D+
14	E	O & A (Prostitution) (9A.88.030)	E
15	B+	Indecent Liberties (9A.44.100)	C+
16	B++	Child Molestation 1 (9A.44.083)	B+
17		committed at age 14 or under	
18	A-	Child Molestation 1 (9A.44.083)	B+
19		committed at age 15 through age 17	
20	B	Child Molestation 2 (9A.44.086)	C+
21	C	Failure to Register as a Sex Offender	D
22		(9A.44.132)	
23		<b>Theft, Robbery, Extortion, and</b>	
24		<b>Forgery</b>	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock 1 and 2 (9A.56.080	C
29		and 9A.56.083)	
30	C	Forgery (9A.60.020)	D
31	A	Robbery 1 (9A.56.200) committed at	B+
32		age 15 or under	
33	A++	Robbery 1 (9A.56.200) committed at	A
34		age 16 or 17	
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+
37	C+	Extortion 2 (9A.56.130)	D+

1	C	Identity Theft 1 (9.35.020(2))	D
2	D	Identity Theft 2 (9.35.020(3))	E
3	D	Improperly Obtaining Financial	E
4		Information (9.35.010)	
5	B	Possession of a Stolen Vehicle	C
6		(9A.56.068)	
7	B	Possession of Stolen Property 1	C
8		(9A.56.150)	
9	C	Possession of Stolen Property 2	D
10		(9A.56.160)	
11	D	Possession of Stolen Property 3	E
12		(9A.56.170)	
13	B	Taking Motor Vehicle Without	C
14		Permission 1 (9A.56.070)	
15	C	Taking Motor Vehicle Without	D
16		Permission 2 (9A.56.075)	
17	B	Theft of a Motor Vehicle (9A.56.065)	C
18		<b>Motor Vehicle Related Crimes</b>	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	D
26		Vehicle (46.61.024)	
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	E
29		(46.61.502 and 46.61.504)	
30	B+	Felony Driving While Under the	B
31		Influence (46.61.502(6))	
32	B+	Felony Physical Control of a Vehicle	B
33		While Under the Influence (46.61.504(6))	
34		<b>Other</b>	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C

1	C	Escape 1 <sup>1</sup> (9A.76.110)	C
2	C	Escape 2 <sup>1</sup> (9A.76.120)	C
3	D	Escape 3 (9A.76.130)	E
4	E	Obscene, Harassing, Etc., Phone Calls	E
5		(9.61.230)	
6	A	Other Offense Equivalent to an Adult	B+
7		Class A Felony	
8	B	Other Offense Equivalent to an Adult	C
9		Class B Felony	
10	C	Other Offense Equivalent to an Adult	D
11		Class C Felony	
12	D	Other Offense Equivalent to an Adult	E
13		Gross Misdemeanor	
14	E	Other Offense Equivalent to an Adult	E
15		Misdemeanor	
16	V	Violation of Order of Restitution,	V
17		Community Supervision, or Confinement	
18		(13.40.200) <sup>2</sup>	

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

21 1st escape or attempted escape during 12-month period - 28 days  
22 confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks  
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month  
26 period - 12 weeks confinement

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

29 **JUVENILE SENTENCING STANDARDS**

30 This schedule must be used for juvenile offenders. The court may  
31 select sentencing option A, B, C, or D based on a court's finding  
32 under RCW 13.40.160(1)(c).

33 OPTION A  
34 JUVENILE OFFENDER SENTENCING GRID  
35 STANDARD RANGE



1	A++	129 to 260 weeks for all category A++ offenses					
2	A+	180 weeks to age 21 for all category A+ offenses					
3	A	103-129 weeks for all category A offenses					
4	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
5	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
6	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
7	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
8	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
9		C	LS	LS	LS	LS	15-36 weeks
10		D+	LS	LS	LS	LS	LS
11		D	LS	LS	LS	LS	LS
12		E	LS	LS	LS	LS	LS
13	PRIOR		0	1	2	3	4 or more
14	ADJUDICATIONS						

15 NOTE: References in the grid to days or weeks mean periods of  
16 confinement. "LS" means "local sanctions" as defined in RCW  
17 13.40.020.

18 (1) The vertical axis of the grid is the current offense  
19 category. The current offense category is determined by the offense  
20 of adjudication.

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

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

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

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

34 **OR**

35 **OPTION B**

1 **SUSPENDED DISPOSITION ALTERNATIVE**

2 (1) If the offender is subject to a standard range disposition  
3 involving confinement by the department, the court may impose the  
4 standard range and suspend the disposition on condition that the  
5 offender comply with one or more local sanctions and any educational  
6 or treatment requirement. The treatment programs provided to the  
7 offender must be either research-based best practice programs as  
8 identified by the Washington state institute for public policy or the  
9 joint legislative audit and review committee, or for chemical  
10 dependency treatment programs or services, they must be evidence-  
11 based or research-based best practice programs. For the purposes of  
12 this subsection:

13 (a) "Evidence-based" means a program or practice that has had  
14 multiple site random controlled trials across heterogeneous  
15 populations demonstrating that the program or practice is effective  
16 for the population; and

17 (b) "Research-based" means a program or practice that has some  
18 research demonstrating effectiveness, but that does not yet meet the  
19 standard of evidence-based practices.

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

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

26 (a) (~~Is adjudicated of an A+ or A++ offense~~) Is adjudicated of  
27 murder in the first degree (RCW 9A.32.030), or murder in the second  
28 degree (RCW 9A.32.050);

29 (b) Is fourteen years of age or older and is adjudicated of one  
30 or more of the following offenses:

31 (i) A class A offense, or an attempt, conspiracy, or solicitation  
32 to commit a class A offense, except for robbery in the first degree  
33 (RCW 9A.56.200);

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

35 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
36 the first degree (RCW 9A.56.120), kidnapping in the second degree  
37 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
38 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
39 manslaughter 2 (RCW 9A.32.070); or

1 (iv) Violation of the uniform controlled substances act (RCW  
2 69.50.401(2) (a) and (b)), when the offense includes infliction of  
3 bodily harm upon another or when during the commission or immediate  
4 withdrawal from the offense the respondent was armed with a deadly  
5 weapon;

6 (c) Is ordered to serve a disposition for a firearm violation  
7 under RCW 13.40.193;

8 (d) Is adjudicated of ((a)) an offense under RCW 13.40.160(1)(h)  
9 or a sex offense as defined in RCW 9.94A.030; or

10 (e) Has a prior option B disposition.

11 (4) The court may revoke a suspended disposition only if the  
12 court makes a finding under RCW 13.40.160(1)(c).

13 OR

14 **OPTION C**

15 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

16 (~~If the juvenile offender is subject to a standard range~~  
17 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~  
18 ~~has not committed a B++ or B+ offense)) Unless a juvenile has been  
19 adjudicated of an offense under RCW 13.40.160(1)(h), the court may  
20 impose a disposition under RCW 13.40.160(4) and 13.40.165. The court  
21 may revoke this disposition alternative only if the court makes a  
22 finding under RCW 13.40.160(1)(c).~~

23 OR

24 **OPTION D**

25 **MANIFEST INJUSTICE**

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

29 **Sec. 5.** RCW 13.40.210 and 2024 c 297 s 16 are each amended to  
30 read as follows:

31 (1) The secretary shall set a release date for each juvenile  
32 committed to its custody in accordance with the behavior of the  
33 juvenile pursuant to any rules for an internal behavioral management  
34 infraction system that have been developed by the department. The  
35 department shall prioritize setting the release date for juveniles  
36 who would serve less than 90 days under the supervision of the  
37 department and shall consider any infractions that the juvenile

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

16 (2) The secretary shall monitor the average daily population of  
17 the state's juvenile residential facilities. When the secretary  
18 concludes that in-residence population of residential facilities  
19 exceeds one hundred five percent of the rated bed capacity specified  
20 in statute, or in absence of such specification, as specified by the  
21 department in rule, the secretary may recommend reductions to the  
22 governor. On certification by the governor that the recommended  
23 reductions are necessary, the secretary has authority to  
24 administratively release a sufficient number of offenders to reduce  
25 in-residence population to one hundred percent of rated bed capacity.  
26 The secretary shall release those offenders who have served the  
27 greatest proportion of their sentence. However, the secretary may  
28 deny release in a particular case at the request of an offender, or  
29 if the secretary finds that there is no responsible custodian, as  
30 determined by the department, to whom to release the offender, or if  
31 the release of the offender would pose a clear danger to society. The  
32 department shall notify the committing court of the release at the  
33 time of release if any such early releases have occurred as a result  
34 of excessive in-residence population. In no event shall an offender  
35 adjudicated of a violent offense be granted release under the  
36 provisions of this subsection.

37 (3) (a) Following the release of any juvenile under subsection (1)  
38 of this section, the secretary may require the juvenile to comply  
39 with a program of parole to be administered by the department in his  
40 or her community which shall last no longer than eighteen months,

1 except that in the case of a juvenile sentenced for a sex offense as  
2 defined under RCW 9.94A.030 the period of parole shall be twenty-four  
3 months and, in the discretion of the secretary, may be up to thirty-  
4 six months when the secretary finds that an additional period of  
5 parole is necessary and appropriate in the interests of public safety  
6 or to meet the ongoing needs of the juvenile. A parole program is  
7 mandatory for offenders released under subsection (2) of this section  
8 and for offenders who receive a juvenile residential commitment  
9 sentence for theft of a motor vehicle, possession of a stolen motor  
10 vehicle, or taking a motor vehicle without permission 1. A juvenile  
11 adjudicated for unlawful possession of a firearm, possession of a  
12 stolen firearm, theft of a firearm, or drive-by shooting may  
13 participate in aggression replacement training, functional family  
14 therapy, or functional family parole aftercare if the juvenile meets  
15 eligibility requirements for these services. The decision to place an  
16 offender in an evidence-based parole program shall be based on an  
17 assessment by the department of the offender's risk for reoffending  
18 upon release and an assessment of the ongoing treatment needs of the  
19 juvenile. The department shall prioritize available parole resources  
20 to provide supervision and services to offenders at moderate to high  
21 risk for reoffending.

22 (b) The secretary shall, for the period of parole, facilitate the  
23 juvenile's reintegration into his or her community and to further  
24 this goal shall require the juvenile to refrain from possessing a  
25 firearm or using a deadly weapon, and refrain from committing new  
26 offenses or violating any orders issued by the juvenile court  
27 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)  
28 Undergo available medical, psychiatric, drug and alcohol, sex  
29 offender, mental health, and other offense-related treatment  
30 services; (ii) report as directed to a parole officer and/or  
31 designee; (iii) pursue a course of study, vocational training, or  
32 employment; (iv) notify the parole officer of the current address  
33 where he or she resides; (v) be present at a particular address  
34 during specified hours; (vi) remain within prescribed geographical  
35 boundaries; (vii) submit to electronic monitoring; (viii) refrain  
36 from using illegal drugs and alcohol, and submit to random urinalysis  
37 when requested by the assigned parole officer; (ix) refrain from  
38 contact with specific individuals or a specified class of  
39 individuals; (x) meet other conditions determined by the parole  
40 officer to further enhance the juvenile's reintegration into the

1 community; (xi) pay any court-ordered fines or restitution; and (xii)  
2 perform community restitution. Community restitution for the purpose  
3 of this section means compulsory service, without compensation,  
4 performed for the benefit of the community by the offender. Community  
5 restitution may be performed through public or private organizations  
6 or through work crews.

7 (c) The secretary may further require up to twenty-five percent  
8 of the highest risk juvenile offenders who are placed on parole to  
9 participate in an intensive supervision program. Offenders  
10 participating in an intensive supervision program shall be required  
11 to comply with all terms and conditions listed in (b) of this  
12 subsection and shall also be required to comply with the following  
13 additional terms and conditions: (i) Obey all laws and refrain from  
14 any conduct that threatens public safety; (ii) report at least once a  
15 week to an assigned community case manager; and (iii) meet all other  
16 requirements imposed by the community case manager related to  
17 participating in the intensive supervision program. As a part of the  
18 intensive supervision program, the secretary may require day  
19 reporting.

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

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

1 child molestation in the first degree, indecent liberties with  
2 forcible compulsion, or a sex offense that is also a serious violent  
3 offense as defined by RCW 9.94A.030; and (vi) the secretary may order  
4 any of the conditions or may return the offender to confinement for  
5 the remainder of the sentence range if the youth has completed the  
6 basic training camp program as described in RCW 13.40.320.

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

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

37 (5) A parole officer of the department of children, youth, and  
38 families shall have the power to arrest a juvenile under his or her  
39 supervision on the same grounds as a law enforcement officer would be  
40 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 **Sec. 6.** RCW 13.40.230 and 1997 c 338 s 35 are each amended to  
5 read as follows:

6 (1) Dispositions reviewed pursuant to RCW 13.40.160 shall be  
7 reviewed in the appropriate division of the court of appeals.

8 An appeal under this section shall be heard solely upon the  
9 record that was before the disposition court. No written briefs may  
10 be required, and the appeal shall be heard within thirty days  
11 following the date of sentencing and a decision rendered within  
12 fifteen days following the argument. The supreme court shall  
13 promulgate any necessary rules to effectuate the purposes of this  
14 section.

15 (2) To uphold a disposition outside the standard range, the court  
16 of appeals must find: (a) ~~((that))~~ That the reasons supplied by the  
17 disposition judge are supported by the record which was before the  
18 judge and that those reasons clearly and convincingly support the  
19 conclusion that a disposition within the range would constitute a  
20 manifest injustice~~((r))~~; and (b) that the sentence imposed was  
21 neither clearly excessive nor clearly too lenient.

22 (3) If the court does not find subsection (2)(a) of this section  
23 it shall remand the case for disposition within the standard range.

24 (4) If the court finds subsection (2)(a) of this section but not  
25 subsection (2)(b) of this section it shall remand the case with  
26 instructions for further proceedings consistent with the provisions  
27 of this chapter.

28 (5) To uphold a finding under RCW 13.40.160(1)(c), the court of  
29 appeals must find: (a) That the reasons supplied by the disposition  
30 judge are supported by the record which was before the judge; and (b)  
31 that those reasons support the conclusion, by the preponderance of  
32 the evidence, that commitment to the department is needed because a  
33 community-based placement would not adequately protect the community.

34 (6) The disposition court may impose conditions on release  
35 pending appeal as provided in RCW 13.40.040~~((+4))~~ (5) and  
36 13.40.050(6).

37 ~~((+6))~~ (7) Appeal of a disposition under this section does not  
38 affect the finality or appeal of the underlying adjudication of  
39 guilt.



1       **Sec. 7.** RCW 72.01.412 and 2023 c 470 s 3018 are each amended to  
2 read as follows:

3       (1) A person in the custody of the department of children, youth,  
4 and families under RCW 72.01.410 is eligible for community transition  
5 services under the authority and supervision of the department of  
6 children, youth, and families:

7       (a) After the person's 25th birthday:

8       (i) If the person's earned release date is after the person's  
9 25th birthday but on or before the person's 26th birthday; and

10       (ii) The department of children, youth, and families determines  
11 that placement in community transition services is in the best  
12 interests of the person and the community; or

13       (b) After 60 percent of their term of confinement has been  
14 served, and no less than 15 weeks of total confinement served  
15 including time spent in detention prior to sentencing or the entry of  
16 a dispositional order if:

17       (i) The person has an earned release date that is before their  
18 26th birthday; and

19       (ii) The department of children, youth, and families determines  
20 that such placement and retention by the department of children,  
21 youth, and families is in the best interests of the person and the  
22 community.

23       (2) "Term of confinement" as used in subsection (1)(b) of this  
24 section means the term of confinement ordered, reduced by the total  
25 amount of earned time eligible for the offense.

26       (3) The department's determination under subsection (1)(a)(ii)  
27 and (b)(ii) of this section must include consideration of the  
28 person's behavior while in confinement and any disciplinary  
29 considerations.

30       (4) The department of children, youth, and families retains the  
31 authority to transfer the person to the custody of the department of  
32 corrections under RCW 72.01.410.

33       (5) A person may only be placed in community transition services  
34 under this section for the remaining 18 months of their term of  
35 confinement.

36       (6) A person placed in community transition services under this  
37 section must have access to appropriate treatment and programming as  
38 determined by the department of children, youth, and families,  
39 including but not limited to:

40       (a) Behavioral health treatment;

- 1 (b) Independent living;
- 2 (c) Employment;
- 3 (d) Education;
- 4 (e) Connections to family and natural supports; and
- 5 (f) Community connections.

6 (7) If the person has a sentence that includes a term of  
7 community custody, this term of community custody must begin after  
8 the current term of confinement has ended.

9 (8) If a person placed on community transition services under  
10 this section commits a violation requiring the return of the person  
11 to total confinement after the person's 25th birthday, the person  
12 must be transferred to the custody and supervision of the department  
13 of corrections for the remainder of the sentence.

14 (9) The following persons are not eligible for community  
15 transition services under this section:

16 (a) Persons with pending charges or warrants, except those who  
17 are charged with an offense that allegedly occurred at a juvenile  
18 rehabilitation institution;

19 (b) Persons who will be transferred to the department of  
20 corrections, who are in the custody of the department of corrections,  
21 or who are under the supervision of the department of corrections;

22 (c) Persons who were adjudicated or convicted of the crime of  
23 murder in the first or second degree;

24 (d) Persons who meet the definition of a "persistent offender" as  
25 defined under RCW 9.94A.030;

26 (e) Level III sex offenders; and

27 (f) Persons requiring out-of-state placement.

28 (10) As used in this section, "community transition services"  
29 means a therapeutic and supportive community-based custody option in  
30 which:

31 (a) A person serves a portion of his or her term of confinement  
32 residing in the community, outside of the department of children,  
33 youth, and families institutions and community facilities;

34 (b) The department of children, youth, and families supervises  
35 the person in part through the use of technology that is capable of  
36 determining or identifying the monitored person's presence or absence  
37 at a particular location;

38 (c) The department of children, youth, and families provides  
39 access to developmentally appropriate, trauma-informed, racial

1 equity-based, and culturally relevant programs to promote successful  
2 reentry; and

3 (d) The department of children, youth, and families prioritizes  
4 the delivery of available programming from individuals who share  
5 characteristics with the individual being served related to: Race;  
6 ethnicity; sexual identity; and gender identity.

7 **Sec. 8.** RCW 13.40.205 and 2021 c 206 s 4 are each amended to  
8 read as follows:

9 (1) A juvenile sentenced to a term of confinement to be served  
10 under the supervision of the department shall not be released from  
11 the physical custody of the department prior to the release date  
12 established under RCW 13.40.210 except as otherwise provided in this  
13 section.

14 (2) A juvenile serving a term of confinement under the  
15 supervision of the department may be released on authorized leave  
16 from the physical custody of the department only if consistent with  
17 public safety and if:

18 (a) Sixty percent of the minimum term of confinement has been  
19 served; and

20 (b) The purpose of the leave is to enable the juvenile:

21 (i) To visit the juvenile's family for the purpose of  
22 strengthening or preserving family relationships;

23 (ii) To make plans for parole or release which require the  
24 juvenile's personal appearance in the community and which will  
25 facilitate the juvenile's reintegration into the community; or

26 (iii) To make plans for a residential placement out of the  
27 juvenile's home which requires the juvenile's personal appearance in  
28 the community.

29 (3) No authorized leave may exceed seven consecutive days. The  
30 total of all preminimum term authorized leaves granted to a juvenile  
31 prior to final discharge from confinement shall not exceed thirty  
32 days.

33 (4) Prior to authorizing a leave, the secretary shall require a  
34 written leave plan, which shall detail the purpose of the leave and  
35 how it is to be achieved, the address at which the juvenile shall  
36 reside, the identity of the person responsible for supervising the  
37 juvenile during the leave, and a statement by such person  
38 acknowledging familiarity with the leave plan and agreeing to  
39 supervise the juvenile and to notify the secretary immediately if the

1 juvenile violates any terms or conditions of the leave. The leave  
2 plan shall include such terms and conditions as the secretary deems  
3 appropriate and shall be signed by the juvenile.

4 (5) Upon authorizing a leave, the secretary shall issue to the  
5 juvenile an authorized leave order which shall contain the name of  
6 the juvenile, the fact that the juvenile is on leave from a  
7 designated facility, the time period of the leave, and the identity  
8 of an appropriate official of the department to contact when  
9 necessary. The authorized leave order shall be carried by the  
10 juvenile at all times while on leave.

11 (6) Prior to the commencement of any authorized leave, the  
12 secretary shall give notice of the leave to the appropriate law  
13 enforcement agency in the jurisdiction in which the juvenile will  
14 reside during the leave period. The notice shall include the identity  
15 of the juvenile, the time period of the leave, the residence of the  
16 juvenile during the leave, and the identity of the person responsible  
17 for supervising the juvenile during the leave.

18 (7) The secretary may authorize a leave, which shall not exceed  
19 forty-eight hours plus travel time, to meet an emergency situation  
20 such as a death or critical illness of a member of the juvenile's  
21 family. The secretary may authorize a leave, which shall not exceed  
22 the period of time medically necessary, to obtain medical care not  
23 available in a juvenile facility maintained by the department. In  
24 cases of emergency or medical leave the secretary may waive all or  
25 any portions of subsections (2)(a), (3), (4), (5), and (6) of this  
26 section.

27 (8) If requested by the juvenile's victim or the victim's  
28 immediate family, the secretary shall give notice of any leave or  
29 community transition services under subsection (13) of this section  
30 to the victim or the victim's immediate family.

31 (9) A juvenile who violates any condition of an authorized leave  
32 plan or community transition services under subsection (13) of this  
33 section may be taken into custody and returned to the department in  
34 the same manner as an adult in identical circumstances.

35 (10) Community transition services is an electronic monitoring  
36 program as that term is used in RCW 9A.76.130.

37 (11) Notwithstanding the provisions of this section, a juvenile  
38 placed in minimum security status or in community transition services  
39 under subsection (13) of this section may participate in work,  
40 educational, community restitution, or treatment programs in the

1 community up to twelve hours a day if approved by the secretary. Such  
2 a release shall not be deemed a leave of absence. This authorization  
3 may be increased to more than twelve hours a day up to sixteen hours  
4 a day if approved by the secretary and operated within the  
5 department's appropriations.

6 (12) Subsections (6), (7), and (8) of this section do not apply  
7 to juveniles covered by RCW 13.40.215.

8 (13)(a) The department may require a person in its custody to  
9 serve the remainder of the person's sentence in community transition  
10 services if the department determines that such placement is in the  
11 best interest of the person and the community using the risk  
12 assessment tool and considering the availability of appropriate  
13 placements, treatment, and programming. The department's  
14 determination described under this subsection must include  
15 consideration of the person's behavior while in confinement and any  
16 disciplinary considerations. The department shall establish  
17 appropriate conditions the person must comply with to remain in  
18 community transition services. A person must have served 60 percent  
19 of their minimum term of confinement and no less than 15 weeks of  
20 total confinement including time spent in detention prior to  
21 sentencing or the entry of a dispositional order before becoming  
22 eligible for community transition services under the authority and  
23 supervision of the department.

24 (b) A person placed in community transition services under this  
25 section must have access to appropriate treatment and programming as  
26 determined by the department, including but not limited to:

- 27 (i) Behavioral health treatment;
- 28 (ii) Independent living;
- 29 (iii) Employment;
- 30 (iv) Education;
- 31 (v) Connections to family and natural supports; and
- 32 (vi) Community connections.

33 (c) Community transition services under this section is in lieu  
34 of confinement in an institution or community facility operated by  
35 the department, and will not fulfill any period of parole required  
36 under RCW 13.40.210.

37 (d) If a person placed in community transition services under  
38 this section violates a condition of participation in the community  
39 transition services program, or if the department determines that  
40 placement in the program is no longer in the best interests of the

1 person or community, the person may be returned to an institution  
2 operated by the department at the department's discretion.

3 (e) The following persons are not eligible for community  
4 transition services under this section:

5 (i) Persons with pending charges or warrants, except those that  
6 are charged with an offense that allegedly occurred at a juvenile  
7 rehabilitation institution;

8 (ii) Persons who will be transferred to the department of  
9 corrections, who are in the custody of the department of corrections,  
10 or who are under the supervision of the department of corrections;

11 (iii) Persons who were adjudicated or convicted of the crime of  
12 murder in the first or second degree;

13 (iv) Persons who meet the definition of a "persistent offender"  
14 as defined under RCW 9.94A.030;

15 (v) Level III sex offenders; and

16 (vi) Persons requiring out-of-state placement.

17 (14) The department shall design, or contract for the design, and  
18 implement a risk assessment tool. The tool must be designed to limit  
19 bias related to race, ethnicity, gender, and age. The risk assessment  
20 tool must be certified at least every three years based on current  
21 academic standards for assessment validation, and can be certified by  
22 the office of innovation, alignment, and accountability or an outside  
23 researcher.

24 NEW SECTION. **Sec. 9.** If specific funding for the purposes of  
25 this act, referencing this act by bill or chapter number, is not  
26 provided by June 30, 2025, in the omnibus appropriations act, this  
27 act is null and void."

28 Correct the title.

EFFECT: Excludes the following from the court finding required in  
the underlying bill that is necessary before committing a person  
adjudicated of a juvenile offense to a juvenile rehabilitation  
institution, Option B disposition alternatives, and the Chemical  
Dependency/Mental Health Disposition Alternative:

- A serious violent offense (committed at any age and not just  
age 16 and 17 as provided in the underlying bill);
- A violent offense with certain criminal history (committed at  
any age and not just age 16 and 17 as provided in the underlying  
bill);
- Rape of a child in the first or second degree;
- Rape in the second degree;
- Hit and run resulting in death; and

- Child molestation in the first degree.

Requires the Department of Children, Youth, and Families (DCYF) to negotiate the contractual agreements with juvenile court administrators for the confinement of youth in a juvenile detention facility with terms of confinement of less than 90 days with each county interested in providing this custody and specifies that counties are not required to provide this custody of young people under existing contracts.

Requires the DCYF to prioritize setting the release date for juveniles who would serve less than 90 days under the supervision of the DCYF and consider any infractions that the juvenile received while in the custody of the DCYF.

Makes technical changes.

A null and void clause is added, making the bill null and void unless funded in the budget.

--- END ---