

E2SSB 5296 - H AMD TO APP COMM AMD (H-2190.1/25) **1292**

By Representative Bergquist

NOT CONSIDERED 04/27/2025

1 On page 1, beginning on line 26 of the striking amendment, after
2 "community." strike all material through "subsection." on line 29

3
4 On page 3, beginning on line 10 of the striking amendment, after
5 "of" strike all material through "separately" on line 15 and insert
6 "one or more prior serious violent offenses as defined in RCW 9.94A.
7 030 or one or more prior violent offenses as defined in RCW 9.94A.030"

8
9 On page 9, beginning on line 24 of the striking amendment, after
10 "hearing" strike all material through "department" on line 27 and
11 insert "as provided in subsection (3)(b) of this section"

12
13 On page 10, beginning on line 1 of the striking amendment, after
14 "(b)" strike all material through "13.40.160(1)(c)," on line 3, and
15 insert "A person committed to the custody of the department may
16 petition the court for a review hearing under this subsection (3) no
17 sooner than the mid-point of the person's minimum range and after the
18 person has served at least four months in the custody of the
19 department. Upon receipt of a petition under this subsection, the
20 court may schedule a review hearing at its discretion. A person
21 committed to the custody of the department who files a petition under
22 this subsection (b) must serve the petition on the prosecuting
23 attorney and the prosecuting attorney may file a response. If the
24 court does schedule a review hearing, the court must consider the
25 person's progress and the report provided under subsection (3)(a) of
26 this section, and shall release the person from the custody of the
27 department if the court finds that the person demonstrated by a

1 preponderance of the evidence that it is no longer necessary to
2 maintain the commitment of the person to the department because a
3 community-based placement would adequately protect the community. If
4 the court makes the finding required under this subsection (b), the
5 court"

EFFECT: Excludes violent offenses when the juvenile has a criminal history of one or more serious violent offenses or one or more violent offenses from eligibility for the Option B and Chemical Dependency/Mental Health Disposition alternatives and from the requirement that the court make an independent finding that commitment to juvenile rehabilitation is needed because a community-based placement would not adequately protect the community before committing the juvenile to a juvenile rehabilitation institution.

Modifies the process for review hearings held during the commitment period for someone adjudicated of certain juvenile offenses to specify that:

- the person may petition for a review hearing no sooner than the mid-point of the person's minimum range after serving at least four months in the custody of the Department of Children, Youth, and Families (DCYF);
- the court may schedule a review hearing at its discretion;
- the person must serve the petition on the prosecuting attorney and the prosecuting attorney may file a response; and
- if the court does hold a review hearing, the court must consider the person's progress and the report required by DCYF, and must release the person if the court finds that the person demonstrated by a preponderance of the evidence that it is no longer necessary to maintain the commitment of the person because a community-based placement would adequately protect the community.

Removes the language specifying that a stipulation by the parties alone is not sufficient to support a court finding that commitment to the DCYF is needed.

--- END ---