

E2SSB 5296 - H COMM AMD

By Committee on Early Learning & Human Services

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) ((~~r~~, (~~3~~), (~~4~~), ~~r~~)) through (5) ((~~r~~, ~~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) ((~~r~~, (~~3~~), (~~4~~), ~~r~~)) through (5) ((~~r~~, ~~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

1 provided in this subsection and subsections (2) through (5) of this
2 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (iii) Rape of a child in the first or second degree under RCW
19 9A.44.073 and 9A.44.076;

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

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

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

23 (2) If the court concludes, and enters reasons for its
24 conclusion, that disposition within the standard range would
25 effectuate a manifest injustice the court shall impose a disposition
26 outside the standard range, as indicated in option D of RCW
27 13.40.0357. The court's finding of manifest injustice shall be
28 supported by clear and convincing evidence.

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

1 (3) If a juvenile offender is found to have committed a sex
2 offense, other than a sex offense that is also a serious violent
3 offense as defined by RCW 9.94A.030, and has no history of a prior
4 sex offense, the court may impose the special sex offender
5 disposition alternative under RCW 13.40.162.

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

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

15 ~~(6) When the offender is subject to a standard range commitment
16 of 15 to 36 weeks and is ineligible for a suspended disposition
17 alternative, a manifest injustice disposition below the standard
18 range, special sex offender disposition alternative, chemical
19 dependency disposition alternative, or mental health disposition
20 alternative, the court in a county with a pilot program under RCW
21 13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

22 ~~(7))~~ RCW 13.40.193 shall govern the disposition of any juvenile
23 adjudicated of possessing a firearm in violation of RCW
24 9.41.040(2)(a)(v) or any crime in which a special finding is entered
25 that the juvenile was armed with a firearm.

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

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

36 ~~((10))~~ (8) Except as provided under subsections (3) ~~((, (4),))~~
37 through (5) ~~((, or (6))~~ of this section, or option B of RCW
38 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer
39 the imposition or the execution of the disposition.

1 ~~((11))~~ (9) In no case shall the term of confinement imposed by
2 the court at disposition exceed that to which an adult could be
3 subjected for the same offense.

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

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

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

1 ordered under this subsection unless third-party insurance coverage
2 is available.

3 (3) The report of the examination shall include at a minimum the
4 following: The respondent's version of the facts and the official
5 version of the facts, the respondent's offense history, an assessment
6 of drug-alcohol problems, mental health diagnoses, previous treatment
7 attempts, the respondent's social, educational, and employment
8 situation, and other evaluation measures used. The report shall set
9 forth the sources of the examiner's information.

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

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

14 (b) Availability of appropriate treatment;

15 (c) Monitoring plans, including any requirements regarding living
16 conditions, lifestyle requirements, and monitoring by family members,
17 legal guardians, or others;

18 (d) Anticipated length of treatment; and

19 (e) Recommended crime-related prohibitions.

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

27 (6) (a) After receipt of reports of the examination, the court
28 shall then consider whether the offender and the community will
29 benefit from use of this disposition alternative and consider the
30 victim's opinion whether the offender should receive a treatment
31 disposition under this section.

32 (b) If the court determines that this disposition alternative is
33 appropriate, then the court shall impose the standard range for the
34 offense, or if the court concludes, and enters reasons for its
35 conclusion, that such disposition would effectuate a manifest
36 injustice, the court shall impose a disposition above the standard
37 range as indicated in option D of RCW 13.40.0357 if the disposition
38 is an increase from the standard range and the confinement of the
39 offender does not exceed a maximum of 52 weeks, suspend execution of
40 the disposition, and place the offender on community supervision for

1 up to one year. As a condition of the suspended disposition, the
2 court shall require the offender to undergo available outpatient
3 drug/alcohol, mental health, or co-occurring disorder treatment
4 and/or inpatient mental health or drug/alcohol treatment. The court
5 shall only order inpatient treatment under this section if a funded
6 bed is available. If the inpatient treatment is longer than 90 days,
7 the court shall hold a review hearing every 30 days beyond the
8 initial 90 days. The respondent may appear telephonically at these
9 review hearings if in compliance with treatment. As a condition of
10 the suspended disposition, the court may impose conditions of
11 community supervision and other sanctions, including up to 30 days of
12 confinement, 150 hours of community restitution, and payment of
13 restitution.

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

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

24 If the offender violates any condition of the disposition or the
25 court finds that the respondent is failing to make satisfactory
26 progress in treatment, the court may impose sanctions pursuant to RCW
27 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),
28 revoke the suspension and order execution of the disposition. The
29 court shall give credit for any confinement time previously served if
30 that confinement was for the offense for which the suspension is
31 being revoked.

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

38 (9) Whenever a juvenile offender is entitled to credit for time
39 spent in detention prior to a dispositional order, the dispositional

1 order shall specifically state the number of days of credit for time
2 served.

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

6 (11) A disposition under this section is not appealable under RCW
7 13.40.230.

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

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

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

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

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

38 (b) Subject to the availability of funds appropriated for this
39 specific purpose, the department shall establish contractual

1 agreements with at least four juvenile court administrators,
2 including at least one that is located east of the Cascade mountains,
3 for the confinement of youth in a juvenile facility with terms of
4 confinement that are less than 90 days, as determined by RCW
5 13.40.210(1), and shall include costs associated with physical
6 custody, treatment or relevant programming, medical costs, and any
7 other costs associated with the confinement of the juvenile. Any
8 existing contractual agreements as of January 1, 2025, created by the
9 department and a juvenile court administrator to confine a juvenile
10 locally pending transport of the youth to a juvenile rehabilitation
11 facility after sentencing do not apply to this subsection (1)(b). The
12 department must negotiate the contractual agreements required under
13 this subsection with each county interested in providing for physical
14 custody of young people as described under this subsection. Counties
15 are not required to provide for the physical custody of young people
16 as described under this subsection under existing contracts.

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

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

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

37 (i) The services received by the juvenile;

38 (ii) Any infractions committed by the juvenile;

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

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

8 (b) During each review hearing the court shall consider the
9 juvenile's progress and, unless the court makes a finding under RCW
10 13.40.160(1)(c), shall release the juvenile from the custody of the
11 department and place the juvenile on up to a year of community
12 supervision administered by the county, unless the juvenile will be
13 placed on mandatory parole, in which case the juvenile shall be
14 released to parole rather than community supervision.

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

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

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

23 **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

1	E	Tampering with Fire Alarm Apparatus	E
2		(9.40.100)	
3	E	Tampering with Fire Alarm Apparatus	E
4		with Intent to Commit Arson (9.40.105)	
5	A	Possession of Incendiary Device	B+
6		(9.40.120)	
7		Assault and Other Crimes Involving	
8		Physical Harm	
9	A	Assault 1 (9A.36.011)	B+
10	B+	Assault 2 (9A.36.021)	C+
11	C+	Assault 3 (9A.36.031)	D+
12	D+	Assault 4 (9A.36.041)	E
13	B+	Drive-By Shooting (9A.36.045)	C+
14		committed at age 15 or under	
15	A++	Drive-By Shooting (9A.36.045)	A
16		committed at age 16 or 17	
17	D+	Reckless Endangerment (9A.36.050)	E
18	C+	Promoting Suicide Attempt (9A.36.060)	D+
19	D+	Coercion (9A.36.070)	E
20	C+	Custodial Assault (9A.36.100)	D+
21		Burglary and Trespass	
22	B+	Burglary 1 (9A.52.020) committed at	C+
23		age 15 or under	
24	A-	Burglary 1 (9A.52.020) committed at	B+
25		age 16 or 17	
26	B	Residential Burglary (9A.52.025)	C
27	B	Burglary 2 (9A.52.030)	C
28	D	Burglary Tools (Possession of)	E
29		(9A.52.060)	
30	D	Criminal Trespass 1 (9A.52.070)	E
31	E	Criminal Trespass 2 (9A.52.080)	E
32	C	Mineral Trespass (78.44.330)	C
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35		Drugs	

1	E	Possession/Consumption of Alcohol	E
2		(66.44.270)	
3	C	Illegally Obtaining Legend Drug	D
4		(69.41.020)	
5	C+	Sale, Delivery, Possession of Legend	D+
6		Drug with Intent to Sell (69.41.030(2)(a))	
7	E	Possession of Legend	E
8		Drug (69.41.030(2)(b))	
9	B+	Violation of Uniform Controlled	B+
10		Substances Act - Narcotic,	
11		Methamphetamine, or Flunitrazepam	
12		Sale (69.50.401(2) (a) or (b))	
13	C	Violation of Uniform Controlled	C
14		Substances Act - Nonnarcotic Sale	
15		(69.50.401(2)(c))	
16	E	Possession of Cannabis <40 grams	E
17		(69.50.4014)	
18	C	Fraudulently Obtaining Controlled	C
19		Substance (69.50.403)	
20	C+	Sale of Controlled Substance for Profit	C+
21		(69.50.410)	
22	E	Unlawful Inhalation (9.47A.020)	E
23	B	Violation of Uniform Controlled	B
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Counterfeit Substances (69.50.4011(2)	
27		(a) or (b))	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Nonnarcotic Counterfeit	
30		Substances (69.50.4011(2) (c), (d), or (e))	
31	E	Violation of Uniform Controlled	E
32		Substances Act - Possession of a	
33		Controlled Substance (69.50.4013)	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Possession of a	
36		Controlled Substance (69.50.4012)	
37		Firearms and Weapons	
38	B	Theft of Firearm (9A.56.300)	C

1	B	Possession of Stolen Firearm	C
2		(9A.56.310)	
3	E	Carrying Loaded Pistol Without Permit	E
4		(9.41.050)	
5	C	Possession of Firearms by Minor (<18)	C
6		(9.41.040(2)(a) (v))	
7	D+	Possession of Dangerous Weapon	E
8		(9.41.250)	
9	D	Intimidating Another Person by use of	E
10		Weapon (9.41.270)	
11		Homicide	
12	A+	Murder 1 (9A.32.030)	A
13	A+	Murder 2 (9A.32.050)	B+
14	B+	Manslaughter 1 (9A.32.060)	C+
15	C+	Manslaughter 2 (9A.32.070)	D+
16	B+	Vehicular Homicide (46.61.520)	C+
17		Kidnapping	
18	A	Kidnap 1 (9A.40.020)	B+
19	B+	Kidnap 2 (9A.40.030)	C+
20	C+	Unlawful Imprisonment (9A.40.040)	D+
21		Obstructing Governmental Operation	
22	D	Obstructing a Law Enforcement Officer	E
23		(9A.76.020)	
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1 (9A.76.140)	C
26	C	Introducing Contraband 2 (9A.76.150)	D
27	E	Introducing Contraband 3 (9A.76.160)	E
28	B+	Intimidating a Public Servant	C+
29		(9A.76.180)	
30	B+	Intimidating a Witness (9A.72.110)	C+
31		Public Disturbance	
32	C+	Criminal Mischief with Weapon	D+
33		(9A.84.010(2)(b))	
34	D+	Criminal Mischief Without Weapon	E
35		(9A.84.010(2)(a))	
36	E	Failure to Disperse (9A.84.020)	E

1	E	Disorderly Conduct (9A.84.030)	E
2		Sex Crimes	
3	A	Rape 1 (9A.44.040)	B+
4	B++	Rape 2 (9A.44.050) committed at age 14	B+
5		or under	
6	A-	Rape 2 (9A.44.050) committed at age 15	B+
7		through age 17	
8	C+	Rape 3 (9A.44.060)	D+
9	B++	Rape of a Child 1 (9A.44.073)	B+
10		committed at age 14 or under	
11	A-	Rape of a Child 1 (9A.44.073)	B+
12		committed at age 15	
13	B+	Rape of a Child 2 (9A.44.076)	C+
14	B	Incest 1 (9A.64.020(1))	C
15	C	Incest 2 (9A.64.020(2))	D
16	D+	Indecent Exposure (Victim <14)	E
17		(9A.88.010)	
18	E	Indecent Exposure (Victim 14 or over)	E
19		(9A.88.010)	
20	B+	Promoting Prostitution 1 (9A.88.070)	C+
21	C+	Promoting Prostitution 2 (9A.88.080)	D+
22	E	O & A (Prostitution) (9A.88.030)	E
23	B+	Indecent Liberties (9A.44.100)	C+
24	B++	Child Molestation 1 (9A.44.083)	B+
25		committed at age 14 or under	
26	A-	Child Molestation 1 (9A.44.083)	B+
27		committed at age 15 through age 17	
28	B	Child Molestation 2 (9A.44.086)	C+
29	C	Failure to Register as a Sex Offender	D
30		(9A.44.132)	
31		Theft, Robbery, Extortion, and	
32		Forgery	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080	C
2		and 9A.56.083)	
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200) committed at	B+
5		age 15 or under	
6	A++	Robbery 1 (9A.56.200) committed at	A
7		age 16 or 17	
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial	E
14		Information (9.35.010)	
15	B	Possession of a Stolen Vehicle	C
16		(9A.56.068)	
17	B	Possession of Stolen Property 1	C
18		(9A.56.150)	
19	C	Possession of Stolen Property 2	D
20		(9A.56.160)	
21	D	Possession of Stolen Property 3	E
22		(9A.56.170)	
23	B	Taking Motor Vehicle Without	C
24		Permission 1 (9A.56.070)	
25	C	Taking Motor Vehicle Without	D
26		Permission 2 (9A.56.075)	
27	B	Theft of a Motor Vehicle (9A.56.065)	C
28		Motor Vehicle Related Crimes	
29	E	Driving Without a License (46.20.005)	E
30	B+	Hit and Run - Death (46.52.020(4)(a))	C+
31	C	Hit and Run - Injury (46.52.020(4)(b))	D
32	D	Hit and Run-Attended (46.52.020(5))	E
33	E	Hit and Run-Unattended (46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing Police	D
36		Vehicle (46.61.024)	
37	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the	B
4		Influence (46.61.502(6))	
5	B+	Felony Physical Control of a Vehicle	B
6		While Under the Influence (46.61.504(6))	
7		Other	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 ¹ (9A.76.110)	C
11	C	Escape 2 ¹ (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	E
14		(9.61.230)	
15	A	Other Offense Equivalent to an Adult	B+
16		Class A Felony	
17	B	Other Offense Equivalent to an Adult	C
18		Class B Felony	
19	C	Other Offense Equivalent to an Adult	D
20		Class C Felony	
21	D	Other Offense Equivalent to an Adult	E
22		Gross Misdemeanor	
23	E	Other Offense Equivalent to an Adult	E
24		Misdemeanor	
25	V	Violation of Order of Restitution,	V
26		Community Supervision, or Confinement	
27		(13.40.200) ²	

28 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
29 and the standard range is established as follows:

30 1st escape or attempted escape during 12-month period - 28 days
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month
35 period - 12 weeks confinement

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

JUVENILE SENTENCING STANDARDS

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

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

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

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

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

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation,

1 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
2 point. Fractional points shall be rounded down.

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

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

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

11 **OR**

12 **OPTION B**

13 **SUSPENDED DISPOSITION ALTERNATIVE**

14 (1) If the offender is subject to a standard range disposition
15 involving confinement by the department, the court may impose the
16 standard range and suspend the disposition on condition that the
17 offender comply with one or more local sanctions and any educational
18 or treatment requirement. The treatment programs provided to the
19 offender must be either research-based best practice programs as
20 identified by the Washington state institute for public policy or the
21 joint legislative audit and review committee, or for chemical
22 dependency treatment programs or services, they must be evidence-
23 based or research-based best practice programs. For the purposes of
24 this subsection:

25 (a) "Evidence-based" means a program or practice that has had
26 multiple site random controlled trials across heterogeneous
27 populations demonstrating that the program or practice is effective
28 for the population; and

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

32 (2) If the offender fails to comply with the suspended
33 disposition, the court may impose sanctions pursuant to RCW 13.40.200
34 or may revoke the suspended disposition and order the disposition's
35 execution.

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

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

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

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

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

10 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
11 the first degree (RCW 9A.56.120), kidnapping in the second degree
12 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
13 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
14 manslaughter 2 (RCW 9A.32.070); or

15 (iv) Violation of the uniform controlled substances act (RCW
16 69.50.401(2) (a) and (b)), when the offense includes infliction of
17 bodily harm upon another or when during the commission or immediate
18 withdrawal from the offense the respondent was armed with a deadly
19 weapon;

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

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

24 (e) Has a prior option B disposition.

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

27 OR

28 **OPTION C**

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

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

37 OR

38 **OPTION D**

1 **MANIFEST INJUSTICE**

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

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

7 (1) The secretary shall set a release date for each juvenile
8 committed to its custody in accordance with the behavior of the
9 juvenile pursuant to any rules for an internal behavioral management
10 infraction system that have been developed by the department. The
11 department shall prioritize setting the release date for juveniles
12 who would serve less than 90 days under the supervision of the
13 department and shall consider any infractions that the juvenile
14 received while in the custody of the department. The release date
15 shall be within the prescribed range to which a juvenile has been
16 committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW
17 13.40.320 concerning offenders the department determines are eligible
18 for the juvenile offender basic training camp program. Such dates
19 shall be determined prior to the expiration of sixty percent of a
20 juvenile's minimum term of confinement included within the prescribed
21 range to which the juvenile has been committed. The secretary shall
22 release any juvenile committed to the custody of the department
23 within four calendar days prior to the juvenile's release date or on
24 the release date set under this chapter. Days spent in the custody of
25 the department shall be tolled by any period of time during which a
26 juvenile has absented himself or herself from the department's
27 supervision without the prior approval of the secretary or the
28 secretary's designee.

29 (2) The secretary shall monitor the average daily population of
30 the state's juvenile residential facilities. When the secretary
31 concludes that in-residence population of residential facilities
32 exceeds one hundred five percent of the rated bed capacity specified
33 in statute, or in absence of such specification, as specified by the
34 department in rule, the secretary may recommend reductions to the
35 governor. On certification by the governor that the recommended
36 reductions are necessary, the secretary has authority to
37 administratively release a sufficient number of offenders to reduce
38 in-residence population to one hundred percent of rated bed capacity.

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

12 (3) (a) Following the release of any juvenile under subsection (1)
13 of this section, the secretary may require the juvenile to comply
14 with a program of parole to be administered by the department in his
15 or her community which shall last no longer than eighteen months,
16 except that in the case of a juvenile sentenced for a sex offense as
17 defined under RCW 9.94A.030 the period of parole shall be twenty-four
18 months and, in the discretion of the secretary, may be up to thirty-
19 six months when the secretary finds that an additional period of
20 parole is necessary and appropriate in the interests of public safety
21 or to meet the ongoing needs of the juvenile. A parole program is
22 mandatory for offenders released under subsection (2) of this section
23 and for offenders who receive a juvenile residential commitment
24 sentence for theft of a motor vehicle, possession of a stolen motor
25 vehicle, or taking a motor vehicle without permission 1. A juvenile
26 adjudicated for unlawful possession of a firearm, possession of a
27 stolen firearm, theft of a firearm, or drive-by shooting may
28 participate in aggression replacement training, functional family
29 therapy, or functional family parole aftercare if the juvenile meets
30 eligibility requirements for these services. The decision to place an
31 offender in an evidence-based parole program shall be based on an
32 assessment by the department of the offender's risk for reoffending
33 upon release and an assessment of the ongoing treatment needs of the
34 juvenile. The department shall prioritize available parole resources
35 to provide supervision and services to offenders at moderate to high
36 risk for reoffending.

37 (b) The secretary shall, for the period of parole, facilitate the
38 juvenile's reintegration into his or her community and to further
39 this goal shall require the juvenile to refrain from possessing a
40 firearm or using a deadly weapon, and refrain from committing new

1 offenses or violating any orders issued by the juvenile court
2 pursuant to chapter 7.105 RCW, and may require the juvenile to: (i)
3 Undergo available medical, psychiatric, drug and alcohol, sex
4 offender, mental health, and other offense-related treatment
5 services; (ii) report as directed to a parole officer and/or
6 designee; (iii) pursue a course of study, vocational training, or
7 employment; (iv) notify the parole officer of the current address
8 where he or she resides; (v) be present at a particular address
9 during specified hours; (vi) remain within prescribed geographical
10 boundaries; (vii) submit to electronic monitoring; (viii) refrain
11 from using illegal drugs and alcohol, and submit to random urinalysis
12 when requested by the assigned parole officer; (ix) refrain from
13 contact with specific individuals or a specified class of
14 individuals; (x) meet other conditions determined by the parole
15 officer to further enhance the juvenile's reintegration into the
16 community; (xi) pay any court-ordered fines or restitution; and (xii)
17 perform community restitution. Community restitution for the purpose
18 of this section means compulsory service, without compensation,
19 performed for the benefit of the community by the offender. Community
20 restitution may be performed through public or private organizations
21 or through work crews.

22 (c) The secretary may further require up to twenty-five percent
23 of the highest risk juvenile offenders who are placed on parole to
24 participate in an intensive supervision program. Offenders
25 participating in an intensive supervision program shall be required
26 to comply with all terms and conditions listed in (b) of this
27 subsection and shall also be required to comply with the following
28 additional terms and conditions: (i) Obey all laws and refrain from
29 any conduct that threatens public safety; (ii) report at least once a
30 week to an assigned community case manager; and (iii) meet all other
31 requirements imposed by the community case manager related to
32 participating in the intensive supervision program. As a part of the
33 intensive supervision program, the secretary may require day
34 reporting.

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

37 (4) (a) The department may also modify parole for violation
38 thereof. If, after affording a juvenile all of the due process rights
39 to which he or she would be entitled if the juvenile were an adult,
40 the secretary finds that a juvenile has violated a condition of his

1 or her parole, the secretary shall order one of the following which
2 is reasonably likely to effectuate the purpose of the parole and to
3 protect the public: (i) Continued supervision under the same
4 conditions previously imposed; (ii) intensified supervision with
5 increased reporting requirements; (iii) additional conditions of
6 supervision authorized by this chapter; (iv) except as provided in
7 (a)(v) and (vi) of this subsection, imposition of a period of
8 confinement not to exceed thirty days in a facility operated by or
9 pursuant to a contract with the state of Washington or any city or
10 county for a portion of each day or for a certain number of days each
11 week with the balance of the days or weeks spent under supervision;
12 (v) the secretary may order any of the conditions or may return the
13 offender to confinement for the remainder of the sentence range if
14 the offense for which the offender was sentenced is rape in the first
15 or second degree, rape of a child in the first or second degree,
16 child molestation in the first degree, indecent liberties with
17 forcible compulsion, or a sex offense that is also a serious violent
18 offense as defined by RCW 9.94A.030; and (vi) the secretary may order
19 any of the conditions or may return the offender to confinement for
20 the remainder of the sentence range if the youth has completed the
21 basic training camp program as described in RCW 13.40.320.

22 (b) The secretary may modify parole and order any of the
23 conditions or may return the offender to confinement for up to
24 twenty-four weeks if the offender was sentenced for a sex offense as
25 defined under RCW 9A.44.128 and is known to have violated the terms
26 of parole. Confinement beyond thirty days is intended to only be used
27 for a small and limited number of sex offenders. It shall only be
28 used when other graduated sanctions or interventions have not been
29 effective or the behavior is so egregious it warrants the use of the
30 higher level intervention and the violation: (i) Is a known pattern
31 of behavior consistent with a previous sex offense that puts the
32 youth at high risk for reoffending sexually; (ii) consists of sexual
33 behavior that is determined to be predatory as defined in RCW
34 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to
35 a recent overt act. The total number of days of confinement for
36 violations of parole conditions during the parole period shall not
37 exceed the number of days provided by the maximum sentence imposed by
38 the disposition for the underlying offense pursuant to RCW
39 13.40.0357. The department shall not aggregate multiple parole
40 violations that occur prior to the parole revocation hearing and

1 impose consecutive twenty-four week periods of confinement for each
2 parole violation. The department is authorized to engage in rule
3 making pursuant to chapter 34.05 RCW, to implement this subsection,
4 including narrowly defining the behaviors that could lead to this
5 higher level intervention.

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

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

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

19 **Sec. 6.** RCW 13.40.230 and 1997 c 338 s 35 are each amended to
20 read as follows:

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

23 An appeal under this section shall be heard solely upon the
24 record that was before the disposition court. No written briefs may
25 be required, and the appeal shall be heard within thirty days
26 following the date of sentencing and a decision rendered within
27 fifteen days following the argument. The supreme court shall
28 promulgate any necessary rules to effectuate the purposes of this
29 section.

30 (2) To uphold a disposition outside the standard range, the court
31 of appeals must find: (a) ~~((that))~~ That the reasons supplied by the
32 disposition judge are supported by the record which was before the
33 judge and that those reasons clearly and convincingly support the
34 conclusion that a disposition within the range would constitute a
35 manifest injustice~~((r))~~; and (b) that the sentence imposed was
36 neither clearly excessive nor clearly too lenient.

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

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

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

11 (6) The disposition court may impose conditions on release
12 pending appeal as provided in RCW 13.40.040(~~(4)~~) (5) and
13 13.40.050(6).

14 (~~(6)~~) (7) Appeal of a disposition under this section does not
15 affect the finality or appeal of the underlying adjudication of
16 guilt.

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

19 (1) A person in the custody of the department of children, youth,
20 and families under RCW 72.01.410 is eligible for community transition
21 services under the authority and supervision of the department of
22 children, youth, and families:

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

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

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

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

33 (i) The person has an earned release date that is before their
34 26th birthday; and

35 (ii) The department of children, youth, and families determines
36 that such placement and retention by the department of children,
37 youth, and families is in the best interests of the person and the
38 community.

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

4 (3) The department's determination under subsection (1)(a)(ii)
5 and (b)(ii) of this section must include consideration of the
6 person's behavior while in confinement and any disciplinary
7 considerations.

8 (4) The department of children, youth, and families retains the
9 authority to transfer the person to the custody of the department of
10 corrections under RCW 72.01.410.

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

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

- 18 (a) Behavioral health treatment;
- 19 (b) Independent living;
- 20 (c) Employment;
- 21 (d) Education;
- 22 (e) Connections to family and natural supports; and
- 23 (f) Community connections.

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

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

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

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

37 (b) Persons who will be transferred to the department of
38 corrections, who are in the custody of the department of corrections,
39 or who are under the supervision of the department of corrections;

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

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

5 (e) Level III sex offenders; and

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

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

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

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

17 (c) The department of children, youth, and families provides
18 access to developmentally appropriate, trauma-informed, racial
19 equity-based, and culturally relevant programs to promote successful
20 reentry; and

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

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

27 (1) A juvenile sentenced to a term of confinement to be served
28 under the supervision of the department shall not be released from
29 the physical custody of the department prior to the release date
30 established under RCW 13.40.210 except as otherwise provided in this
31 section.

32 (2) A juvenile serving a term of confinement under the
33 supervision of the department may be released on authorized leave
34 from the physical custody of the department only if consistent with
35 public safety and if:

36 (a) Sixty percent of the minimum term of confinement has been
37 served; and

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

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

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

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

9 (3) No authorized leave may exceed seven consecutive days. The
10 total of all preminimum term authorized leaves granted to a juvenile
11 prior to final discharge from confinement shall not exceed thirty
12 days.

13 (4) Prior to authorizing a leave, the secretary shall require a
14 written leave plan, which shall detail the purpose of the leave and
15 how it is to be achieved, the address at which the juvenile shall
16 reside, the identity of the person responsible for supervising the
17 juvenile during the leave, and a statement by such person
18 acknowledging familiarity with the leave plan and agreeing to
19 supervise the juvenile and to notify the secretary immediately if the
20 juvenile violates any terms or conditions of the leave. The leave
21 plan shall include such terms and conditions as the secretary deems
22 appropriate and shall be signed by the juvenile.

23 (5) Upon authorizing a leave, the secretary shall issue to the
24 juvenile an authorized leave order which shall contain the name of
25 the juvenile, the fact that the juvenile is on leave from a
26 designated facility, the time period of the leave, and the identity
27 of an appropriate official of the department to contact when
28 necessary. The authorized leave order shall be carried by the
29 juvenile at all times while on leave.

30 (6) Prior to the commencement of any authorized leave, the
31 secretary shall give notice of the leave to the appropriate law
32 enforcement agency in the jurisdiction in which the juvenile will
33 reside during the leave period. The notice shall include the identity
34 of the juvenile, the time period of the leave, the residence of the
35 juvenile during the leave, and the identity of the person responsible
36 for supervising the juvenile during the leave.

37 (7) The secretary may authorize a leave, which shall not exceed
38 forty-eight hours plus travel time, to meet an emergency situation
39 such as a death or critical illness of a member of the juvenile's
40 family. The secretary may authorize a leave, which shall not exceed

1 the period of time medically necessary, to obtain medical care not
2 available in a juvenile facility maintained by the department. In
3 cases of emergency or medical leave the secretary may waive all or
4 any portions of subsections (2)(a), (3), (4), (5), and (6) of this
5 section.

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

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

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

16 (11) Notwithstanding the provisions of this section, a juvenile
17 placed in minimum security status or in community transition services
18 under subsection (13) of this section may participate in work,
19 educational, community restitution, or treatment programs in the
20 community up to twelve hours a day if approved by the secretary. Such
21 a release shall not be deemed a leave of absence. This authorization
22 may be increased to more than twelve hours a day up to sixteen hours
23 a day if approved by the secretary and operated within the
24 department's appropriations.

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

27 (13)(a) The department may require a person in its custody to
28 serve the remainder of the person's sentence in community transition
29 services if the department determines that such placement is in the
30 best interest of the person and the community using the risk
31 assessment tool and considering the availability of appropriate
32 placements, treatment, and programming. The department's
33 determination described under this subsection must include
34 consideration of the person's behavior while in confinement and any
35 disciplinary considerations. The department shall establish
36 appropriate conditions the person must comply with to remain in
37 community transition services. A person must have served 60 percent
38 of their minimum term of confinement and no less than 15 weeks of
39 total confinement including time spent in detention prior to
40 sentencing or the entry of a dispositional order before becoming

1 eligible for community transition services under the authority and
2 supervision of the department.

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

6 (i) Behavioral health treatment;

7 (ii) Independent living;

8 (iii) Employment;

9 (iv) Education;

10 (v) Connections to family and natural supports; and

11 (vi) Community connections.

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

16 (d) If a person placed in community transition services under
17 this section violates a condition of participation in the community
18 transition services program, or if the department determines that
19 placement in the program is no longer in the best interests of the
20 person or community, the person may be returned to an institution
21 operated by the department at the department's discretion.

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

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

27 (ii) Persons who will be transferred to the department of
28 corrections, who are in the custody of the department of corrections,
29 or who are under the supervision of the department of corrections;

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

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

34 (v) Level III sex offenders; and

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

36 (14) The department shall design, or contract for the design, and
37 implement a risk assessment tool. The tool must be designed to limit
38 bias related to race, ethnicity, gender, and age. The risk assessment
39 tool must be certified at least every three years based on current
40 academic standards for assessment validation, and can be certified by

1 the office of innovation, alignment, and accountability or an outside
2 researcher."

3 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.

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