
HOUSE BILL 1917

State of Washington

69th Legislature

2025 Regular Session

By Representatives Callan and Eslick

Read first time 02/10/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to management of individuals who are placed in
2 juvenile rehabilitation institutions; and amending RCW 13.40.020,
3 13.40.460, 72.05.420, 13.40.215, and 72.01.410.

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

5 **Sec. 1.** RCW 13.40.020 and 2024 c 117 s 4 are each amended to
6 read as follows:

7 For the purposes of this chapter:

8 (1) "Assessment" means an individualized examination of a child
9 to determine the child's psychosocial needs and problems, including
10 the type and extent of any mental health, substance abuse, or co-
11 occurring mental health and substance abuse disorders, and
12 recommendations for treatment. "Assessment" includes, but is not
13 limited to, drug and alcohol evaluations, psychological and
14 psychiatric evaluations, records review, clinical interview, and
15 administration of a formal test or instrument;

16 (2) "Community-based rehabilitation" means one or more of the
17 following: Employment; attendance of information classes; literacy
18 classes; counseling, outpatient substance abuse treatment programs,
19 outpatient mental health programs, anger management classes,
20 education or outpatient treatment programs to prevent animal cruelty,
21 or other services including, when appropriate, restorative justice

1 programs; or attendance at school or other educational programs
2 appropriate for the juvenile as determined by the school district.
3 Placement in community-based rehabilitation programs is subject to
4 available funds;

5 (3) "Community-based sanctions" may include community restitution
6 not to exceed 150 hours of community restitution;

7 (4) "Community restitution" means compulsory service, without
8 compensation, performed for the benefit of the community by the
9 offender as punishment for committing an offense. Community
10 restitution may be performed through public or private organizations
11 or through work crews;

12 (5) "Community supervision" means an order of disposition by the
13 court of an adjudicated youth not committed to the department or an
14 order granting a deferred disposition. A community supervision order
15 for a single offense may be for a period of up to two years for a sex
16 offense as defined by RCW 9.94A.030 and up to one year for other
17 offenses. As a mandatory condition of any term of community
18 supervision, the court shall order the juvenile to refrain from
19 committing new offenses. As a mandatory condition of community
20 supervision, the court shall order the juvenile to comply with the
21 mandatory school attendance provisions of chapter 28A.225 RCW and to
22 inform the school of the existence of this requirement. Community
23 supervision is an individualized program comprised of one or more of
24 the following:

25 (a) Community-based sanctions;

26 (b) Community-based rehabilitation;

27 (c) Monitoring and reporting requirements;

28 (d) Posting of a probation bond;

29 (e) Residential treatment, where substance abuse, mental health,
30 and/or co-occurring disorders have been identified in an assessment
31 by a qualified mental health professional, psychologist,
32 psychiatrist, co-occurring disorder specialist, or substance use
33 disorder professional and a funded bed is available. If a child
34 agrees to voluntary placement in a state-funded long-term evaluation
35 and treatment facility, the case must follow the existing placement
36 procedure including consideration of less restrictive treatment
37 options and medical necessity.

38 (i) A court may order residential treatment after consideration
39 and findings regarding whether:

40 (A) The referral is necessary to rehabilitate the child;

1 (B) The referral is necessary to protect the public or the child;

2 (C) The referral is in the child's best interest;

3 (D) The child has been given the opportunity to engage in less
4 restrictive treatment and has been unable or unwilling to comply; and

5 (E) Inpatient treatment is the least restrictive action
6 consistent with the child's needs and circumstances.

7 (ii) In any case where a court orders a child to inpatient
8 treatment under this section, the court must hold a review hearing no
9 later than 60 days after the youth begins inpatient treatment, and
10 every 30 days thereafter, as long as the youth is in inpatient
11 treatment;

12 (6) "Community transition services" means a therapeutic and
13 supportive community-based custody option in which:

14 (a) A person serves a portion of their term of confinement
15 residing in the community, outside of department institutions and
16 community facilities;

17 (b) The department supervises the person in part through the use
18 of technology that is capable of determining or identifying the
19 monitored person's presence or absence at a particular location;

20 (c) The department provides access to developmentally
21 appropriate, trauma-informed, racial equity-based, and culturally
22 relevant programs to promote successful reentry; and

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

27 (7) "Confinement" means physical custody by the department of
28 children, youth, and families in a facility operated by or pursuant
29 to a contract with the state, or physical custody in a detention
30 facility operated by or pursuant to a contract with any county. The
31 county may operate or contract with vendors to operate county
32 detention facilities. The department may operate or contract to
33 operate detention facilities for juveniles committed to the
34 department. Pretrial confinement or confinement of less than 31 days
35 imposed as part of a disposition or modification order may be served
36 consecutively or intermittently, in the discretion of the court;

37 (8) "Court," when used without further qualification, means the
38 juvenile court judge(s) or commissioner(s);

1 (9) "Criminal history" includes all criminal complaints against
2 the respondent for which, prior to the commission of a current
3 offense:

4 (a) The allegations were found correct by a court. If a
5 respondent is convicted of two or more charges arising out of the
6 same course of conduct, only the highest charge from among these
7 shall count as an offense for the purposes of this chapter; or

8 (b) The criminal complaint was diverted by a prosecutor pursuant
9 to the provisions of this chapter on agreement of the respondent and
10 after an advisement to the respondent that the criminal complaint
11 would be considered as part of the respondent's criminal history. A
12 successfully completed deferred adjudication that was entered before
13 July 1, 1998, or a deferred disposition shall not be considered part
14 of the respondent's criminal history;

15 (10) "Custodial interrogation" means express questioning or other
16 actions or words by a law enforcement officer which are reasonably
17 likely to elicit an incriminating response from an individual and
18 occurs when reasonable individuals in the same circumstances would
19 consider themselves in custody;

20 (11) "Department" means the department of children, youth, and
21 families;

22 (12) "Detention facility" means a county facility, paid for by
23 the county, for the physical confinement of a juvenile alleged to
24 have committed an offense or an adjudicated offender subject to a
25 disposition or modification order. "Detention facility" includes
26 county group homes, inpatient substance abuse programs, juvenile
27 basic training camps, and electronic monitoring;

28 (13) "Diversion unit" means any probation counselor who enters
29 into a diversion agreement with an alleged youthful offender, or any
30 other person, community accountability board, youth court under the
31 supervision of the juvenile court, or other entity with whom the
32 juvenile court administrator has contracted to arrange and supervise
33 such agreements pursuant to RCW 13.40.080, or any person, community
34 accountability board, or other entity specially funded by the
35 legislature to arrange and supervise diversion agreements in
36 accordance with the requirements of this chapter. For purposes of
37 this subsection, "community accountability board" means a board
38 comprised of members of the local community in which the juvenile
39 offender resides. The superior court shall appoint the members. The
40 boards shall consist of at least three and not more than seven

1 members. If possible, the board should include a variety of
2 representatives from the community, such as a law enforcement
3 officer, teacher or school administrator, high school student,
4 parent, and business owner, and should represent the cultural
5 diversity of the local community;

6 (14) "Foster care" means temporary physical care in a foster
7 family home or group care facility as defined in RCW 74.15.020 and
8 licensed by the department, or other legally authorized care;

9 (15) "Institution" means a juvenile facility established pursuant
10 to chapters 72.05 and 72.16 through 72.20 RCW;

11 (16) "Intensive supervision program" means a parole program that
12 requires intensive supervision and monitoring, offers an array of
13 individualized treatment and transitional services, and emphasizes
14 community involvement and support in order to reduce the likelihood a
15 juvenile offender will commit further offenses;

16 (17) "Juvenile," "youth," and "child" mean any individual who is
17 under the chronological age of 18 years and who has not been
18 previously transferred to adult court pursuant to RCW 13.40.110,
19 unless the individual was convicted of a lesser charge or acquitted
20 of the charge for which he or she was previously transferred pursuant
21 to RCW 13.40.110 or who is not otherwise under adult court
22 jurisdiction;

23 (18) "Juvenile offender" means any juvenile who has been found by
24 the juvenile court to have committed an offense, including a person
25 18 years of age or older over whom the juvenile court has
26 jurisdiction under RCW 13.40.300;

27 (19) "Labor" means the period of time before a birth during which
28 contractions are of sufficient frequency, intensity, and duration to
29 bring about effacement and progressive dilation of the cervix;

30 (20) "Local sanctions" means one or more of the following: (a)
31 0-30 days of confinement; (b) 0-12 months of community supervision;
32 or (c) 0-150 hours of community restitution;

33 (21) "Manifest injustice" means a disposition that would either
34 impose an excessive penalty on the juvenile or would impose a
35 serious, and clear danger to society in light of the purposes of this
36 chapter;

37 (22) "Monitoring and reporting requirements" means one or more of
38 the following: Curfews; requirements to remain at home, school, work,
39 or court-ordered treatment programs during specified hours;
40 restrictions from leaving or entering specified geographical areas;

1 requirements to report to the probation officer as directed and to
2 remain under the probation officer's supervision; and other
3 conditions or limitations as the court may require which may not
4 include confinement;

5 (23) "Offense" means an act designated a violation or a crime if
6 committed by an adult under the law of this state, under any
7 ordinance of any city or county of this state, under any federal law,
8 or under the law of another state if the act occurred in that state;

9 (24) "Physical restraint" means the use of any bodily force or
10 physical intervention to control a juvenile offender or limit a
11 juvenile offender's freedom of movement in a way that does not
12 involve a mechanical restraint. Physical restraint does not include
13 momentary periods of minimal physical restriction by direct person-
14 to-person contact, without the aid of mechanical restraint,
15 accomplished with limited force and designed to:

16 (a) Prevent a juvenile offender from completing an act that would
17 result in potential bodily harm to self or others or damage property;

18 (b) Remove a disruptive juvenile offender who is unwilling to
19 leave the area voluntarily; or

20 (c) Guide a juvenile offender from one location to another;

21 (25) "Postpartum recovery" means (a) the entire period a woman or
22 youth is in the hospital, birthing center, or clinic after giving
23 birth and (b) an additional time period, if any, a treating physician
24 determines is necessary for healing after the youth leaves the
25 hospital, birthing center, or clinic;

26 (26) "Probation bond" means a bond, posted with sufficient
27 security by a surety justified and approved by the court, to secure
28 the offender's appearance at required court proceedings and
29 compliance with court-ordered community supervision or conditions of
30 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
31 a deposit of cash or posting of other collateral in lieu of a bond if
32 approved by the court;

33 (27) "Respondent" means a juvenile who is alleged or proven to
34 have committed an offense;

35 (28) "Restitution" means financial reimbursement by the offender
36 to the victim, and shall be limited to easily ascertainable damages
37 for injury to or loss of property, actual expenses incurred for
38 medical treatment for physical injury to persons, lost wages
39 resulting from physical injury, and costs of the victim's counseling
40 reasonably related to the offense. Restitution shall not include

1 reimbursement for damages for mental anguish, pain and suffering, or
2 other intangible losses. Nothing in this chapter shall limit or
3 replace civil remedies or defenses available to the victim or
4 offender;

5 (29) "Restorative justice" means practices, policies, and
6 programs informed by and sensitive to the needs of crime victims that
7 are designed to encourage offenders to accept responsibility for
8 repairing the harm caused by their offense by providing safe and
9 supportive opportunities for voluntary participation and
10 communication between the victim, the offender, their families, and
11 relevant community members;

12 (30) "Restraints" means anything used to control the movement of
13 a person's body or limbs and includes:

14 (a) Physical restraint; or

15 (b) Mechanical device including but not limited to: Metal
16 handcuffs, plastic ties, ankle restraints, leather cuffs, other
17 hospital-type restraints, tasers, or batons;

18 (31) "Risk assessment tool" means the statistically valid tool
19 used by the department to inform release or placement decisions
20 related to security level, release within the sentencing range,
21 community facility eligibility, community transition services
22 eligibility, and parole. The "risk assessment tool" is used by the
23 department to predict the likelihood of successful reentry and future
24 criminal behavior;

25 (32) "Safe operational capacity" means the maximum number of
26 inmates that can reside in an institution according to RCW
27 13.40.460(9) in order to safely provide treatment aligned with
28 juvenile justice standards;

29 (33) "Screening" means a process that is designed to identify a
30 child who is at risk of having mental health, substance abuse, or co-
31 occurring mental health and substance abuse disorders that warrant
32 immediate attention, intervention, or more comprehensive assessment.
33 A screening may be undertaken with or without the administration of a
34 formal instrument;

35 (~~(33)~~) (34) "Secretary" means the secretary of the department;

36 (~~(34)~~) (35) "Services" means services which provide
37 alternatives to incarceration for those juveniles who have pleaded or
38 been adjudicated guilty of an offense or have signed a diversion
39 agreement pursuant to this chapter;

1 (~~(35)~~) (36) "Sex offense" means an offense defined as a sex
2 offense in RCW 9.94A.030;

3 (~~(36)~~) (37) "Sexual motivation" means that one of the purposes
4 for which the respondent committed the offense was for the purpose of
5 the respondent's sexual gratification;

6 (~~(37)~~) (38) "Surety" means an entity licensed under state
7 insurance laws or by the state department of licensing, to write
8 corporate, property, or probation bonds within the state, and
9 justified and approved by the superior court of the county having
10 jurisdiction of the case;

11 (~~(38)~~) (39) "Transportation" means the conveying, by any means,
12 of an incarcerated pregnant youth from the institution or detention
13 facility to another location from the moment she leaves the
14 institution or detention facility to the time of arrival at the other
15 location, and includes the escorting of the pregnant incarcerated
16 youth from the institution or detention facility to a transport
17 vehicle and from the vehicle to the other location;

18 (~~(39)~~) (40) "Violation" means an act or omission, which if
19 committed by an adult, must be proven beyond a reasonable doubt, and
20 is punishable by sanctions which do not include incarceration;

21 (~~(40)~~) (41) "Violent offense" means a violent offense as
22 defined in RCW 9.94A.030;

23 (~~(41)~~) (42) "Youth court" means a diversion unit under the
24 supervision of the juvenile court.

25 **Sec. 2.** RCW 13.40.460 and 2017 3rd sp.s. c 6 s 616 are each
26 amended to read as follows:

27 The secretary or the secretary's designee shall manage and
28 administer the department's juvenile rehabilitation responsibilities,
29 including but not limited to the operation of all state institutions
30 or facilities used for juvenile rehabilitation.

31 The secretary or the secretary's designee shall:

32 (1) Prepare a biennial budget request sufficient to meet the
33 confinement and rehabilitative needs of the juvenile rehabilitation
34 program, as forecast by the office of financial management;

35 (2) Create by rule a formal system for inmate classification.

36 This classification system shall consider:

37 (a) Public safety;

38 (b) Internal security and staff safety;

1 (c) Rehabilitative resources both within and outside the
2 department;

3 (d) An assessment of each offender's risk of sexually aggressive
4 behavior as provided in RCW 13.40.470; and

5 (e) An assessment of each offender's vulnerability to sexually
6 aggressive behavior as provided in RCW 13.40.470;

7 (3) Develop agreements with local jurisdictions to develop
8 regional facilities with a variety of custody levels;

9 (4) Adopt rules establishing effective disciplinary policies to
10 maintain order within institutions;

11 (5) Develop a comprehensive diagnostic evaluation process to be
12 used at intake, including but not limited to evaluation for substance
13 addiction or abuse, literacy, learning disabilities, fetal alcohol
14 syndrome or effect, attention deficit disorder, and mental health;

15 (6) Develop placement criteria:

16 (a) To avoid assigning youth who present a moderate or high risk
17 of sexually aggressive behavior to the same sleeping quarters as
18 youth assessed as vulnerable to sexual victimization under RCW
19 13.40.470(1)(c); and

20 (b) To avoid placing a juvenile offender on parole status who has
21 been assessed as a moderate to high risk for sexually aggressive
22 behavior in a department community residential program with another
23 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
24 youth or child in need of services under chapter 13.32A RCW; and (ii)
25 not also a juvenile offender on parole status;

26 (7) Develop a plan to implement, by July 1, 1995:

27 (a) Substance abuse treatment programs for all state juvenile
28 rehabilitation facilities and institutions;

29 (b) Vocational education and instruction programs at all state
30 juvenile rehabilitation facilities and institutions; and

31 (c) An educational program to establish self-worth and
32 responsibility in juvenile offenders. This educational program shall
33 emphasize instruction in character-building principles such as:
34 Respect for self, others, and authority; victim awareness;
35 accountability; work ethics; good citizenship; and life skills;
36 ((and))

37 (8)(a) The department shall develop uniform policies related to
38 custodial assaults consistent with RCW 72.01.045 and 9A.36.100 that
39 are to be followed in all juvenile rehabilitation facilities; and

1 (b) The department will report assaults in accordance with the
2 policies developed in (a) of this subsection;

3 (9) Develop rules related to the safe operational capacity of
4 institutions and revise those rules as necessary. In developing the
5 maximum number of inmates that constitute safe operating capacity for
6 each institution, the department must consider the following
7 conditions:

8 (a) Single-occupancy rooms;

9 (b) 10 percent of facility beds reserved for intensive management
10 unit beds and for flexibility of movement of inmates;

11 (c) Appropriate bathroom and shower ratio to inmates;

12 (d) Adequate education space to ensure that all inmates can
13 maintain a full class schedule; and

14 (e) Adequate indoor and outdoor recreation space to safely manage
15 population groups;

16 (10) Before a transfer occurs under RCW 72.01.410(2)(a)(iii),
17 take action to reduce the population of any institution when the
18 secretary concludes that the population exceeds 105 percent of the
19 safe operational capacity. When taking action under this subsection,
20 the secretary may:

21 (a) Transfer a sufficient number of people from an institution to
22 community facilities to reduce the population. When placing a person
23 in a community facility under this subsection, the secretary may
24 waive the requirements of RCW 72.05.420 (1)(b) and (3) and
25 13.40.215(1) (a) and (b); and

26 (b) Release any person adjudicated of a juvenile offense who has
27 remained in confinement for at least the minimum number of weeks
28 provided for by the person's standard range determined under RCW
29 13.40.0357;

30 (11) Monitor the number of people residing at each institution
31 and, when that number reaches 90 percent of the safe operational
32 capacity, begin planning for methods to avoid exceeding the safe
33 operational capacity at each institution. The planning under this
34 subsection must include the following:

35 (a) Notifying individuals who may be released or transferred to
36 community facilities when the secretary concludes that the population
37 exceeds 105 percent of the safe operational capacity under subsection
38 (10) of this section;

1 (b) Discussing with the department of corrections any early
2 release options for individuals convicted in an adult court of
3 offenses that occurred before turning age 18;

4 (c) Notifying individuals who may be transferred to the
5 department of corrections when the secretary concludes that the
6 population exceeds 105 percent of the safe operational capacity under
7 RCW 72.01.410(2)(a)(iii); and

8 (d) Reviewing the capacity of community facilities.

9 **Sec. 3.** RCW 72.05.420 and 1998 c 269 s 10 are each amended to
10 read as follows:

11 (1) The department shall not initially place an offender in a
12 community facility unless:

13 (a) The department has conducted a risk assessment, including a
14 determination of drug and alcohol abuse, and the results indicate the
15 juvenile will pose not more than a minimum risk to public safety; and

16 (b) ~~((The))~~ Except as provided in RCW 13.40.460(10), the offender
17 has spent at least ~~((ten))~~ 10 percent of his or her sentence, but in
18 no event less than ~~((thirty))~~ 30 days, in a secure institution
19 operated by, or under contract with, the department.

20 The risk assessment must include consideration of all prior
21 convictions and all available nonconviction data released upon
22 request under RCW 10.97.050, and any serious infractions or serious
23 violations while under the jurisdiction of the secretary or the
24 courts.

25 (2) No juvenile offender may be placed in a community facility
26 until the juvenile's student records and information have been
27 received and the department has reviewed them in conjunction with all
28 other information used for risk assessment, security classification,
29 and placement of the juvenile.

30 (3) ~~((A))~~ Except as provided in RCW 13.40.460(10), a juvenile
31 offender shall not be placed in a community facility until the
32 department's risk assessment and security classification is complete
33 and local law enforcement has been properly notified.

34 **Sec. 4.** RCW 13.40.215 and 2021 c 206 s 5 are each amended to
35 read as follows:

36 (1)(a) Except as provided in subsection (2) of this section and
37 RCW 13.40.460(10), at the earliest practicable date, and in no event
38 later than ~~((thirty))~~ 30 days before discharge, parole, or any other

1 authorized leave or release, or before transfer to a community
2 residential facility or community transition services program, the
3 secretary shall send written notice of the discharge, parole,
4 authorized leave or release, or transfer of a juvenile found to have
5 committed a violent offense, a sex offense, or stalking, to the
6 following:

7 (i) The chief of police of the city, if any, in which the
8 juvenile will reside; and

9 (ii) The sheriff of the county in which the juvenile will reside.

10 (b) (i) Except as provided in subsection (2) of this section and
11 RCW 13.40.460(10), at the earliest practicable date, and in no event
12 later than (~~thirty~~) 30 days before discharge, parole, or any other
13 authorized leave or release, or before transfer to a community
14 residential facility or community transition services program, the
15 secretary shall send written notice of the discharge, parole,
16 authorized leave or release, or transfer of an individual who is
17 found to have committed a violent offense or a sex offense, is
18 (~~twenty-one~~) 21 years of age or younger, and has not received a
19 high school diploma or its equivalent, to the designated recipient of
20 the school where the juvenile either: (A) Was enrolled prior to
21 incarceration or detention; or (B) has expressed an intention to
22 enroll following his or her release. This notice must also include
23 the restrictions described in subsection (5) of this section.

24 (ii) (~~The~~) Except as provided in RCW 13.40.460(10), the
25 community residential facility shall provide written notice of the
26 offender's criminal history to the designated recipient of any school
27 that the offender attends while residing at the community residential
28 facility and to any employer that employs the offender while residing
29 at the community residential facility.

30 (iii) As used in this subsection, "designated recipient" means:
31 (A) The superintendent of the school district, or his or her
32 designee, of a common school as defined in RCW 28A.150.020 or a
33 school that is the subject of a state-tribal education compact under
34 chapter 28A.715 RCW; (B) the administrator of a charter public school
35 governed by chapter 28A.710 RCW; or (C) the administrator of a
36 private school approved under chapter 28A.195 RCW.

37 (c) The same notice as required by (a) of this subsection shall
38 be sent to the following, if such notice has been requested in
39 writing about a specific juvenile:

1 (i) The victim of the offense for which the juvenile was found to
2 have committed or the victim's next of kin if the crime was a
3 homicide;

4 (ii) Any witnesses who testified against the juvenile in any
5 court proceedings involving the offense; and

6 (iii) Any person specified in writing by the prosecuting
7 attorney.

8 Information regarding victims, next of kin, or witnesses requesting
9 the notice, information regarding any other person specified in
10 writing by the prosecuting attorney to receive the notice, and the
11 notice are confidential and shall not be available to the juvenile.
12 The notice to the chief of police or the sheriff shall include the
13 identity of the juvenile, the residence where the juvenile will
14 reside, the identity of the person, if any, responsible for
15 supervising the juvenile, and the time period of any authorized
16 leave.

17 (d) The (~~thirty~~) 30-day notice requirements contained in this
18 subsection shall not apply to emergency medical furloughs.

19 (e) The existence of the notice requirements in this subsection
20 will not require any extension of the release date in the event the
21 release plan changes after notification.

22 (2)(a) If a juvenile found to have committed a violent offense, a
23 sex offense, or stalking escapes from a facility of the department,
24 the secretary shall immediately notify, by the most reasonable and
25 expedient means available, the chief of police of the city and the
26 sheriff of the county in which the juvenile resided immediately
27 before the juvenile's arrest. If previously requested, the secretary
28 shall also notify the witnesses and the victim of the offense which
29 the juvenile was found to have committed or the victim's next of kin
30 if the crime was a homicide. If the juvenile is recaptured, the
31 secretary shall send notice to the persons designated in this
32 subsection as soon as possible but in no event later than two working
33 days after the department learns of such recapture.

34 (b) The secretary may authorize a leave, for a juvenile found to
35 have committed a violent offense, a sex offense, or stalking, which
36 shall not exceed (~~forty-eight~~) 48 hours plus travel time, to meet
37 an emergency situation such as a death or critical illness of a
38 member of the juvenile's family. The secretary may authorize a leave,
39 which shall not exceed the time medically necessary, to obtain
40 medical care not available in a juvenile facility maintained by the

1 department. Prior to the commencement of an emergency or medical
2 leave, the secretary shall give notice of the leave to the
3 appropriate law enforcement agency in the jurisdiction in which the
4 juvenile will be during the leave period. The notice shall include
5 the identity of the juvenile, the time period of the leave, the
6 residence of the juvenile during the leave, and the identity of the
7 person responsible for supervising the juvenile during the leave. If
8 previously requested, the department shall also notify the witnesses
9 and victim of the offense which the juvenile was found to have
10 committed or the victim's next of kin if the offense was a homicide.

11 In case of an emergency or medical leave the secretary may waive
12 all or any portion of the requirements for leaves pursuant to RCW
13 13.40.205 (2)(a), (3), (4), and (5).

14 (3) If the victim, the victim's next of kin, or any witness is
15 under the age of (~~sixteen~~) 16, the notice required by this section
16 shall be sent to the parents or legal guardian of the child.

17 (4) The secretary shall send the notices required by this chapter
18 to the last address provided to the department by the requesting
19 party. The requesting party shall furnish the department with a
20 current address.

21 (5) Upon discharge, parole, transfer to a community residential
22 facility, or other authorized leave or release, a convicted juvenile
23 sex offender shall not attend a public or approved private
24 elementary, middle, or high school that is attended by a victim or a
25 sibling of a victim of the sex offender. The parents or legal
26 guardians of the convicted juvenile sex offender shall be responsible
27 for transportation or other costs associated with or required by the
28 sex offender's change in school that otherwise would be paid by a
29 school district.

30 (6) For purposes of this section the following terms have the
31 following meanings:

32 (a) "Violent offense" means a violent offense under RCW
33 9.94A.030;

34 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

35 (c) "Stalking" means the crime of stalking as defined in RCW
36 9A.46.110;

37 (d) "Next of kin" means a person's spouse, parents, siblings, and
38 children.

1 **Sec. 5.** RCW 72.01.410 and 2019 c 322 s 2 are each amended to
2 read as follows:

3 (1) Whenever any person is convicted as an adult in the courts of
4 this state of a felony offense committed under the age of
5 ~~((eighteen))~~ 18, and is committed for a term of confinement, that
6 person shall be initially placed in a facility operated by the
7 department of children, youth, and families unless the facility in
8 which they are to be placed is at or above 105 percent of the safe
9 operational capacity as described in RCW 13.40.460(9) and the person
10 is over the age of 21 at the time of placement with an earned release
11 date after the age of 26. The department of corrections shall
12 determine the person's earned release date.

13 (a) While in the custody of the department of children, youth,
14 and families, the person must have the same treatment, housing
15 options, ~~((transfer,))~~ and access to program resources as any other
16 person committed to that juvenile correctional facility or
17 institution pursuant to chapter 13.40 RCW. Except as provided under
18 ~~((d) of this))~~ (3) of this section, treatment, placement,
19 and program decisions shall be at the sole discretion of the
20 department of children, youth, and families. ~~((The person shall not~~
21 ~~be transferred to the custody of the department of corrections~~
22 ~~without the approval of the department of children, youth, and~~
23 ~~families until the person reaches the age of twenty-five.))~~

24 (b) If the person's sentence includes a term of community
25 custody, the department of children, youth, and families shall not
26 release the person to community custody until the department of
27 corrections has approved the person's release plan pursuant to RCW
28 9.94A.729(5)(b). If a person is held past his or her earned release
29 date pending release plan approval, the department of children,
30 youth, and families shall retain custody until a plan is approved or
31 the person completes the ordered term of confinement prior to age
32 ~~((twenty-five))~~ 25.

33 ~~((c))~~ (2)(a) The department of children, youth, and families
34 may not transfer a person placed in a facility operated by the
35 department of children, youth, and families under this section to the
36 custody of the department of corrections until the person reaches the
37 age of 25, unless it is established at a hearing before a review
38 board that one of the following exceptions applies:

39 (i) If the department of children, youth, and families
40 ~~((determines))~~ establishes that ~~((retaining custody))~~ continued

1 placement of the person in a facility of the department of children,
2 youth, and families presents a significant safety risk to other
3 people in the facility, the department of children, youth, and
4 families may transfer the person to the custody of the department of
5 corrections;

6 (ii) Any person who is at least 18 years old may request to be
7 transferred to the custody of the department of corrections, and the
8 review board must determine that the person is making a knowing,
9 voluntary and willing transfer. The department of children, youth,
10 and families shall coordinate with the department of corrections to
11 transfer any person that makes a transfer request under this
12 subsection. The department of corrections shall place individuals who
13 voluntarily transfer to their custody under this subsection directly
14 into any placement that is agreed to by the department of corrections
15 without first placing the individual in a facility designed for
16 classification. Transfers that occur under this subsection may not
17 occur until a department of corrections classification has been
18 established and placement eligibility has been confirmed; and

19 (iii) After taking the steps outlined in RCW 13.40.460(10) to
20 release or transfer individuals to community facilities, if the
21 population of the juvenile rehabilitation institution exceeds 105
22 percent of the safe operational capacity as described in RCW
23 13.40.460(9), the secretary of the department of children, youth, and
24 families may identify a sufficient number of persons who are placed
25 in a facility operated by the department of children, youth, and
26 families under this section that must transfer to the custody of the
27 department of corrections in order to reduce the population of the
28 facility to a safe operational capacity, and the review board will
29 determine whether the conditions outlined in this subsection apply.

30 (b) In determining which persons to transfer under (a)(iii) of
31 this subsection, the department of children, youth, and families
32 shall prioritize transfer of the oldest individuals who have the
33 longest terms of confinement that will be served in the custody of
34 the department of corrections after their 25th birthday.

35 ~~((d))~~ (3) The department of corrections must retain authority
36 over custody decisions relating to a person whose earned release date
37 is on or after the person's ~~(twenty-fifth)~~ 25th birthday and who is
38 placed in a facility operated by the department of children, youth,
39 and families under this section, unless the person qualifies for
40 partial confinement under RCW 72.01.412, and must approve any leave

1 from the facility. When the person turns age (~~(twenty-five)~~) 25, he
2 or she must be transferred to the department of corrections, except
3 as described under RCW 72.01.412. The department of children, youth,
4 and families has all routine and day-to-day operations authority for
5 the person while the person is in its custody.

6 (~~((2))~~) (4)(a) Except as provided in (b) and (c) of this
7 subsection, a person under the age of (~~(eighteen)~~) 18 who is
8 transferred to the custody of the department of corrections must be
9 placed in a housing unit, or a portion of a housing unit, that is
10 separated from other persons in custody who are (~~(eighteen)~~) 18 years
11 of age or older, until the person reaches the age of (~~(eighteen)~~) 18.

12 (b) A person who is transferred to the custody of the department
13 of corrections and reaches (~~(eighteen)~~) 18 years of age may remain in
14 a housing unit for persons under the age of (~~(eighteen)~~) 18 if the
15 secretary of corrections determines that: (i) The person's needs and
16 the rehabilitation goals for the person could continue to be better
17 met by the programs and housing environment that is separate from
18 other persons in custody who are (~~(eighteen)~~) 18 years of age and
19 older; and (ii) the programs or housing environment for persons under
20 the age of (~~(eighteen)~~) 18 will not be substantially affected by the
21 continued placement of the person in that environment. The person may
22 remain placed in a housing unit for persons under the age of
23 (~~(eighteen)~~) 18 until such time as the secretary of corrections
24 determines that the person's needs and goals are no longer better met
25 in that environment but in no case past the person's (~~(twenty-fifth)~~)
26 25th birthday.

27 (c) A person transferred to the custody of the department of
28 corrections who is under the age of (~~(eighteen)~~) 18 may be housed in
29 an intensive management unit or administrative segregation unit
30 containing offenders (~~(eighteen)~~) 18 years of age or older if it is
31 necessary for the safety or security of the offender or staff. In
32 these cases, the offender must be kept physically separate from other
33 offenders at all times.

34 (~~((3) The department of children, youth, and families must review
35 the placement of a person over age twenty-one in the custody of the
36 department of children, youth, and families under this section to
37 determine whether the person should be transferred to the custody of
38 the department of corrections. The department of children, youth, and
39 families may determine the frequency of the review required under
40 this subsection, but the review must occur at least once before the~~

1 ~~person reaches age twenty-three if the person's commitment period in~~
2 ~~a juvenile institution extends beyond the person's twenty-third~~
3 ~~birthday)) (5) The department of children, youth, and families shall~~
4 ~~review the placement of persons age 21 or older who are placed in the~~
5 ~~custody of the department of children, youth, and families under this~~
6 ~~section to provide information to individuals regarding voluntary~~
7 ~~transfer to the custody of the department of corrections under~~
8 ~~subsection (2)(a)(ii) of this section based on considerations of the~~
9 ~~inmate's treatment needs, goals, future plans, length of confinement,~~
10 ~~classification, and current behavior.~~

11 (a) The department of children, youth, and families may determine
12 the frequency of the review required under this subsection, but the
13 review must occur at least once before the person turns age 23 if the
14 person's commitment period in a juvenile institution extends beyond
15 the person's 23rd birthday.

16 (b) At the review required under this subsection, the department
17 of children, youth, and families and the department of corrections
18 must provide information to the person on all available placement
19 options and availability, and a person's specific eligibility for
20 placement.

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