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**SENATE BILL 5255**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Christian and Braun

Read first time 01/14/25. Referred to Committee on Human Services.

1 AN ACT Relating to juvenile detention pending disposition of a  
2 crime; and amending RCW 13.40.040 and 13.40.020.

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

4 **Sec. 1.** RCW 13.40.040 and 2017 3rd sp.s. c 6 s 606 are each  
5 amended to read as follows:

6 (1) A juvenile may be taken into custody:

7 (a) Pursuant to a court order if a complaint is filed with the  
8 court alleging, and the court finds probable cause to believe, that  
9 the juvenile has committed an offense or has violated terms of a  
10 disposition order or release order; or

11 (b) Without a court order, by a law enforcement officer if  
12 grounds exist for the arrest of an adult in identical circumstances.  
13 Admission to, and continued custody in, a court detention facility  
14 shall be governed by subsection (2) of this section; or

15 (c) Pursuant to a court order that the juvenile be held as a  
16 material witness; or

17 (d) Where the secretary or the secretary's designee has suspended  
18 the parole of a juvenile offender.

19 (2) A juvenile may not be held in detention unless there is  
20 probable cause to believe that:

1 (a) The juvenile has committed an offense or has violated the  
2 terms of a disposition order; and

3 (i) The juvenile will likely fail to appear for further  
4 proceedings; or

5 (ii) Detention is required to protect the juvenile from himself  
6 or herself; or

7 (iii) The juvenile is a threat to community safety; or

8 (iv) The juvenile will intimidate witnesses or otherwise  
9 unlawfully interfere with the administration of justice; or

10 (v) The juvenile has committed a crime while another case was  
11 pending; or

12 (vi) The juvenile is alleged to have committed a crime with a  
13 firearm or is alleged to have access to an unlawfully possessed  
14 firearm; or

15 (vii) The juvenile is alleged to have committed a crime with a  
16 stolen vehicle or is alleged to have stolen or taken a vehicle  
17 without permission; or

18 (b) The juvenile is a fugitive from justice; or

19 (c) The juvenile's parole has been suspended or modified; or

20 (d) The juvenile is a material witness.

21 (3) Notwithstanding subsection (2) of this section, and within  
22 available funds, a juvenile who has been found guilty of one of the  
23 following offenses shall be detained pending disposition: Rape in the  
24 first or second degree (RCW 9A.44.040 and 9A.44.050); (~~or~~) rape of  
25 a child in the first degree (RCW 9A.44.073); unlawful possession of a  
26 firearm in the first or second degree (RCW 9.41.040); a motor vehicle  
27 theft offense as defined in RCW 13.40.020; or any violent offense or  
28 serious violent offense as defined in RCW 9.94A.030.

29 (4) Upon a finding that members of the community have threatened  
30 the health of a juvenile taken into custody, at the juvenile's  
31 request the court may order continued detention pending further order  
32 of the court.

33 (5) Except as provided in RCW 9.41.280, a juvenile detained under  
34 this section may be released upon posting a probation bond set by the  
35 court. The juvenile's parent or guardian may sign for the probation  
36 bond. A court authorizing such a release shall issue an order  
37 containing a statement of conditions imposed upon the juvenile and  
38 shall set the date of his or her next court appearance. The court  
39 shall advise the juvenile of any conditions specified in the order  
40 and may at any time amend such an order in order to impose additional

1 or different conditions of release upon the juvenile or to return the  
2 juvenile to custody for failing to conform to the conditions imposed.  
3 In addition to requiring the juvenile to appear at the next court  
4 date, the court may condition the probation bond on the juvenile's  
5 compliance with conditions of release. The juvenile's parent or  
6 guardian may notify the court that the juvenile has failed to conform  
7 to the conditions of release or the provisions in the probation bond.  
8 If the parent notifies the court of the juvenile's failure to comply  
9 with the probation bond, the court shall notify the surety. As  
10 provided in the terms of the bond, the surety shall provide notice to  
11 the court of the offender's noncompliance. A juvenile may be released  
12 only to a responsible adult or the department of children, youth, and  
13 families. Failure to appear on the date scheduled by the court  
14 pursuant to this section shall constitute the crime of bail jumping.

15 **Sec. 2.** RCW 13.40.020 and 2024 c 117 s 4 are each amended to  
16 read as follows:

17 For the purposes of this chapter:

18 (1) "Assessment" means an individualized examination of a child  
19 to determine the child's psychosocial needs and problems, including  
20 the type and extent of any mental health, substance abuse, or co-  
21 occurring mental health and substance abuse disorders, and  
22 recommendations for treatment. "Assessment" includes, but is not  
23 limited to, drug and alcohol evaluations, psychological and  
24 psychiatric evaluations, records review, clinical interview, and  
25 administration of a formal test or instrument;

26 (2) "Community-based rehabilitation" means one or more of the  
27 following: Employment; attendance of information classes; literacy  
28 classes; counseling, outpatient substance abuse treatment programs,  
29 outpatient mental health programs, anger management classes,  
30 education or outpatient treatment programs to prevent animal cruelty,  
31 or other services including, when appropriate, restorative justice  
32 programs; or attendance at school or other educational programs  
33 appropriate for the juvenile as determined by the school district.  
34 Placement in community-based rehabilitation programs is subject to  
35 available funds;

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

38 (4) "Community restitution" means compulsory service, without  
39 compensation, performed for the benefit of the community by the

1 offender as punishment for committing an offense. Community  
2 restitution may be performed through public or private organizations  
3 or through work crews;

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

- 17 (a) Community-based sanctions;
- 18 (b) Community-based rehabilitation;
- 19 (c) Monitoring and reporting requirements;
- 20 (d) Posting of a probation bond;

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

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

- 32 (A) The referral is necessary to rehabilitate the child;
- 33 (B) The referral is necessary to protect the public or the child;
- 34 (C) The referral is in the child's best interest;

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

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

39 (ii) In any case where a court orders a child to inpatient  
40 treatment under this section, the court must hold a review hearing no

1 later than 60 days after the youth begins inpatient treatment, and  
2 every 30 days thereafter, as long as the youth is in inpatient  
3 treatment;

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

6 (a) A person serves a portion of their term of confinement  
7 residing in the community, outside of department institutions and  
8 community facilities;

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

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

15 (d) The department prioritizes the delivery of available  
16 programming from individuals who share characteristics with the  
17 individual being served related to: Race, ethnicity, sexual identity,  
18 and gender identity;

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

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

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

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

38 (b) The criminal complaint was diverted by a prosecutor pursuant  
39 to the provisions of this chapter on agreement of the respondent and  
40 after an advisement to the respondent that the criminal complaint

1 would be considered as part of the respondent's criminal history. A  
2 successfully completed deferred adjudication that was entered before  
3 July 1, 1998, or a deferred disposition shall not be considered part  
4 of the respondent's criminal history;

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

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

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

18 (13) "Diversion unit" means any probation counselor who enters  
19 into a diversion agreement with an alleged youthful offender, or any  
20 other person, community accountability board, youth court under the  
21 supervision of the juvenile court, or other entity with whom the  
22 juvenile court administrator has contracted to arrange and supervise  
23 such agreements pursuant to RCW 13.40.080, or any person, community  
24 accountability board, or other entity specially funded by the  
25 legislature to arrange and supervise diversion agreements in  
26 accordance with the requirements of this chapter. For purposes of  
27 this subsection, "community accountability board" means a board  
28 comprised of members of the local community in which the juvenile  
29 offender resides. The superior court shall appoint the members. The  
30 boards shall consist of at least three and not more than seven  
31 members. If possible, the board should include a variety of  
32 representatives from the community, such as a law enforcement  
33 officer, teacher or school administrator, high school student,  
34 parent, and business owner, and should represent the cultural  
35 diversity of the local community;

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

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

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

6 (17) "Juvenile," "youth," and "child" mean any individual who is  
7 under the chronological age of 18 years and who has not been  
8 previously transferred to adult court pursuant to RCW 13.40.110,  
9 unless the individual was convicted of a lesser charge or acquitted  
10 of the charge for which he or she was previously transferred pursuant  
11 to RCW 13.40.110 or who is not otherwise under adult court  
12 jurisdiction;

13 (18) "Juvenile offender" means any juvenile who has been found by  
14 the juvenile court to have committed an offense, including a person  
15 18 years of age or older over whom the juvenile court has  
16 jurisdiction under RCW 13.40.300;

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

20 (20) "Local sanctions" means one or more of the following: (a)  
21 0-30 days of confinement; (b) 0-12 months of community supervision;  
22 or (c) 0-150 hours of community restitution;

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

27 (22) "Monitoring and reporting requirements" means one or more of  
28 the following: Curfews; requirements to remain at home, school, work,  
29 or court-ordered treatment programs during specified hours;  
30 restrictions from leaving or entering specified geographical areas;  
31 requirements to report to the probation officer as directed and to  
32 remain under the probation officer's supervision; and other  
33 conditions or limitations as the court may require which may not  
34 include confinement;

35 (23) "Motor vehicle theft offenses" includes:

36 (a) Possession of a stolen vehicle (RCW 9A.56.068);

37 (b) Theft of a motor vehicle (RCW 9A.56.065);

38 (c) Taking a motor vehicle without permission in the first degree  
39 (RCW 9A.56.070); and

1 (d) Taking a motor vehicle without permission in the second  
2 degree (RCW 9A.56.075);

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

7 ~~((24))~~ (25) "Physical restraint" means the use of any bodily  
8 force or physical intervention to control a juvenile offender or  
9 limit a juvenile offender's freedom of movement in a way that does  
10 not involve a mechanical restraint. Physical restraint does not  
11 include momentary periods of minimal physical restriction by direct  
12 person-to-person contact, without the aid of mechanical restraint,  
13 accomplished with limited force and designed to:

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

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

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

19 ~~((25))~~ (26) "Postpartum recovery" means (a) the entire period a  
20 woman or youth is in the hospital, birthing center, or clinic after  
21 giving birth and (b) an additional time period, if any, a treating  
22 physician determines is necessary for healing after the youth leaves  
23 the hospital, birthing center, or clinic;

24 ~~((26))~~ (27) "Probation bond" means a bond, posted with  
25 sufficient security by a surety justified and approved by the court,  
26 to secure the offender's appearance at required court proceedings and  
27 compliance with court-ordered community supervision or conditions of  
28 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
29 a deposit of cash or posting of other collateral in lieu of a bond if  
30 approved by the court;

31 ~~((27))~~ (28) "Respondent" means a juvenile who is alleged or  
32 proven to have committed an offense;

33 ~~((28))~~ (29) "Restitution" means financial reimbursement by the  
34 offender to the victim, and shall be limited to easily ascertainable  
35 damages for injury to or loss of property, actual expenses incurred  
36 for medical treatment for physical injury to persons, lost wages  
37 resulting from physical injury, and costs of the victim's counseling  
38 reasonably related to the offense. Restitution shall not include  
39 reimbursement for damages for mental anguish, pain and suffering, or  
40 other intangible losses. Nothing in this chapter shall limit or



1 replace civil remedies or defenses available to the victim or  
2 offender;

3 ~~((29))~~ (30) "Restorative justice" means practices, policies,  
4 and programs informed by and sensitive to the needs of crime victims  
5 that are designed to encourage offenders to accept responsibility for  
6 repairing the harm caused by their offense by providing safe and  
7 supportive opportunities for voluntary participation and  
8 communication between the victim, the offender, their families, and  
9 relevant community members;

10 ~~((30))~~ (31) "Restraints" means anything used to control the  
11 movement of a person's body or limbs and includes:

12 (a) Physical restraint; or

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

16 ~~((31))~~ (32) "Risk assessment tool" means the statistically  
17 valid tool used by the department to inform release or placement  
18 decisions related to security level, release within the sentencing  
19 range, community facility eligibility, community transition services  
20 eligibility, and parole. The "risk assessment tool" is used by the  
21 department to predict the likelihood of successful reentry and future  
22 criminal behavior;

23 ~~((32))~~ (33) "Screening" means a process that is designed to  
24 identify a child who is at risk of having mental health, substance  
25 abuse, or co-occurring mental health and substance abuse disorders  
26 that warrant immediate attention, intervention, or more comprehensive  
27 assessment. A screening may be undertaken with or without the  
28 administration of a formal instrument;

29 ~~((33))~~ (34) "Secretary" means the secretary of the department;

30 ~~((34))~~ (35) "Serious threat to public safety" includes, but is  
31 not limited to, a threat to community safety;

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

36 ~~((35))~~ (37) "Sex offense" means an offense defined as a sex  
37 offense in RCW 9.94A.030;

38 ~~((36))~~ (38) "Sexual motivation" means that one of the purposes  
39 for which the respondent committed the offense was for the purpose of  
40 the respondent's sexual gratification;

1       (~~(37)~~) (39) "Surety" means an entity licensed under state  
2 insurance laws or by the state department of licensing, to write  
3 corporate, property, or probation bonds within the state, and  
4 justified and approved by the superior court of the county having  
5 jurisdiction of the case;

6       (~~(38)~~) (40) "Threat to community safety" includes, but is not  
7 limited to, when there is probable cause to believe that a juvenile  
8 has caused or will cause:

9       (a) Harm to themselves;

10       (b) Harm to another; or

11       (c) Harm to the property of another;

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

19       (~~(39)~~) (42) "Violation" means an act or omission, which if  
20 committed by an adult, must be proven beyond a reasonable doubt, and  
21 is punishable by sanctions which do not include incarceration;

22       (~~(40)~~) (43) "Violent offense" means a violent offense as  
23 defined in RCW 9.94A.030;

24       (~~(41)~~) (44) "Youth court" means a diversion unit under the  
25 supervision of the juvenile court.

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