
SENATE BILL 5278

State of Washington

69th Legislature

2025 Regular Session

By Senators Braun, Christian, Dozier, and J. Wilson

Read first time 01/15/25. Referred to Committee on Human Services.

1 AN ACT Relating to emergency measures for managing juvenile
2 populations at state juvenile correctional institutions; amending RCW
3 72.01.410 and 13.40.280; adding new sections to chapter 13.40 RCW;
4 and adding a new section to chapter 72.01 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40
7 RCW to read as follows:

8 The legislature finds that the youth of Washington state are
9 among its most valuable resources and that the principles enumerated
10 in RCW 13.40.010 are reaffirmed. Overcrowding, violence, and
11 increases in juvenile crime are preventing institutions from carrying
12 out the rehabilitation of youthful offenders.

13 Furthermore, the legislature recognizes the need for the
14 department to safely manage the populations of its institutions and
15 protect both youth in its care and state employees. The state of
16 Washington remains firmly committed to the principles of
17 rehabilitation and punishing offenders for the harms they commit
18 against victims and the public.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40
20 RCW to read as follows:

1 The department shall promulgate rules establishing the safe
2 operational capacity of all juvenile correctional institutions and
3 community facilities under its control. The department shall revise
4 those rules as necessary.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40
6 RCW to read as follows:

7 (1)(a) When the secretary concludes that the in-residence
8 population of any secure juvenile correctional institution exceeds
9 105 percent of the rated bed capacity, the secretary may transfer a
10 sufficient number of offenders from the secure institution to
11 community facilities to reduce the in-residence population at the
12 secure institution to 100 percent of rated bed capacity.

13 (b) The following offenders shall not be transferred:

14 (i) An offender adjudicated of a violent offense or a sex
15 offense, as defined in RCW 9.94A.030;

16 (ii) An offender that is a risk to public safety;

17 (iii) An offender that is a serious threat to the safety of
18 others in the institution, as determined by a hearing conducted under
19 RCW 13.40.280;

20 (iv) An offender that would be better served by the services
21 provided at an institution; or

22 (v) An offender with a history of infractions at an institution
23 and who would be unable to comply with residential disciplinary
24 standards established by the department.

25 (c) When placing an offender at a community facility under this
26 section, the secretary shall comply with RCW 72.05.420, except the
27 requirements of RCW 72.05.420(1)(b) may be waived.

28 (2)(a) When the secretary concludes that the in-residence
29 population of any secure juvenile correctional institution exceeds
30 105 percent of the rated bed capacity and the rehabilitative goals of
31 the institution cannot be met, the secretary shall, with consent of
32 the secretary of the department of corrections, transfer a sufficient
33 number of offenders from the secure institution to the department of
34 corrections to reduce the in-residence population of the secure
35 institution to 100 percent of rated bed capacity.

36 (b) The following offenders shall be transferred:

37 (i) Any offender over the age of 18; and

38 (ii) Any offender who has a term of confinement or earned release
39 date that extends beyond the offender's 25th birthday.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.01
2 RCW to read as follows:

3 (1) Any person, who is at least 18 years old of age and is placed
4 in a juvenile correctional facility pursuant to RCW 72.01.410, may
5 request that the person be transferred to the department of
6 corrections. The secretary of the department of children, youth, and
7 families, with consent of the secretary of the department of
8 corrections, may transfer any person that makes such a request under
9 this section.

10 (2) When approving or denying a request to transfer under this
11 section, the secretary of the department of children, youth, and
12 families shall consider the following factors:

13 (a) The nature of the request;

14 (b) The safety of the person making the request;

15 (c) The safety of the institution and the public;

16 (d) The safety of any victims;

17 (e) The severity of any offense committed;

18 (f) Whether the person's transfer to the department of
19 corrections will affect the rehabilitative goals of the person; and

20 (g) Any other information necessary.

21 (2) This section does not create any legal rights.

22 (3) The secretary of the department of children, youth, and
23 families and the secretary of the department of corrections shall
24 develop a form for a person to make a transfer request.

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

27 (1) Whenever any person is convicted as an adult in the courts of
28 this state of a felony offense committed under the age of
29 (~~eighteen~~) 18, and is committed for a term of confinement, that
30 person shall be initially placed in a facility operated by the
31 department of children, youth, and families. The department of
32 corrections shall determine the person's earned release date.

33 (a) While in the custody of the department of children, youth,
34 and families, the person must have the same treatment, housing
35 options, transfer, and access to program resources as any other
36 person committed to that juvenile correctional facility or
37 institution pursuant to chapter 13.40 RCW. Except as provided under
38 (d) of this subsection, treatment, placement, and program decisions
39 shall be at the sole discretion of the department of children, youth,

1 and families. ((The)) Except as provided in subsection (4) of this
2 section, the person shall not be transferred to the custody of the
3 department of corrections without the approval of the department of
4 children, youth, and families until the person reaches the age of
5 ((~~twenty-five~~)) 25.

6 (b) If the person's sentence includes a term of community
7 custody, the department of children, youth, and families shall not
8 release the person to community custody until the department of
9 corrections has approved the person's release plan pursuant to RCW
10 9.94A.729(5)(b). If a person is held past his or her earned release
11 date pending release plan approval, the department of children,
12 youth, and families shall retain custody until a plan is approved or
13 the person completes the ordered term of confinement prior to age
14 ((~~twenty-five~~)) 25.

15 (c) If the department of children, youth, and families determines
16 that retaining custody of the person in a facility of the department
17 of children, youth, and families presents a significant safety risk,
18 the department of children, youth, and families may transfer the
19 person to the custody of the department of corrections. Pursuant to
20 subsection (4) of this section, any assault or serious bodily harm to
21 staff or inappropriate sexual relations between a staff person and a
22 person in the custody of the department of children, youth, and
23 families shall be deemed to be a significant safety risk.

24 (d) The department of corrections must retain authority over
25 custody decisions relating to a person whose earned release date is
26 on or after the person's ((~~twenty-fifth~~)) 25th birthday and who is
27 placed in a facility operated by the department of children, youth,
28 and families under this section, unless the person qualifies for
29 partial confinement under RCW 72.01.412, and must approve any leave
30 from the facility. When the person turns age ((~~twenty-five~~)) 25, ((~~he~~
31 ~~or she~~)) the person must be transferred to the department of
32 corrections, except as described under RCW 72.01.412. The department
33 of children, youth, and families has all routine and day-to-day
34 operations authority for the person while the person is in its
35 custody.

36 (2)(a) Except as provided in (b) and (c) of this subsection, a
37 person under the age of ((~~eighteen~~)) 18 who is transferred to the
38 custody of the department of corrections must be placed in a housing
39 unit, or a portion of a housing unit, that is separated from other

1 persons in custody who are (~~eighteen~~) 18 years of age or older,
2 until the person reaches the age of (~~eighteen~~) 18.

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

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

25 (3) The department of children, youth, and families must review
26 the placement of a person over age (~~twenty-one~~) 21 in the custody
27 of the department of children, youth, and families under this section
28 to determine whether the person should be transferred to the custody
29 of the department of corrections. The department of children, youth,
30 and families may determine the frequency of the review required under
31 this subsection, but the review must occur at least once before the
32 person reaches age (~~twenty-three~~) 23 if the person's commitment
33 period in a juvenile institution extends beyond the person's
34 (~~twenty-third~~) 23rd birthday.

35 (4)(a) A person shall be transferred to the custody of the
36 department of corrections from the department of children, youth, and
37 families before the person reaches the age of 25 if:

38 (i) The secretary of the department of children, youth, and
39 families has reasonable cause to believe that sexual intercourse or
40 sexual contact between an employee and the person in the custody of

1 the department of children, youth, and families has occurred, per RCW
2 13.40.570, unless the person was a victim; or

3 (ii) The person assaults a department employee or staff member
4 who was performing official duties at the time of the assault under
5 RCW 9A.36.100.

6 (b) The hearing requirements in RCW 13.40.280 do not apply to a
7 person transferred to the department of corrections under this
8 subsection (4).

9 NEW SECTION. Sec. 6. A new section is added to chapter 13.40
10 RCW to read as follows:

11 (1) A juvenile in the custody of the department may be
12 transferred to the custody of the department of corrections under
13 this section if the department determines that retaining custody of
14 the juvenile in a facility of the department presents a significant
15 safety risk. Any assault or serious bodily harm to staff or
16 inappropriate sexual relations between a staff person and a juvenile
17 in the custody of the department shall be deemed to be a significant
18 safety risk.

19 (2) A juvenile shall be transferred to the custody of the
20 department of corrections from the department if:

21 (a) The secretary has reasonable cause to believe that sexual
22 intercourse or sexual contact between an employee and juvenile in the
23 custody of the department has occurred, per RCW 13.40.570, unless the
24 juvenile was a victim; or

25 (b) The juvenile assaults a department employee or staff member
26 who was performing official duties at the time of the assault under
27 RCW 9A.36.100.

28 (3) (a) Except as provided in (b) and (c) of this subsection, a
29 juvenile under the age of 18 who is transferred to the custody of the
30 department of corrections under this section must be placed in a
31 housing unit, or a portion of a housing unit, that is separated from
32 other persons in custody who are 18 years of age or older, until the
33 juvenile reaches the age of 18.

34 (b) A juvenile who is transferred to the custody of the
35 department of corrections and reaches 18 years of age may remain in a
36 housing unit for persons under the age of 18 if the secretary of
37 corrections determines that: (i) The juvenile's needs and the
38 rehabilitation goals for the juvenile could continue to be better met
39 by the programs and housing environment that is separate from other

1 persons in custody who are 18 years of age and older; and (ii) the
2 programs or housing environment for persons under the age of 18 will
3 not be substantially affected by the continued placement of the
4 person in that environment. The juvenile may remain placed in a
5 housing unit for persons under the age of 18 until such time as the
6 secretary of corrections determines that the juvenile's needs and
7 goals are no longer better met in that environment but in no case
8 past the juvenile's 25th birthday.

9 (c) A juvenile transferred to the custody of the department of
10 corrections under this section who is under the age of 18 may be
11 housed in an intensive management unit or administrative segregation
12 unit containing offenders 18 years of age or older if it is necessary
13 for the safety or security of the juvenile or staff. In these cases,
14 the juvenile must be kept physically separate from other offenders at
15 all times.

16 (4) The hearing requirements in RCW 13.40.280 do not apply to a
17 juvenile transferred to the department of corrections under this
18 section.

19 **Sec. 7.** RCW 13.40.280 and 2017 3rd sp.s. c 6 s 611 are each
20 amended to read as follows:

21 (1) The secretary of the department of children, youth, and
22 families, with the consent of the secretary of the department of
23 corrections, has the authority to transfer a juvenile presently or
24 hereafter committed to the department of children, youth, and
25 families to the department of corrections for appropriate
26 institutional placement in accordance with this section.

27 (2) The secretary of the department of children, youth, and
28 families may, with the consent of the secretary of the department of
29 corrections, transfer a juvenile offender to the department of
30 corrections if it is established at a hearing before a review board
31 that continued placement of the juvenile offender in an institution
32 for juvenile offenders presents a continuing and serious threat to
33 the safety of others in the institution. The department of children,
34 youth, and families shall establish rules for the conduct of the
35 hearing, including provision of counsel for the juvenile offender.

36 (3) (~~(Assaults made against any staff member at a juvenile~~
37 ~~corrections institution that are reported to a local law enforcement~~
38 ~~agency shall require a hearing held by the department of children,~~
39 ~~youth, and families review board within ten judicial working days.))~~

1 The following offenses shall require a hearing held by the department
2 of children, youth, and families review board within 10 judicial
3 working days:

4 (a) Prison riot; or

5 (b) Possession of any narcotic drug or controlled substance,
6 alcohol, cannabis, or other intoxicant, or a cell phone, or other
7 form of electronic telecommunications device. The board shall
8 determine whether the accused juvenile offender represents a
9 continuing and serious threat to the safety of others in the
10 institution.

11 (4) Upon conviction in a court of law for ~~((custodial))~~: (i)
12 Custodial assault as defined in RCW 9A.36.100; (ii) prison riot as
13 defined in RCW 9.94.010; or (iii) possession of any narcotic drug or
14 controlled substance, alcohol, cannabis, or other intoxicant, or cell
15 phone, or other form of electronic telecommunications device as
16 defined in RCW 9.94.041, if the person was not transferred to the
17 department of corrections after the first hearing under subsection
18 (2) of this section, the department of children, youth, and families
19 review board shall conduct a second hearing, within five judicial
20 working days, to recommend to the secretary of the department of
21 children, youth, and families that the convicted juvenile be
22 transferred to an adult correctional facility if the review board has
23 determined the juvenile offender represents a continuing and serious
24 threat to the safety of others in the institution.

25 The juvenile has the burden to show cause why the transfer to an
26 adult correctional facility should not occur.

27 (5) A juvenile offender transferred to an institution operated by
28 the department of corrections shall not remain in such an institution
29 beyond the maximum term of confinement imposed by the juvenile court.

30 (6) A juvenile offender who has been transferred to the
31 department of corrections under this section may, in the discretion
32 of the secretary of the department of children, youth, and families
33 and with the consent of the secretary of the department of
34 corrections, be transferred from an institution operated by the
35 department of corrections to a facility for juvenile offenders deemed
36 appropriate by the secretary.

1 (7) The hearing requirements of this section do not apply to
2 persons transferred to the department of corrections under section 6
3 of this act or RCW 72.01.410(4).

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