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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5296

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State of Washington

69th Legislature

2025 Regular Session

By Senate Ways & Means (originally sponsored by Senators C. Wilson, Frame, Nobles, Slatter, and Trudeau)

READ FIRST TIME 02/28/25.

1 AN ACT Relating to improving outcomes for individuals adjudicated  
2 of juvenile offenses by increasing opportunities for community  
3 placement options and refining procedural requirements; and amending  
4 RCW 13.40.160, 13.40.165, 13.40.185, 13.40.0357, 72.05.420,  
5 13.40.210, 13.40.215, 13.40.230, 72.01.412, and 13.40.205.

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

7 **Sec. 1.** RCW 13.40.160 and 2023 c 295 s 9 are each amended to  
8 read as follows:

9 (1) The standard range disposition for a juvenile adjudicated of  
10 an offense is determined according to RCW 13.40.0357 and this  
11 section.

12 (a) When the court sentences an offender to a local sanction as  
13 provided in RCW 13.40.0357 option A, the court shall impose a  
14 determinate disposition within the standard ranges, except as  
15 provided in subsections (2) ((~~r~~, (~~3~~), (~~4~~), ~~r~~)) through (5) ((~~r~~, ~~or~~ (~~6~~)) of  
16 this section. The disposition may be comprised of one or more local  
17 sanctions.

18 (b) When the court sentences an offender to a standard range as  
19 provided in RCW 13.40.0357 option A that includes a term of  
20 confinement exceeding (~~(thirty)~~) 30 days, commitment shall be to the  
21 department for the standard range of confinement, except as provided

1 in subsections (2) (~~(3), (4)~~) through (5) (~~(6)~~) of this  
2 section for offenses listed in RCW 13.04.030(1)(e)(v).

3 (c) Except for offenses listed in RCW 13.04.030(1)(e)(v), before  
4 the court sentences an offender to a standard range as provided in  
5 RCW 13.40.0357 option A that includes a term of confinement exceeding  
6 30 days, the court shall make an independent finding, supported by a  
7 preponderance of the evidence, that commitment to the department is  
8 needed because a community-based placement would not adequately  
9 protect the community. A stipulation by the parties alone is not  
10 sufficient to support an independent finding that commitment to the  
11 department is needed under this subsection. Commitment of a juvenile  
12 to confinement over 30 days must be to the department for the  
13 standard range of confinement, except as provided in this subsection  
14 and subsections (2) through (5) of this section.

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

17 (i) The severity of the offense or offenses for which the  
18 juvenile has most recently been adjudicated, including the juvenile's  
19 role in the offense, the juvenile's behavior, and harm done to  
20 victims;

21 (ii) The juvenile's criminal history, including the adequacy and  
22 success of previous attempts by the juvenile court to rehabilitate  
23 the juvenile;

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

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

30 (v) The juvenile's age, developmental maturity, mental and  
31 emotional health, sexual orientation, gender identity and expression,  
32 and any disabilities or special needs impacting the safety or  
33 suitability of committing the juvenile to a term of confinement in  
34 juvenile court.

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

1 (f) If the court does make a finding under (c) of this  
2 subsection, the court must maintain concurrent jurisdiction with the  
3 department over the juvenile, except the court's concurrent  
4 jurisdiction may be only for the purposes of conducting the review  
5 hearings described under RCW 13.40.185(3), and any community  
6 supervision that is ordered if a juvenile is released at the review  
7 hearing.

8 (g) If a juvenile is sentenced to a determinate sentence of  
9 electronic monitoring for up to the minimum of the juvenile's  
10 standard range under (e) of this subsection, and is found by the  
11 court to have violated any terms of an electronic monitoring  
12 agreement, the court may impose a sanction pursuant to RCW 13.40.200,  
13 or if the court makes a finding under RCW 13.40.160(1)(c), revoke the  
14 electronic monitoring and order confinement for up to the remainder  
15 of the determinate electronic monitoring sentence previously imposed.  
16 Upon completion of a sanction, the juvenile may resume electronic  
17 monitoring. Any time served in detention due to a violation of the  
18 terms of an electronic monitoring agreement shall be applied as  
19 credit for time served for the remaining time on electronic  
20 monitoring, or if revoked, confinement.

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

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

39 (3) If a juvenile offender is found to have committed a sex  
40 offense, other than a sex offense that is also a serious violent

1 offense as defined by RCW 9.94A.030, and has no history of a prior  
2 sex offense, the court may impose the special sex offender  
3 disposition alternative under RCW 13.40.162.

4 ~~(4) ((If the juvenile offender is subject to a standard range~~  
5 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~  
6 ~~has not committed an A- or B+ offense, the))~~ The court may impose the  
7 disposition alternative under RCW 13.40.165 unless a juvenile has  
8 been adjudicated of an offense listed in RCW 13.04.030(1)(e)(v).

9 ~~(5) ((If a juvenile is subject to a commitment of 15 to 65 weeks~~  
10 ~~of confinement, the court may impose the disposition alternative~~  
11 ~~under RCW 13.40.167.~~

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

19 ~~(7))~~ RCW 13.40.193 shall govern the disposition of any juvenile  
20 adjudicated of possessing a firearm in violation of RCW  
21 9.41.040(2)(a)(v) or any crime in which a special finding is entered  
22 that the juvenile was armed with a firearm.

23 ~~((8))~~ (6) RCW 13.40.308 shall govern the disposition of any  
24 juvenile adjudicated of theft of a motor vehicle as defined under RCW  
25 9A.56.065, possession of a stolen motor vehicle as defined under RCW  
26 9A.56.068, taking a motor vehicle without permission in the first  
27 degree under RCW 9A.56.070, and taking a motor vehicle without  
28 permission in the second degree under RCW 9A.56.075.

29 ~~((9))~~ (7) Whenever a juvenile offender is entitled to credit  
30 for time spent in detention prior to a dispositional order, the  
31 dispositional order shall specifically state the number of days of  
32 credit for time served.

33 ~~((10))~~ (8) Except as provided under subsections (3) ~~((, (4),~~  
34 through (5) ~~((, or (6))~~) of this section, or option B of RCW  
35 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer  
36 the imposition or the execution of the disposition.

37 ~~((11))~~ (9) In no case shall the term of confinement imposed by  
38 the court at disposition exceed that to which an adult could be  
39 subjected for the same offense.

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

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

21       (2) The court must consider eligibility for the substance use  
22 disorder or mental health disposition alternative when a juvenile  
23 offender is subject to a standard range disposition (~~(of local~~  
24 ~~sanctions or 15 to 36 weeks of confinement))~~) and has not committed an  
25 (~~(A- or B+ offense, other than a first time B+ offense under chapter~~  
26 ~~69.50 RCW))~~ offense under RCW 13.04.030(1)(e)(v). The court, on its  
27 own motion or the motion of the state or the respondent if the  
28 evidence shows that the offender may be chemically dependent,  
29 substance abusing, or has significant mental health or co-occurring  
30 disorders may order an examination by a substance use disorder  
31 counselor from a substance use disorder treatment facility approved  
32 under chapter 70.96A RCW or a mental health professional as defined  
33 in chapter 71.34 RCW to determine if the youth is chemically  
34 dependent, substance abusing, or suffers from significant mental  
35 health or co-occurring disorders. The state shall pay the cost of any  
36 examination ordered under this subsection unless third-party  
37 insurance coverage is available.

38       (3) The report of the examination shall include at a minimum the  
39 following: The respondent's version of the facts and the official  
40 version of the facts, the respondent's offense history, an assessment

1 of drug-alcohol problems, mental health diagnoses, previous treatment  
2 attempts, the respondent's social, educational, and employment  
3 situation, and other evaluation measures used. The report shall set  
4 forth the sources of the examiner's information.

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

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

9 (b) Availability of appropriate treatment;

10 (c) Monitoring plans, including any requirements regarding living  
11 conditions, lifestyle requirements, and monitoring by family members,  
12 legal guardians, or others;

13 (d) Anticipated length of treatment; and

14 (e) Recommended crime-related prohibitions.

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

22 (6) (a) After receipt of reports of the examination, the court  
23 shall then consider whether the offender and the community will  
24 benefit from use of this disposition alternative and consider the  
25 victim's opinion whether the offender should receive a treatment  
26 disposition under this section.

27 (b) If the court determines that this disposition alternative is  
28 appropriate, then the court shall impose the standard range for the  
29 offense, or if the court concludes, and enters reasons for its  
30 conclusion, that such disposition would effectuate a manifest  
31 injustice, the court shall impose a disposition above the standard  
32 range as indicated in option D of RCW 13.40.0357 if the disposition  
33 is an increase from the standard range and the confinement of the  
34 offender does not exceed a maximum of 52 weeks, suspend execution of  
35 the disposition, and place the offender on community supervision for  
36 up to one year. As a condition of the suspended disposition, the  
37 court shall require the offender to undergo available outpatient  
38 drug/alcohol, mental health, or co-occurring disorder treatment  
39 and/or inpatient mental health or drug/alcohol treatment. The court  
40 shall only order inpatient treatment under this section if a funded

1 bed is available. If the inpatient treatment is longer than 90 days,  
2 the court shall hold a review hearing every 30 days beyond the  
3 initial 90 days. The respondent may appear telephonically at these  
4 review hearings if in compliance with treatment. As a condition of  
5 the suspended disposition, the court may impose conditions of  
6 community supervision and other sanctions, including up to 30 days of  
7 confinement, 150 hours of community restitution, and payment of  
8 restitution.

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

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

19 If the offender violates any condition of the disposition or the  
20 court finds that the respondent is failing to make satisfactory  
21 progress in treatment, the court may impose sanctions pursuant to RCW  
22 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),  
23 revoke the suspension and order execution of the disposition. The  
24 court shall give credit for any confinement time previously served if  
25 that confinement was for the offense for which the suspension is  
26 being revoked.

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

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

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

1 (11) A disposition under this section is not appealable under RCW  
2 13.40.230.

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

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

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

13 (1) ~~((Any))~~ Except as provided under RCW 13.40.160(1)(e), any  
14 term of confinement imposed for an offense which exceeds ((thirty))  
15 30 days shall be served under the supervision of the department,  
16 although the juvenile court maintains concurrent jurisdiction with  
17 the department over the juvenile, only for the purposes of conducting  
18 review hearings described under this section and any community  
19 supervision that is ordered if a juvenile is released at the review  
20 hearing. If the period of confinement imposed for more than one  
21 offense exceeds ((thirty)) 30 days but the term imposed for each  
22 offense is less than ((thirty)) 30 days or if the court orders  
23 electronic monitoring up to the minimum of the standard range under  
24 RCW 13.40.160(1)(e), the confinement may, in the discretion of the  
25 court, be served in a juvenile facility operated by or pursuant to a  
26 contract with the state or a county.

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

33 (b) Subject to the availability of funds appropriated for this  
34 specific purpose, the department shall establish contractual  
35 agreements with at least four juvenile court administrators,  
36 including at least one that is located east of the Cascade mountains,  
37 for the confinement of youth in a juvenile facility with terms of  
38 confinement that are less than 90 days, as determined by RCW  
39 13.40.210(1), and shall include costs associated with physical



1 custody, treatment or relevant programming, medical costs, and any  
2 other costs associated with the confinement of the juvenile. Any  
3 existing contractual agreements as of January 1, 2025, created by the  
4 department and a juvenile court administrator to confine a juvenile  
5 locally pending transport of the youth to a juvenile rehabilitation  
6 facility after sentencing do not apply to this subsection (1)(b).

7 (2) Whenever a juvenile is confined in a detention facility or is  
8 committed to the department, the court may not directly order a  
9 juvenile into a particular county or state facility. The juvenile  
10 court administrator and the secretary or the secretary's designee, as  
11 appropriate, has the sole discretion to determine in which facility a  
12 juvenile should be confined or committed. The counties may operate a  
13 variety of detention facilities as determined by the county  
14 legislative authority subject to available funds.

15 (3) Excluding the offenses listed in RCW 13.04.030(1)(e)(v), the  
16 juvenile court maintains concurrent jurisdiction with the department  
17 over a juvenile who is committed to the department, except the  
18 court's concurrent jurisdiction may be only for the purposes of  
19 scheduling and conducting a review hearing at the mid-point of the  
20 minimum range, provided the review does not occur until after the  
21 juvenile has served at least four months in the custody of the  
22 department, and imposing any community supervision that is ordered if  
23 a juvenile is released at the review hearing. The court may schedule  
24 additional review hearings at its discretion.

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

27 (i) The services received by the juvenile;

28 (ii) Any infractions committed by the juvenile;

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

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

36 (b) During each review hearing the court shall consider the  
37 juvenile's progress and, unless the court makes a finding under RCW  
38 13.40.160(1)(c), shall release the juvenile from the custody of the  
39 department and place the juvenile on up to a year of community  
40 supervision administered by the county, unless the juvenile will be

1 placed on mandatory parole, in which case the juvenile shall be  
2 released to parole rather than community supervision.

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

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

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

11 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

17 **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
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

31 **Assault and Other Crimes Involving**  
32 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E

1	B+	Drive-By Shooting (9A.36.045)	C+
2		committed at age 15 or under	
3	A++	Drive-By Shooting (9A.36.045)	A
4		committed at age 16 or 17	
5	D+	Reckless Endangerment (9A.36.050)	E
6	C+	Promoting Suicide Attempt (9A.36.060)	D+
7	D+	Coercion (9A.36.070)	E
8	C+	Custodial Assault (9A.36.100)	D+
9		<b>Burglary and Trespass</b>	
10	B+	Burglary 1 (9A.52.020) committed at	C+
11		age 15 or under	
12	A-	Burglary 1 (9A.52.020) committed at	B+
13		age 16 or 17	
14	B	Residential Burglary (9A.52.025)	C
15	B	Burglary 2 (9A.52.030)	C
16	D	Burglary Tools (Possession of)	E
17		(9A.52.060)	
18	D	Criminal Trespass 1 (9A.52.070)	E
19	E	Criminal Trespass 2 (9A.52.080)	E
20	C	Mineral Trespass (78.44.330)	C
21	C	Vehicle Prowling 1 (9A.52.095)	D
22	D	Vehicle Prowling 2 (9A.52.100)	E
23		<b>Drugs</b>	
24	E	Possession/Consumption of Alcohol	E
25		(66.44.270)	
26	C	Illegally Obtaining Legend Drug	D
27		(69.41.020)	
28	C+	Sale, Delivery, Possession of Legend	D+
29		Drug with Intent to Sell (69.41.030(2)(a))	
30	E	Possession of Legend	E
31		Drug (69.41.030(2)(b))	
32	B+	Violation of Uniform Controlled	B+
33		Substances Act - Narcotic,	
34		Methamphetamine, or Flunitrazepam	
35		Sale (69.50.401(2) (a) or (b))	

1	C	Violation of Uniform Controlled	C
2		Substances Act - Nonnarcotic Sale	
3		(69.50.401(2)(c))	
4	E	Possession of Cannabis <40 grams	E
5		(69.50.4014)	
6	C	Fraudulently Obtaining Controlled	C
7		Substance (69.50.403)	
8	C+	Sale of Controlled Substance for Profit	C+
9		(69.50.410)	
10	E	Unlawful Inhalation (9.47A.020)	E
11	B	Violation of Uniform Controlled	B
12		Substances Act - Narcotic,	
13		Methamphetamine, or Flunitrazepam	
14		Counterfeit Substances (69.50.4011(2)	
15		(a) or (b))	
16	C	Violation of Uniform Controlled	C
17		Substances Act - Nonnarcotic Counterfeit	
18		Substances (69.50.4011(2) (c), (d), or (e))	
19	E	Violation of Uniform Controlled	E
20		Substances Act - Possession of a	
21		Controlled Substance (69.50.4013)	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Possession of a	
24		Controlled Substance (69.50.4012)	
25		<b>Firearms and Weapons</b>	
26	B	Theft of Firearm (9A.56.300)	C
27	B	Possession of Stolen Firearm	C
28		(9A.56.310)	
29	E	Carrying Loaded Pistol Without Permit	E
30		(9.41.050)	
31	C	Possession of Firearms by Minor (<18)	C
32		(9.41.040(2)(a) (v))	
33	D+	Possession of Dangerous Weapon	E
34		(9.41.250)	
35	D	Intimidating Another Person by use of	E
36		Weapon (9.41.270)	
37		<b>Homicide</b>	

1	A+	Murder 1 (9A.32.030)	A
2	A+	Murder 2 (9A.32.050)	B+
3	B+	Manslaughter 1 (9A.32.060)	C+
4	C+	Manslaughter 2 (9A.32.070)	D+
5	B+	Vehicular Homicide (46.61.520)	C+
6		<b>Kidnapping</b>	
7	A	Kidnap 1 (9A.40.020)	B+
8	B+	Kidnap 2 (9A.40.030)	C+
9	C+	Unlawful Imprisonment (9A.40.040)	D+
10		<b>Obstructing Governmental Operation</b>	
11	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
12			
13	E	Resisting Arrest (9A.76.040)	E
14	B	Introducing Contraband 1 (9A.76.140)	C
15	C	Introducing Contraband 2 (9A.76.150)	D
16	E	Introducing Contraband 3 (9A.76.160)	E
17	B+	Intimidating a Public Servant (9A.76.180)	C+
18			
19	B+	Intimidating a Witness (9A.72.110)	C+
20		<b>Public Disturbance</b>	
21	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
22			
23	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
24			
25	E	Failure to Disperse (9A.84.020)	E
26	E	Disorderly Conduct (9A.84.030)	E
27		<b>Sex Crimes</b>	
28	A	Rape 1 (9A.44.040)	B+
29	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
30			
31	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
32			
33	C+	Rape 3 (9A.44.060)	D+
34	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
35			

1	A-	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 15	
3	B+	Rape of a Child 2 (9A.44.076)	C+
4	B	Incest 1 (9A.64.020(1))	C
5	C	Incest 2 (9A.64.020(2))	D
6	D+	Indecent Exposure (Victim <14)	E
7		(9A.88.010)	
8	E	Indecent Exposure (Victim 14 or over)	E
9		(9A.88.010)	
10	B+	Promoting Prostitution 1 (9A.88.070)	C+
11	C+	Promoting Prostitution 2 (9A.88.080)	D+
12	E	O & A (Prostitution) (9A.88.030)	E
13	B+	Indecent Liberties (9A.44.100)	C+
14	B++	Child Molestation 1 (9A.44.083)	B+
15		committed at age 14 or under	
16	A-	Child Molestation 1 (9A.44.083)	B+
17		committed at age 15 through age 17	
18	B	Child Molestation 2 (9A.44.086)	C+
19	C	Failure to Register as a Sex Offender	D
20		(9A.44.132)	
21		<b>Theft, Robbery, Extortion, and</b>	
22		<b>Forgery</b>	
23	B	Theft 1 (9A.56.030)	C
24	C	Theft 2 (9A.56.040)	D
25	D	Theft 3 (9A.56.050)	E
26	B	Theft of Livestock 1 and 2 (9A.56.080	C
27		and 9A.56.083)	
28	C	Forgery (9A.60.020)	D
29	A	Robbery 1 (9A.56.200) committed at	B+
30		age 15 or under	
31	A++	Robbery 1 (9A.56.200) committed at	A
32		age 16 or 17	
33	B+	Robbery 2 (9A.56.210)	C+
34	B+	Extortion 1 (9A.56.120)	C+
35	C+	Extortion 2 (9A.56.130)	D+
36	C	Identity Theft 1 (9.35.020(2))	D

1	D	Identity Theft 2 (9.35.020(3))	E
2	D	Improperly Obtaining Financial	E
3		Information (9.35.010)	
4	B	Possession of a Stolen Vehicle	C
5		(9A.56.068)	
6	B	Possession of Stolen Property 1	C
7		(9A.56.150)	
8	C	Possession of Stolen Property 2	D
9		(9A.56.160)	
10	D	Possession of Stolen Property 3	E
11		(9A.56.170)	
12	B	Taking Motor Vehicle Without	C
13		Permission 1 (9A.56.070)	
14	C	Taking Motor Vehicle Without	D
15		Permission 2 (9A.56.075)	
16	B	Theft of a Motor Vehicle (9A.56.065)	C
17		<b>Motor Vehicle Related Crimes</b>	
18	E	Driving Without a License (46.20.005)	E
19	B+	Hit and Run - Death (46.52.020(4)(a))	C+
20	C	Hit and Run - Injury (46.52.020(4)(b))	D
21	D	Hit and Run-Attended (46.52.020(5))	E
22	E	Hit and Run-Unattended (46.52.010)	E
23	C	Vehicular Assault (46.61.522)	D
24	C	Attempting to Elude Pursuing Police	D
25		Vehicle (46.61.024)	
26	E	Reckless Driving (46.61.500)	E
27	D	Driving While Under the Influence	E
28		(46.61.502 and 46.61.504)	
29	B+	Felony Driving While Under the	B
30		Influence (46.61.502(6))	
31	B+	Felony Physical Control of a Vehicle	B
32		While Under the Influence (46.61.504(6))	
33		<b>Other</b>	
34	B	Animal Cruelty 1 (16.52.205)	C
35	B	Bomb Threat (9.61.160)	C
36	C	Escape 1 <sup>1</sup> (9A.76.110)	C

1	C	Escape 2 <sup>1</sup> (9A.76.120)	C
2	D	Escape 3 (9A.76.130)	E
3	E	Obscene, Harassing, Etc., Phone Calls	E
4		(9.61.230)	
5	A	Other Offense Equivalent to an Adult	B+
6		Class A Felony	
7	B	Other Offense Equivalent to an Adult	C
8		Class B Felony	
9	C	Other Offense Equivalent to an Adult	D
10		Class C Felony	
11	D	Other Offense Equivalent to an Adult	E
12		Gross Misdemeanor	
13	E	Other Offense Equivalent to an Adult	E
14		Misdemeanor	
15	V	Violation of Order of Restitution,	V
16		Community Supervision, or Confinement	
17		(13.40.200) <sup>2</sup>	

18 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
19 and the standard range is established as follows:

20 1st escape or attempted escape during 12-month period - 28 days  
21 confinement

22 2nd escape or attempted escape during 12-month period - 8 weeks  
23 confinement

24 3rd and subsequent escape or attempted escape during 12-month  
25 period - 12 weeks confinement

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

28 **JUVENILE SENTENCING STANDARDS**

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

32 OPTION A

33 JUVENILE OFFENDER SENTENCING GRID

34 STANDARD RANGE

35 A++ 129 to 260 weeks for all category A++ offenses



1	A+	180 weeks to age 21 for all category A+ offenses					
2	A	103-129 weeks for all category A offenses					
3	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
4	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
5	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
6	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
7	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
8		C	LS	LS	LS	LS	15-36 weeks
9		D+	LS	LS	LS	LS	LS
10		D	LS	LS	LS	LS	LS
11		E	LS	LS	LS	LS	LS
12	PRIOR		0	1	2	3	4 or more
13	ADJUDICATIONS						

14 NOTE: References in the grid to days or weeks mean periods of  
15 confinement. "LS" means "local sanctions" as defined in RCW  
16 13.40.020.

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

20 (2) The horizontal axis of the grid is the number of prior  
21 adjudications included in the juvenile's criminal history. Each prior  
22 felony adjudication shall count as one point. Each prior violation,  
23 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
24 point. Fractional points shall be rounded down.

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

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

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

33 **OR**  
34 **OPTION B**  
35 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition  
2 involving confinement by the department, the court may impose the  
3 standard range and suspend the disposition on condition that the  
4 offender comply with one or more local sanctions and any educational  
5 or treatment requirement. The treatment programs provided to the  
6 offender must be either research-based best practice programs as  
7 identified by the Washington state institute for public policy or the  
8 joint legislative audit and review committee, or for chemical  
9 dependency treatment programs or services, they must be evidence-  
10 based or research-based best practice programs. For the purposes of  
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had  
13 multiple site random controlled trials across heterogeneous  
14 populations demonstrating that the program or practice is effective  
15 for the population; and

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

19 (2) If the offender fails to comply with the suspended  
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
21 or may revoke the suspended disposition and order the disposition's  
22 execution.

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

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

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

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

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

34 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
35 the first degree (RCW 9A.56.120), kidnapping in the second degree  
36 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
37 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
38 manslaughter 2 (RCW 9A.32.070); or

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

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

8 (d) Is adjudicated of ((a)) an offense under RCW  
9 13.04.030(1)(e)(v) or a sex offense as defined in RCW 9.94A.030; or

10 (e) Has a prior option B disposition.

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

13 OR

14 **OPTION C**

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

16 ~~((If the juvenile offender is subject to a standard range~~  
17 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~  
18 ~~has not committed a B++ or B+ offense)) Unless a juvenile has been~~

19 adjudicated of an offense under RCW 13.04.030(1)(e)(v), the court may  
20 impose a disposition under RCW 13.40.160(4) and 13.40.165. The court  
21 may revoke this disposition alternative only if the court makes a  
22 finding under RCW 13.40.160(1)(c).

23 OR

24 **OPTION D**

25 **MANIFEST INJUSTICE**

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

29 **Sec. 5.** RCW 72.05.420 and 1998 c 269 s 10 are each amended to  
30 read as follows:

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

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

1 (b) The offender has spent at least ten percent of his or her  
2 sentence, but in no event less than thirty days, in a secure  
3 institution operated by, or under contract with, the department.

4 The risk assessment must include consideration of all prior  
5 convictions and all available nonconviction data released upon  
6 request under RCW 10.97.050, and any serious infractions or serious  
7 violations while under the jurisdiction of the secretary or the  
8 courts.

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

14 (3) A juvenile offender shall not be placed in a community  
15 facility until the department's risk assessment and security  
16 classification is complete and local law enforcement has been  
17 properly notified.

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

20 (1) The secretary shall set a release date for each juvenile  
21 committed to its custody and prioritize setting the release date in  
22 accordance with the behavior of the juvenile pursuant to rules for an  
23 internal behavioral management infraction system. The release date  
24 shall be within the prescribed range to which a juvenile has been  
25 committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW  
26 13.40.320 concerning offenders the department determines are eligible  
27 for the juvenile offender basic training camp program. Such dates  
28 shall be determined prior to the expiration of sixty percent of a  
29 juvenile's minimum term of confinement included within the prescribed  
30 range to which the juvenile has been committed. The secretary shall  
31 release any juvenile committed to the custody of the department  
32 within four calendar days prior to the juvenile's release date or on  
33 the release date set under this chapter. Days spent in the custody of  
34 the department shall be tolled by any period of time during which a  
35 juvenile has absented himself or herself from the department's  
36 supervision without the prior approval of the secretary or the  
37 secretary's designee.

38 (2) The secretary shall monitor the average daily population of  
39 the state's juvenile residential facilities. When the secretary

1 concludes that in-residence population of residential facilities  
2 exceeds one hundred five percent of the rated bed capacity specified  
3 in statute, or in absence of such specification, as specified by the  
4 department in rule, the secretary may recommend reductions to the  
5 governor. On certification by the governor that the recommended  
6 reductions are necessary, the secretary has authority to  
7 administratively release a sufficient number of offenders to reduce  
8 in-residence population to one hundred percent of rated bed capacity.  
9 The secretary shall release those offenders who have served the  
10 greatest proportion of their sentence. However, the secretary may  
11 deny release in a particular case at the request of an offender, or  
12 if the secretary finds that there is no responsible custodian, as  
13 determined by the department, to whom to release the offender, or if  
14 the release of the offender would pose a clear danger to society. The  
15 department shall notify the committing court of the release at the  
16 time of release if any such early releases have occurred as a result  
17 of excessive in-residence population. In no event shall an offender  
18 adjudicated of a violent offense be granted release under the  
19 provisions of this subsection.

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

1 upon release and an assessment of the ongoing treatment needs of the  
2 juvenile. The department shall prioritize available parole resources  
3 to provide supervision and services to offenders at moderate to high  
4 risk for reoffending.

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

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

1 intensive supervision program, the secretary may require day  
2 reporting.

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

5 (4) (a) The department may also modify parole for violation  
6 thereof. If, after affording a juvenile all of the due process rights  
7 to which he or she would be entitled if the juvenile were an adult,  
8 the secretary finds that a juvenile has violated a condition of his  
9 or her parole, the secretary shall order one of the following which  
10 is reasonably likely to effectuate the purpose of the parole and to  
11 protect the public: (i) Continued supervision under the same  
12 conditions previously imposed; (ii) intensified supervision with  
13 increased reporting requirements; (iii) additional conditions of  
14 supervision authorized by this chapter; (iv) except as provided in  
15 (a) (v) and (vi) of this subsection, imposition of a period of  
16 confinement not to exceed thirty days in a facility operated by or  
17 pursuant to a contract with the state of Washington or any city or  
18 county for a portion of each day or for a certain number of days each  
19 week with the balance of the days or weeks spent under supervision;  
20 (v) the secretary may order any of the conditions or may return the  
21 offender to confinement for the remainder of the sentence range if  
22 the offense for which the offender was sentenced is rape in the first  
23 or second degree, rape of a child in the first or second degree,  
24 child molestation in the first degree, indecent liberties with  
25 forcible compulsion, or a sex offense that is also a serious violent  
26 offense as defined by RCW 9.94A.030; and (vi) the secretary may order  
27 any of the conditions or may return the offender to confinement for  
28 the remainder of the sentence range if the youth has completed the  
29 basic training camp program as described in RCW 13.40.320.

30 (b) The secretary may modify parole and order any of the  
31 conditions or may return the offender to confinement for up to  
32 twenty-four weeks if the offender was sentenced for a sex offense as  
33 defined under RCW 9A.44.128 and is known to have violated the terms  
34 of parole. Confinement beyond thirty days is intended to only be used  
35 for a small and limited number of sex offenders. It shall only be  
36 used when other graduated sanctions or interventions have not been  
37 effective or the behavior is so egregious it warrants the use of the  
38 higher level intervention and the violation: (i) Is a known pattern  
39 of behavior consistent with a previous sex offense that puts the  
40 youth at high risk for reoffending sexually; (ii) consists of sexual

1 behavior that is determined to be predatory as defined in RCW  
2 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to  
3 a recent overt act. The total number of days of confinement for  
4 violations of parole conditions during the parole period shall not  
5 exceed the number of days provided by the maximum sentence imposed by  
6 the disposition for the underlying offense pursuant to RCW  
7 13.40.0357. The department shall not aggregate multiple parole  
8 violations that occur prior to the parole revocation hearing and  
9 impose consecutive twenty-four week periods of confinement for each  
10 parole violation. The department is authorized to engage in rule  
11 making pursuant to chapter 34.05 RCW, to implement this subsection,  
12 including narrowly defining the behaviors that could lead to this  
13 higher level intervention.

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

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

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

27 **Sec. 7.** RCW 13.40.215 and 2021 c 206 s 5 are each amended to  
28 read as follows:

29 (1)(a) Except as provided in subsection (2) of this section, at  
30 the earliest practicable date, and in no event later than thirty days  
31 before discharge, parole, or any other authorized leave or release,  
32 or before transfer to a community residential facility or community  
33 transition services program, the secretary shall send written notice  
34 of the discharge, parole, authorized leave or release, or transfer of  
35 a juvenile found to have committed a violent offense, a sex offense,  
36 or stalking, to the following:

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

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



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

15 (ii) The community residential facility shall provide written  
16 notice of the offender's criminal history to the designated recipient  
17 of any school that the offender attends while residing at the  
18 community residential facility and to any employer that employs the  
19 offender while residing at the community residential facility.

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

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

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

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

35 (iii) Any person specified in writing by the prosecuting  
36 attorney.

37 Information regarding victims, next of kin, or witnesses requesting  
38 the notice, information regarding any other person specified in  
39 writing by the prosecuting attorney to receive the notice, and the  
40 notice are confidential and shall not be available to the juvenile.

1 The notice to the chief of police or the sheriff shall include the  
2 identity of the juvenile, the residence where the juvenile will  
3 reside, the identity of the person, if any, responsible for  
4 supervising the juvenile, and the time period of any authorized  
5 leave.

6 (d) The thirty-day notice requirements contained in this  
7 subsection shall not apply to emergency medical furloughs.

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

11 (2)(a) If a juvenile found to have committed a violent offense, a  
12 sex offense, or stalking escapes from a facility of the department,  
13 the secretary shall immediately notify, by the most reasonable and  
14 expedient means available, the chief of police of the city and the  
15 sheriff of the county in which the juvenile resided immediately  
16 before the juvenile's arrest. If previously requested, the secretary  
17 shall also notify the witnesses and the victim of the offense which  
18 the juvenile was found to have committed or the victim's next of kin  
19 if the crime was a homicide. If the juvenile is recaptured, the  
20 secretary shall send notice to the persons designated in this  
21 subsection as soon as possible but in no event later than two working  
22 days after the department learns of such recapture.

23 (b) The secretary may authorize a leave, for a juvenile found to  
24 have committed a violent offense, a sex offense, or stalking, which  
25 shall not exceed forty-eight hours plus travel time, to meet an  
26 emergency situation such as a death or critical illness of a member  
27 of the juvenile's family. The secretary may authorize a leave, which  
28 shall not exceed the time medically necessary, to obtain medical care  
29 not available in a juvenile facility maintained by the department.  
30 Prior to the commencement of an emergency or medical 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 be  
33 during the leave period. The notice shall include the identity of the  
34 juvenile, the time period of the leave, the residence of the juvenile  
35 during the leave, and the identity of the person responsible for  
36 supervising the juvenile during the leave. If previously requested,  
37 the department shall also notify the witnesses and victim of the  
38 offense which the juvenile was found to have committed or the  
39 victim's next of kin if the offense was a homicide.

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

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

7 (4) The secretary shall send the notices required by this chapter  
8 to the last address provided to the department by the requesting  
9 party. The requesting party shall furnish the department with a  
10 current address.

11 (5) Upon discharge, parole, transfer to a community residential  
12 facility, or other authorized leave or release, a convicted juvenile  
13 sex offender shall not attend a public or approved private  
14 elementary, middle, or high school that is attended by a victim or a  
15 sibling of a victim of the sex offender. The parents or legal  
16 guardians of the convicted juvenile sex offender shall be responsible  
17 for transportation or other costs associated with or required by the  
18 sex offender's change in school that otherwise would be paid by a  
19 school district.

20 (6) For purposes of this section the following terms have the  
21 following meanings:

22 (a) "Violent offense" means a violent offense under RCW  
23 9.94A.030;

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

25 (c) "Stalking" means the crime of stalking as defined in RCW  
26 9A.46.110;

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

29 **Sec. 8.** RCW 13.40.230 and 1997 c 338 s 35 are each amended to  
30 read as follows:

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

33 An appeal under this section shall be heard solely upon the  
34 record that was before the disposition court. No written briefs may  
35 be required, and the appeal shall be heard within thirty days  
36 following the date of sentencing and a decision rendered within  
37 fifteen days following the argument. The supreme court shall  
38 promulgate any necessary rules to effectuate the purposes of this  
39 section.

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

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

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

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

20 (6) The disposition court may impose conditions on release  
21 pending appeal as provided in RCW 13.40.040~~((+4))~~ (5) and  
22 13.40.050(6).

23 ~~((+6))~~ (7) Appeal of a disposition under this section does not  
24 affect the finality or appeal of the underlying adjudication of  
25 guilt.

26 **Sec. 9.** RCW 72.01.412 and 2023 c 470 s 3018 are each amended to  
27 read as follows:

28 (1) A person in the custody of the department of children, youth,  
29 and families under RCW 72.01.410 is eligible for community transition  
30 services under the authority and supervision of the department of  
31 children, youth, and families:

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

33 (i) If the person's earned release date is after the person's  
34 25th birthday but on or before the person's 26th birthday; and

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

38 (b) After 60 percent of their term of confinement has been  
39 served, and no less than 15 weeks of total confinement served

1 including time spent in detention prior to sentencing or the entry of  
2 a dispositional order if:

3 (i) The person has an earned release date that is before their  
4 26th birthday; and

5 (ii) The department of children, youth, and families determines  
6 that such placement and retention by the department of children,  
7 youth, and families is in the best interests of the person and the  
8 community.

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

12 (3) The department's determination under subsection (1)(a)(ii)  
13 and (b)(ii) of this section must include consideration of the  
14 person's behavior while in confinement and any disciplinary  
15 considerations.

16 (4) The department of children, youth, and families retains the  
17 authority to transfer the person to the custody of the department of  
18 corrections under RCW 72.01.410.

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

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

26 (a) Behavioral health treatment;

27 (b) Independent living;

28 (c) Employment;

29 (d) Education;

30 (e) Connections to family and natural supports; and

31 (f) Community connections.

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

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

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

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

6 (b) Persons who will be transferred to the department of  
7 corrections, who are in the custody of the department of corrections,  
8 or who are under the supervision of the department of corrections;

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

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

13 (e) Level III sex offenders; and

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

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

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

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

25 (c) The department of children, youth, and families provides  
26 access to developmentally appropriate, trauma-informed, racial  
27 equity-based, and culturally relevant programs to promote successful  
28 reentry; and

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

33 **Sec. 10.** RCW 13.40.205 and 2021 c 206 s 4 are each amended to  
34 read as follows:

35 (1) A juvenile sentenced to a term of confinement to be served  
36 under the supervision of the department shall not be released from  
37 the physical custody of the department prior to the release date  
38 established under RCW 13.40.210 except as otherwise provided in this  
39 section.

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

5 (a) Sixty percent of the minimum term of confinement has been  
6 served; and

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

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

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

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

16 (3) No authorized leave may exceed seven consecutive days. The  
17 total of all preminimum term authorized leaves granted to a juvenile  
18 prior to final discharge from confinement shall not exceed thirty  
19 days.

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

30 (5) Upon authorizing a leave, the secretary shall issue to the  
31 juvenile an authorized leave order which shall contain the name of  
32 the juvenile, the fact that the juvenile is on leave from a  
33 designated facility, the time period of the leave, and the identity  
34 of an appropriate official of the department to contact when  
35 necessary. The authorized leave order shall be carried by the  
36 juvenile at all times while on leave.

37 (6) Prior to the commencement of any authorized leave, the  
38 secretary shall give notice of the leave to the appropriate law  
39 enforcement agency in the jurisdiction in which the juvenile will  
40 reside during the leave period. The notice shall include the identity

1 of the juvenile, the time period of the leave, the residence of the  
2 juvenile during the leave, and the identity of the person responsible  
3 for supervising the juvenile during the leave.

4 (7) The secretary may authorize a leave, which shall not exceed  
5 forty-eight hours plus travel time, to meet an emergency situation  
6 such as a death or critical illness of a member of the juvenile's  
7 family. The secretary may authorize a leave, which shall not exceed  
8 the period of time medically necessary, to obtain medical care not  
9 available in a juvenile facility maintained by the department. In  
10 cases of emergency or medical leave the secretary may waive all or  
11 any portions of subsections (2)(a), (3), (4), (5), and (6) of this  
12 section.

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

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

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

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

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

34 (13)(a) The department may require a person in its custody to  
35 serve the remainder of the person's sentence in community transition  
36 services if the department determines that such placement is in the  
37 best interest of the person and the community using the risk  
38 assessment tool and considering the availability of appropriate  
39 placements, treatment, and programming. The department's  
40 determination described under this subsection must include



1 consideration of the person's behavior while in confinement and any  
2 disciplinary considerations. The department shall establish  
3 appropriate conditions the person must comply with to remain in  
4 community transition services. A person must have served 60 percent  
5 of their minimum term of confinement and no less than 15 weeks of  
6 total confinement including time spent in detention prior to  
7 sentencing or the entry of a dispositional order before becoming  
8 eligible for community transition services under the authority and  
9 supervision of the department.

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

- 13 (i) Behavioral health treatment;
- 14 (ii) Independent living;
- 15 (iii) Employment;
- 16 (iv) Education;
- 17 (v) Connections to family and natural supports; and
- 18 (vi) Community connections.

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

23 (d) If a person placed in community transition services under  
24 this section violates a condition of participation in the community  
25 transition services program, or if the department determines that  
26 placement in the program is no longer in the best interests of the  
27 person or community, the person may be returned to an institution  
28 operated by the department at the department's discretion.

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

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

34 (ii) Persons who will be transferred to the department of  
35 corrections, who are in the custody of the department of corrections,  
36 or who are under the supervision of the department of corrections;

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

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

1 (v) Level III sex offenders; and  
2 (vi) Persons requiring out-of-state placement.  
3 (14) The department shall design, or contract for the design, and  
4 implement a risk assessment tool. The tool must be designed to limit  
5 bias related to race, ethnicity, gender, and age. The risk assessment  
6 tool must be certified at least every three years based on current  
7 academic standards for assessment validation, and can be certified by  
8 the office of innovation, alignment, and accountability or an outside  
9 researcher.

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