
SENATE BILL 5296

State of Washington

69th Legislature

2025 Regular Session

By Senators C. Wilson, Frame, Nobles, Slatter, and Trudeau

Read first time 01/16/25. Referred to Committee on Human Services.

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; amending RCW
4 13.40.160, 13.40.165, 13.40.185, 13.40.0357, 72.05.420, 13.40.210,
5 13.40.215, 13.40.230, 13.40.308, and 72.01.412; and reenacting and
6 amending RCW 13.40.162.

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

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

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

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

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

1 department for the standard range of confinement, except as provided
2 in subsections (2) (~~(3), (4),~~) through (5) (~~(6)~~) of this
3 section for the following offenses:

4 (i) Murder in the first degree committed at any age;

5 (ii) Murder in the second degree committed at any age;

6 (iii) Rape in the first degree committed at any age;

7 (iv) Assault in the first degree committed when the juvenile was
8 age 16 or older;

9 (v) Drive-by shooting committed when the juvenile was age 16 or
10 older; and

11 (vi) Kidnapping in the first degree committed when the juvenile
12 was age 16 or older.

13 (c) Except for offenses listed in (b) of this subsection, before
14 the court sentences an offender to a standard range as provided in
15 RCW 13.40.0357 option A that includes a term of confinement exceeding
16 30 days, the court shall make an independent finding, supported by
17 clear and convincing evidence, that commitment to an institution is
18 needed because a community-based placement would not adequately
19 protect the community. A stipulation by the parties alone is not
20 sufficient to support an independent finding that commitment to an
21 institution is needed under this subsection. Commitment of a juvenile
22 to confinement over 30 days must be to the department for the
23 standard range of confinement, except as provided in this subsection
24 and subsections (2) through (5) of this section.

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

27 (i) The severity of the offense or offenses for which the
28 juvenile has most recently been adjudicated, including the juvenile's
29 role in the offense, the juvenile's behavior, and harm done to
30 victims;

31 (ii) The juvenile's criminal history, including the adequacy and
32 success of previous attempts by the juvenile court to rehabilitate
33 the juvenile;

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

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

1 (v) The juvenile's age, developmental maturity, mental and
2 emotional health, sexual orientation, gender identity and expression,
3 and any disabilities or special needs impacting the safety or
4 suitability of committing the juvenile to a term of confinement in
5 juvenile court.

6 (e) If the court does not make a finding under (c) of this
7 subsection that commitment to an institution is needed, the court may
8 place the juvenile on electronic monitoring for up to the minimum of
9 the juvenile's standard range while on community supervision.

10 (f) If the court does make a finding under (c) of this subsection
11 that commitment to an institution is needed, the court must maintain
12 concurrent jurisdiction over the juvenile, along with the department,
13 and must hold review hearings as described under RCW 13.40.185(3).

14 (2) If the court concludes, and enters reasons for its
15 conclusion, that disposition within the standard range would
16 effectuate a manifest injustice the court shall impose a disposition
17 outside the standard range, as indicated in option D of RCW
18 13.40.0357. The court's finding of manifest injustice shall be
19 supported by clear and convincing evidence.

20 A disposition outside the standard range shall be determinate,
21 subject to the review hearings in RCW 13.40.185(3) when appropriate,
22 and shall be comprised of confinement or community supervision, or a
23 combination thereof. When a judge finds a manifest injustice and
24 imposes a sentence of confinement exceeding (~~(thirty)~~) 30 days, the
25 court shall sentence the juvenile to a maximum term, and the
26 provisions of RCW 13.40.030(2) shall be used to determine the range.
27 A disposition outside the standard range is appealable under RCW
28 13.40.230 by the state or the respondent. A disposition (~~(within the~~
29 ~~standard range)~~) with a term of confinement that is 30 days or less
30 is not appealable under RCW 13.40.230. A disposition within the
31 standard range for the offenses in subsection (1)(b) of this section
32 is not appealable under RCW 13.40.230, but other dispositions with a
33 term of confinement of more than 30 days are appealable under RCW
34 13.40.230.

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

1 ~~((If the juvenile offender is subject to a standard range~~
2 ~~disposition of local sanctions or 15 to 36 weeks of confinement and~~
3 ~~has not committed an A- or B+ offense, the))~~ The court may impose the
4 disposition alternative under RCW 13.40.165 unless a juvenile has
5 been adjudicated of one of the following offenses:

6 (a) An offense categorized as an A+ offense under RCW 13.40.0357;

7 (b) A sex offense as defined in RCW 9.94A.030;

8 (c) Assault in the first degree committed when the juvenile was
9 age 16 or older;

10 (d) Drive-by shooting committed when the juvenile was age 16 or
11 older; or

12 (e) Kidnapping in the first degree committed when the juvenile
13 was age 16 or older.

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

17 ~~(6) When the offender is subject to a standard range commitment~~
18 ~~of 15 to 36 weeks and is ineligible for a suspended disposition~~
19 ~~alternative, a manifest injustice disposition below the standard~~
20 ~~range, special sex offender disposition alternative, chemical~~
21 ~~dependency disposition alternative, or mental health disposition~~
22 ~~alternative, the court in a county with a pilot program under RCW~~
23 ~~13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

24 ~~(7))~~ RCW 13.40.193, RCW 13.40.185, and this section shall govern
25 the disposition of any juvenile adjudicated of possessing a firearm
26 in violation of RCW 9.41.040(2)(a)(v) or any crime in which a special
27 finding is entered that the juvenile was armed with a firearm.

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

34 ~~((9))~~ (7) Whenever a juvenile offender is entitled to credit
35 for time spent in detention prior to a dispositional order, the
36 dispositional order shall specifically state the number of days of
37 credit for time served, and the credit must be applied to any term of
38 confinement for a juvenile, including to reduce both the minimum and
39 maximum terms of the prescribed range to which the juvenile has been
40 committed.

1 (~~(10)~~) (8) Except as provided under subsections (3) (~~(, (4),)~~)
2 through (5) (~~(, or (6),)~~) of this section, or option B of RCW
3 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer
4 the imposition or the execution of the disposition.

5 (~~(11)~~) (9) In no case shall the term of confinement imposed by
6 the court at disposition exceed that to which an adult could be
7 subjected for the same offense.

8 **Sec. 2.** RCW 13.40.162 and 2023 c 449 s 17 and 2023 c 150 s 8 are
9 each reenacted and amended to read as follows:

10 (1) A juvenile offender is eligible for the special sex offender
11 disposition alternative when:

12 (a) The offender is found to have committed a sex offense, other
13 than a sex offense that is also a serious violent offense as defined
14 by RCW 9.94A.030, and the offender has no history of a prior sex
15 offense; or

16 (b) The offender is found to have committed assault in the fourth
17 degree with sexual motivation, and the offender has no history of a
18 prior sex offense.

19 (2) If the court finds the offender is eligible for this
20 alternative, the court, on its own motion or the motion of the state
21 or the respondent, may order an examination to determine whether the
22 respondent is amenable to treatment.

23 (a) The report of the examination shall include at a minimum the
24 following:

25 (i) The respondent's version of the facts and the official
26 version of the facts;

27 (ii) The respondent's offense history;

28 (iii) An assessment of problems in addition to alleged deviant
29 behaviors;

30 (iv) The respondent's social, educational, and employment
31 situation;

32 (v) Other evaluation measures used.

33 The report shall set forth the sources of the evaluator's
34 information.

35 (b) The examiner shall assess and report regarding the
36 respondent's amenability to treatment and relative risk to the
37 community. A proposed treatment plan shall be provided and shall
38 include, at a minimum:

1 (i) The frequency and type of contact between the offender and
2 therapist;

3 (ii) Specific issues to be addressed in the treatment and
4 description of planned treatment modalities;

5 (iii) Monitoring plans, including any requirements regarding
6 living conditions, lifestyle requirements, and monitoring by family
7 members, legal guardians, or others;

8 (iv) Anticipated length of treatment; and

9 (v) Recommended crime-related prohibitions.

10 (c) For good cause shown, the court on its own motion may order,
11 or on a motion by the state shall order, a second examination
12 regarding the offender's amenability to treatment. The evaluator
13 shall be selected by the party making the motion.

14 (3) After receipt of reports of the examination, the court shall
15 then consider whether the offender and the community will benefit
16 from use of this special sex offender disposition alternative and
17 consider the victim's opinion whether the offender should receive a
18 treatment disposition under this section. If the court determines
19 that this special sex offender disposition alternative is
20 appropriate, then the court shall impose a determinate disposition
21 within the standard range for the offense, or if the court concludes,
22 and enters reasons for its conclusions, that such disposition would
23 cause a manifest injustice, the court shall impose a disposition
24 under option D, and the court may suspend the execution of the
25 disposition and place the offender on community supervision for at
26 least two years.

27 (4) As a condition of the suspended disposition, the court may
28 impose the conditions of community supervision and other conditions,
29 including up to 30 days of confinement and requirements that the
30 offender do any one or more of the following:

31 (a) Devote time to a specific education, employment, or
32 occupation;

33 (b) Undergo available outpatient sex offender treatment for up to
34 two years, or inpatient sex offender treatment not to exceed the
35 standard range of confinement for that offense. A community mental
36 health center may not be used for such treatment unless it has an
37 appropriate program designed for sex offender treatment. The
38 respondent shall not change sex offender treatment providers or
39 treatment conditions without first notifying the prosecutor, the
40 probation counselor, and the court, and shall not change providers

1 without court approval after a hearing if the prosecutor or probation
2 counselor object to the change;

3 (c) Remain within prescribed geographical boundaries and notify
4 the court or the probation counselor prior to any change in the
5 offender's address, educational program, or employment;

6 (d) Report to the prosecutor and the probation counselor prior to
7 any change in a sex offender treatment provider. This change shall
8 have prior approval by the court;

9 (e) Report as directed to the court and a probation counselor;

10 (f) Pay restitution and perform community restitution, or any
11 combination thereof;

12 (g) Make restitution to the victim for the cost of any counseling
13 reasonably related to the offense; or

14 (h) Comply with the conditions of any court-ordered probation
15 bond.

16 (5) If the court orders 24 hour, continuous monitoring of the
17 offender while on probation, the court shall include the basis for
18 this condition in its findings.

19 (6) (a) The court must order the offender not to attend the public
20 or approved private elementary, middle, or high school attended by
21 the victim or the victim's siblings.

22 (b) The parents or legal guardians of the offender are
23 responsible for transportation or other costs associated with the
24 offender's change of school that would otherwise be paid by the
25 school district.

26 (c) The court shall send notice of the disposition and
27 restriction on attending the same school as the victim or victim's
28 siblings to the public or approved private school the juvenile will
29 attend, if known, or if unknown, to the approved private schools and
30 the public school district board of directors of the district in
31 which the juvenile resides or intends to reside. This notice must be
32 sent at the earliest possible date but not later than 10 calendar
33 days after entry of the disposition.

34 (7) (a) The sex offender treatment provider shall submit quarterly
35 reports on the respondent's progress in treatment to the court and
36 the parties. The reports shall reference the treatment plan and
37 include at a minimum the following: Dates of attendance, respondent's
38 compliance with requirements, treatment activities, the respondent's
39 relative progress in treatment, and any other material specified by
40 the court at the time of the disposition.

1 (b) At the time of the disposition, the court may set treatment
2 review hearings as the court considers appropriate.

3 (c) Except as provided in this subsection, examinations and
4 treatment ordered pursuant to this subsection shall be conducted by
5 qualified professionals as described under (d) of this subsection,
6 certified sex offender treatment providers, or certified affiliate
7 sex offender treatment providers under chapter 18.155 RCW.

8 (d) A sex offender therapist who examines or treats a juvenile
9 sex offender pursuant to this subsection does not have to be
10 certified by the department of health pursuant to chapter 18.155 RCW
11 if the therapist is a professional licensed under chapter 18.225 or
12 18.83 RCW and the treatment employed is evidence-based for sex
13 offender treatment, or if the court finds that: (i) The offender has
14 already moved to another state or plans to move to another state for
15 reasons other than circumventing the certification requirements; (ii)
16 no certified sex offender treatment providers or certified affiliate
17 sex offender treatment providers are available for treatment within a
18 reasonable geographical distance of the offender's home; and (iii)
19 the evaluation and treatment plan comply with this subsection and the
20 rules adopted by the department of health.

21 (8)(a) If the offender violates any condition of the disposition
22 or the court finds that the respondent is failing to make
23 satisfactory progress in treatment, the court may revoke the
24 suspension and order execution of the disposition or the court may
25 impose a penalty of up to 30 days confinement for violating
26 conditions of the disposition.

27 (b) The court may order both execution of the disposition and up
28 to 30 days confinement for the violation of the conditions of the
29 disposition.

30 (c) The court shall give credit for any confinement time
31 previously served if that confinement was for the offense for which
32 the suspension is being revoked, and the credit must be applied to
33 any term of confinement for a juvenile, including to reduce both the
34 minimum and maximum terms of the prescribed range to which the
35 juvenile has been committed.

36 (9) For purposes of this section, "victim" means any person who
37 has sustained emotional, psychological, physical, or financial injury
38 to person or property as a direct result of the crime charged.
39 "Victim" may also include a known parent or guardian of a victim who

1 is a minor child unless the parent or guardian is the perpetrator of
2 the offense.

3 (10) The respondent or the parent, guardian, or other person
4 having custody of the respondent shall not be required to pay the
5 cost of any evaluation or treatment of the respondent ordered under
6 this section.

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

9 **Sec. 3.** RCW 13.40.165 and 2023 c 449 s 18 are each amended to
10 read as follows:

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

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

1 health professional as defined in chapter 71.34 RCW to determine if
2 the youth is chemically dependent, substance abusing, or suffers from
3 significant mental health or co-occurring disorders. The state shall
4 pay the cost of any examination ordered under this subsection unless
5 third-party insurance coverage is available.

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

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

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

17 (b) Availability of appropriate treatment;

18 (c) Monitoring plans, including any requirements regarding living
19 conditions, lifestyle requirements, and monitoring by family members,
20 legal guardians, or others;

21 (d) Anticipated length of treatment; and

22 (e) Recommended crime-related prohibitions.

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

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

35 (b) If the court determines that this disposition alternative is
36 appropriate, then the court shall impose the standard range for the
37 offense, or if the court concludes, and enters reasons for its
38 conclusion, that such disposition would effectuate a manifest
39 injustice, the court shall impose a disposition above the standard
40 range as indicated in option D of RCW 13.40.0357 if the disposition

1 is an increase from the standard range and the confinement of the
2 offender does not exceed a maximum of 52 weeks, suspend execution of
3 the disposition, and place the offender on community supervision for
4 up to one year. As a condition of the suspended disposition, the
5 court shall require the offender to undergo available outpatient
6 drug/alcohol, mental health, or co-occurring disorder treatment
7 and/or inpatient mental health or drug/alcohol treatment. The court
8 shall only order inpatient treatment under this section if a funded
9 bed is available. If the inpatient treatment is longer than 90 days,
10 the court shall hold a review hearing every 30 days beyond the
11 initial 90 days. The respondent may appear telephonically at these
12 review hearings if in compliance with treatment. As a condition of
13 the suspended disposition, the court may impose conditions of
14 community supervision and other sanctions, including up to 30 days of
15 confinement, 150 hours of community restitution, and payment of
16 restitution.

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

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

27 If the offender violates any condition of the disposition or the
28 court finds that the respondent is failing to make satisfactory
29 progress in treatment, the court may impose sanctions pursuant to RCW
30 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c),
31 revoke the suspension and order execution of the disposition. The
32 court shall give credit for any confinement time previously served if
33 that confinement was for the offense for which the suspension is
34 being revoked, and the credit must be applied to any term of
35 confinement for a juvenile, including to reduce both the minimum and
36 maximum terms of the prescribed range to which the juvenile has been
37 committed.

38 (8) For purposes of this section, "victim" means any person who
39 has sustained emotional, psychological, physical, or financial injury
40 to person or property as a direct result of the offense charged.

1 "Victim" may also include a known parent or guardian of a victim who
2 is a minor child or is not a minor child but is incapacitated,
3 incompetent, disabled, or deceased.

4 (9) Whenever a juvenile offender is entitled to credit for time
5 spent in detention prior to a dispositional order, the dispositional
6 order shall specifically state the number of days of credit for time
7 served, and the credit must be applied to any term of confinement for
8 a juvenile, including to reduce both the minimum and maximum terms of
9 the prescribed range to which the juvenile has been committed.

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

13 (11) A disposition under this section is not appealable under RCW
14 13.40.230.

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

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

23 **Sec. 4.** RCW 13.40.185 and 2017 3rd sp.s. c 6 s 608 are each
24 amended to read as follows:

25 (1) ~~((Any))~~ Except as provided under RCW 13.40.160(1)(e), any
26 term of confinement imposed for an offense which exceeds ~~((thirty))~~
27 30 days shall be served under the supervision of the department,
28 although the juvenile court maintains concurrent jurisdiction over
29 the case. If the period of confinement imposed for more than one
30 offense exceeds ~~((thirty))~~ 30 days but the term imposed for each
31 offense is less than ~~((thirty))~~ 30 days or if the court orders
32 electronic monitoring up to the minimum of the standard range under
33 RCW 13.40.160(1)(e), the confinement may, in the discretion of the
34 court, be served in a juvenile facility operated by or pursuant to a
35 contract with the state or a county.

36 (2) (a) Whenever a juvenile is confined in a detention facility or
37 is committed to the department, the court may not directly order a
38 juvenile into a particular county or state facility. The juvenile
39 court administrator and the secretary or the secretary's designee, as

1 appropriate, has the sole discretion to determine in which facility a
2 juvenile should be confined or committed. The counties may operate a
3 variety of detention facilities as determined by the county
4 legislative authority subject to available funds.

5 (b) For juveniles whose minimum prescribed range of confinement
6 would result in less than 60 days of confinement in an institution,
7 accounting for the juvenile's credit for time served, the juvenile
8 may be confined to a detention facility for up to 10 days after the
9 disposition hearing for the department to determine the juvenile's
10 release date. If the department determines that a juvenile's release
11 date would occur in less than 60 days, the remaining confinement may
12 be served in a detention facility or on electronic home monitoring
13 pursuant to a department contract with the county.

14 (3) Excluding the offenses listed in RCW 13.40.160(1)(b), the
15 juvenile court maintains concurrent jurisdiction over a juvenile who
16 is committed to the department and shall schedule review hearings
17 every six months that the juvenile is in the custody of a juvenile
18 rehabilitation facility to assess the youth's progress.

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

21 (i) The services received by the juvenile;

22 (ii) Any infractions committed by the juvenile;

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

26 (iv) How often the juvenile has been under room confinement due
27 to staffing issues or overpopulation and whether there have been any
28 major disruptions to programming in the last six months.

29 (b) During each review hearing the court shall consider the
30 juvenile's progress and shall release the juvenile from the custody
31 of the department and place the juvenile on up to a year of community
32 supervision, unless:

33 (i) The juvenile will be placed on mandatory parole; or

34 (ii) The court makes a finding under RCW 13.40.160(1)(c).

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

38 (d) The respondent may appear remotely for the hearing described
39 under subsection (3) of this section upon agreement of the
40 respondent.

1		Burglary and Trespass	
2	B+	Burglary 1 (9A.52.020) committed at	C+
3		age 15 or under	
4	A-	Burglary 1 (9A.52.020) committed at	B+
5		age 16 or 17	
6	B	Residential Burglary (9A.52.025)	C
7	B	Burglary 2 (9A.52.030)	C
8	D	Burglary Tools (Possession of)	E
9		(9A.52.060)	
10	D	Criminal Trespass 1 (9A.52.070)	E
11	E	Criminal Trespass 2 (9A.52.080)	E
12	C	Mineral Trespass (78.44.330)	C
13	C	Vehicle Prowling 1 (9A.52.095)	D
14	D	Vehicle Prowling 2 (9A.52.100)	E
15		Drugs	
16	E	Possession/Consumption of Alcohol	E
17		(66.44.270)	
18	C	Illegally Obtaining Legend Drug	D
19		(69.41.020)	
20	C+	Sale, Delivery, Possession of Legend	D+
21		Drug with Intent to Sell (69.41.030(2)(a))	
22	E	Possession of Legend	E
23		Drug (69.41.030(2)(b))	
24	B+	Violation of Uniform Controlled	B+
25		Substances Act - Narcotic,	
26		Methamphetamine, or Flunitrazepam	
27		Sale (69.50.401(2) (a) or (b))	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Nonnarcotic Sale	
30		(69.50.401(2)(c))	
31	E	Possession of Cannabis <40 grams	E
32		(69.50.4014)	
33	C	Fraudulently Obtaining Controlled	C
34		Substance (69.50.403)	
35	C+	Sale of Controlled Substance for Profit	C+
36		(69.50.410)	
37	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	B
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.4011(2)	
5		(a) or (b))	
6	C	Violation of Uniform Controlled	C
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.4011(2) (c), (d), or (e))	
9	E	Violation of Uniform Controlled	E
10		Substances Act - Possession of a	
11		Controlled Substance (69.50.4013)	
12	C	Violation of Uniform Controlled	C
13		Substances Act - Possession of a	
14		Controlled Substance (69.50.4012)	
15		Firearms and Weapons	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm	C
18		(9A.56.310)	
19	E	Carrying Loaded Pistol Without Permit	E
20		(9.41.050)	
21	C	Possession of Firearms by Minor (<18)	C
22		(9.41.040(2)(a) (v))	
23	D+	Possession of Dangerous Weapon	E
24		(9.41.250)	
25	D	Intimidating Another Person by use of	E
26		Weapon (9.41.270)	
27		Homicide	
28	A+	Murder 1 (9A.32.030)	A
29	A+	Murder 2 (9A.32.050)	B+
30	B+	Manslaughter 1 (9A.32.060)	C+
31	C+	Manslaughter 2 (9A.32.070)	D+
32	B+	Vehicular Homicide (46.61.520)	C+
33		Kidnapping	
34	A	Kidnap 1 (9A.40.020)	B+
35	B+	Kidnap 2 (9A.40.030)	C+
36	C+	Unlawful Imprisonment (9A.40.040)	D+
37		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer	E
2		(9A.76.020)	
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant	C+
8		(9A.76.180)	
9	B+	Intimidating a Witness (9A.72.110)	C+
10		Public Disturbance	
11	C+	Criminal Mischief with Weapon	D+
12		(9A.84.010(2)(b))	
13	D+	Criminal Mischief Without Weapon	E
14		(9A.84.010(2)(a))	
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		Sex Crimes	
18	A	Rape 1 (9A.44.040)	B+
19	B++	Rape 2 (9A.44.050) committed at age 14	B+
20		or under	
21	A-	Rape 2 (9A.44.050) committed at age 15	B+
22		through age 17	
23	C+	Rape 3 (9A.44.060)	D+
24	B++	Rape of a Child 1 (9A.44.073)	B+
25		committed at age 14 or under	
26	A-	Rape of a Child 1 (9A.44.073)	B+
27		committed at age 15	
28	B+	Rape of a Child 2 (9A.44.076)	C+
29	B	Incest 1 (9A.64.020(1))	C
30	C	Incest 2 (9A.64.020(2))	D
31	D+	Indecent Exposure (Victim <14)	E
32		(9A.88.010)	
33	E	Indecent Exposure (Victim 14 or over)	E
34		(9A.88.010)	
35	B+	Promoting Prostitution 1 (9A.88.070)	C+
36	C+	Promoting Prostitution 2 (9A.88.080)	D+

1	E	O & A (Prostitution) (9A.88.030)	E
2	B+	Indecent Liberties (9A.44.100)	C+
3	B++	Child Molestation 1 (9A.44.083)	B+
4		committed at age 14 or under	
5	A-	Child Molestation 1 (9A.44.083)	B+
6		committed at age 15 through age 17	
7	B	Child Molestation 2 (9A.44.086)	C+
8	C	Failure to Register as a Sex Offender	D
9		(9A.44.132)	
10		Theft, Robbery, Extortion, and	
11		Forgery	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock 1 and 2 (9A.56.080	C
16		and 9A.56.083)	
17	C	Forgery (9A.60.020)	D
18	A	Robbery 1 (9A.56.200) committed at	B+
19		age 15 or under	
20	A++	Robbery 1 (9A.56.200) committed at	A
21		age 16 or 17	
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	C	Identity Theft 1 (9.35.020(2))	D
26	D	Identity Theft 2 (9.35.020(3))	E
27	D	Improperly Obtaining Financial	E
28		Information (9.35.010)	
29	B	Possession of a Stolen Vehicle	C
30		(9A.56.068)	
31	B	Possession of Stolen Property 1	C
32		(9A.56.150)	
33	C	Possession of Stolen Property 2	D
34		(9A.56.160)	
35	D	Possession of Stolen Property 3	E
36		(9A.56.170)	

1	B	Taking Motor Vehicle Without	C
2		Permission 1 (9A.56.070)	
3	C	Taking Motor Vehicle Without	D
4		Permission 2 (9A.56.075)	
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		Motor Vehicle Related Crimes	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	D
14		Vehicle (46.61.024)	
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	E
17		(46.61.502 and 46.61.504)	
18	B+	Felony Driving While Under the	B
19		Influence (46.61.502(6))	
20	B+	Felony Physical Control of a Vehicle	B
21		While Under the Influence (46.61.504(6))	
22		Other	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 ¹ (9A.76.110)	C
26	C	Escape 2 ¹ (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	E
29		(9.61.230)	
30	A	Other Offense Equivalent to an Adult	B+
31		Class A Felony	
32	B	Other Offense Equivalent to an Adult	C
33		Class B Felony	
34	C	Other Offense Equivalent to an Adult	D
35		Class C Felony	

- 1 D Other Offense Equivalent to an Adult E
- 2 Gross Misdemeanor
- 3 E Other Offense Equivalent to an Adult E
- 4 Misdemeanor
- 5 V Violation of Order of Restitution, V
- 6 Community Supervision, or Confinement
- 7 (13.40.200)²

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

- 10 1st escape or attempted escape during 12-month period - 28 days
- 11 confinement
- 12 2nd escape or attempted escape during 12-month period - 8 weeks
- 13 confinement
- 14 3rd and subsequent escape or attempted escape during 12-month
- 15 period - 12 weeks confinement

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

18 **JUVENILE SENTENCING STANDARDS**

19 This schedule must be used for juvenile offenders. The court may
 20 select sentencing option A, B, C, or D.

21 **OPTION A**

22 **JUVENILE OFFENDER SENTENCING GRID**

23 **STANDARD RANGE**

24	A++	129 to 260 weeks for all category A++ offenses					
25	A+	180 weeks to age 21 for all category A+ offenses					
26	A	103-129 weeks for all category A offenses					
27	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
28	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
29	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
30	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
31	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
32		C	LS	LS	LS	LS	15-36 weeks
33		D+	LS	LS	LS	LS	LS

1	D	LS	LS	LS	LS	LS
2	E	LS	LS	LS	LS	LS
3	PRIOR	0	1	2	3	4 or more
4	ADJUDICATIONS					

5 NOTE: References in the grid to days or weeks mean periods of
6 confinement. "LS" means "local sanctions" as defined in RCW
7 13.40.020.

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

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

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

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

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

24 **OR**

25 **OPTION B**

26 **SUSPENDED DISPOSITION ALTERNATIVE**

27 (1) If the offender is subject to a standard range disposition
28 involving confinement by the department, the court may impose the
29 standard range based on a finding under RCW 13.40.160(1)(c) and
30 suspend the disposition on condition that the offender comply with
31 one or more local sanctions and any educational or treatment
32 requirement. The treatment programs provided to the offender must be
33 either research-based best practice programs as identified by the
34 Washington state institute for public policy or the joint legislative
35 audit and review committee, or for chemical dependency treatment
36 programs or services, they must be evidence-based or research-based
37 best practice programs. For the purposes of this subsection:

1 (a) "Evidence-based" means a program or practice that has had
2 multiple site random controlled trials across heterogeneous
3 populations demonstrating that the program or practice is effective
4 for the population; and

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

8 (2) If the offender fails to comply with the suspended
9 disposition, the court may impose sanctions pursuant to RCW 13.40.200
10 or may revoke the suspended disposition and order the disposition's
11 execution.

12 (3) An offender is ineligible for the suspended disposition
13 option under this section if the offender is adjudicated of:

14 (a) ~~((Is adjudicated of an))~~ An A+ ~~((or A++))~~ offense;

15 (b) ~~((Is fourteen years of age or older and is adjudicated of one
16 or more of the following offenses:~~

17 ~~(i) A class A offense, or an attempt, conspiracy, or solicitation
18 to commit a class A offense;~~

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

20 ~~(iii) Assault in the second degree (RCW 9A.36.021), extortion in
21 the first degree (RCW 9A.56.120), kidnapping in the second degree
22 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
23 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
24 manslaughter 2 (RCW 9A.32.070); or~~

25 ~~(iv) Violation of the uniform controlled substances act (RCW
26 69.50.401(2) (a) and (b)), when the offense includes infliction of
27 bodily harm upon another or when during the commission or immediate
28 withdrawal from the offense the respondent was armed with a deadly
29 weapon;~~

30 ~~(c) Is ordered to serve a disposition for a firearm violation
31 under RCW 13.40.193;~~

32 ~~(d) Is adjudicated of a))~~ Assault in the first degree committed
33 when the juvenile was age 16 or older;

34 (c) Drive-by shooting committed when the juvenile was age 16 or
35 older;

36 (d) Kidnapping in the first degree committed when the juvenile
37 was age 16 or older; or

38 (e) A sex offense as defined in RCW 9.94A.030 ~~((; or~~

39 ~~(e) Has a prior option B disposition)).~~

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

3 OR

4 **OPTION C**

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

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

9 adjudicated of an A+ offense, assault in the first degree committed
10 when the juvenile was age 16 or older, drive-by shooting committed
11 when the juvenile was age 16 or older, kidnapping in the first degree
12 committed when the juvenile was age 16 or older, or a sex offense as
13 defined in RCW 9.94A.030, the court may impose a disposition under
14 RCW 13.40.160(4) and 13.40.165. The court may revoke this disposition
15 alternative only if the court makes a finding under RCW
16 13.40.160(1)(c).

17 OR

18 **OPTION D**

19 **MANIFEST INJUSTICE**

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

23 **Sec. 6.** RCW 72.05.420 and 1998 c 269 s 10 are each amended to
24 read as follows:

25 (1) The department shall not initially place an offender in a
26 community facility unless(~~+~~

27 ~~(a) The~~) the department has conducted a risk assessment,
28 including a determination of drug and alcohol abuse, and the results
29 indicate the juvenile will pose not more than a minimum risk to
30 public safety(~~;~~~~and~~

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

34 The risk assessment must include consideration of all prior
35 convictions and all available nonconviction data released upon
36 request under RCW 10.97.050, and any serious infractions or serious

1 violations while under the jurisdiction of the secretary or the
2 courts.

3 ~~(2) ((No juvenile offender may be placed in a community facility
4 until the juvenile's student records and information have been
5 received and the department has reviewed them in conjunction with all
6 other information used for risk assessment, security classification,
7 and placement of the juvenile.~~

8 ~~(3))~~ A juvenile offender shall not be placed in a community
9 facility until the department's risk assessment and security
10 classification is complete ~~((and local law enforcement has been
11 properly notified))~~.

12 **Sec. 7.** RCW 13.40.210 and 2024 c 297 s 16 are each amended to
13 read as follows:

14 (1) The secretary shall set a release date for each juvenile
15 committed to its custody and prioritize setting the release date as
16 soon as possible for juveniles who would serve less than 60 days
17 under the supervision of the department. The release date shall be
18 within the prescribed range, after accounting for the credit that
19 must be applied to both the minimum and maximum terms of the
20 prescribed range to which a juvenile has been committed under RCW
21 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
22 concerning offenders the department determines are eligible for the
23 juvenile offender basic training camp program. Such dates shall be
24 determined prior to the expiration of sixty percent of a juvenile's
25 minimum term of confinement included within the prescribed range to
26 which the juvenile has been committed, after accounting for the
27 credit that must be applied to both the minimum and maximum terms of
28 the prescribed range. The secretary shall release any juvenile
29 committed to the custody of the department within four calendar days
30 prior to the juvenile's release date or on the release date set under
31 this chapter. Days spent in the custody of the department shall be
32 tolled by any period of time during which a juvenile has absented
33 himself or herself from the department's supervision without the
34 prior approval of the secretary or the secretary's designee.

35 (2) The secretary shall monitor the average daily population of
36 the state's juvenile residential facilities. When the secretary
37 concludes that in-residence population of residential facilities
38 exceeds one hundred five percent of the rated bed capacity specified
39 in statute, or in absence of such specification, as specified by the

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

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

1 to provide supervision and services to offenders at moderate to high
2 risk for reoffending.

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

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

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

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

28 (b) The secretary may modify parole and order any of the
29 conditions or may return the offender to confinement for up to
30 twenty-four weeks if the offender was sentenced for a sex offense as
31 defined under RCW 9A.44.128 and is known to have violated the terms
32 of parole. Confinement beyond thirty days is intended to only be used
33 for a small and limited number of sex offenders. It shall only be
34 used when other graduated sanctions or interventions have not been
35 effective or the behavior is so egregious it warrants the use of the
36 higher level intervention and the violation: (i) Is a known pattern
37 of behavior consistent with a previous sex offense that puts the
38 youth at high risk for reoffending sexually; (ii) consists of sexual
39 behavior that is determined to be predatory as defined in RCW
40 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to

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

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

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

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

25 **Sec. 8.** RCW 13.40.215 and 2021 c 206 s 5 are each amended to
26 read as follows:

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

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

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

38 (b)(i) Except as provided in subsection (2) of this section, at
39 the earliest practicable date, and in no event later than thirty days

1 before discharge, parole, or any other authorized leave or release,
2 or before transfer to a community residential facility or community
3 transition services program, the secretary shall send written notice
4 of the discharge, parole, authorized leave or release, or transfer of
5 an individual who is found to have committed a serious violent
6 offense or a sex offense, is twenty-one years of age or younger, and
7 has not received a high school diploma or its equivalent, to the
8 designated recipient of the school where the juvenile (~~(either: (A)~~
9 ~~was enrolled prior to incarceration or detention; or (B))~~) has
10 expressed an intention to enroll following his or her release. This
11 notice must also include the restrictions described in subsection (5)
12 of this section.

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

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

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

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

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

33 (iii) Any person specified in writing by the prosecuting
34 attorney.

35 Information regarding victims, next of kin, or witnesses requesting
36 the notice, information regarding any other person specified in
37 writing by the prosecuting attorney to receive the notice, and the
38 notice are confidential and shall not be available to the juvenile.
39 The notice to the chief of police or the sheriff shall include the
40 identity of the juvenile, the residence where the juvenile will

1 reside, the identity of the person, if any, responsible for
2 supervising the juvenile, and the time period of any authorized
3 leave.

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

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

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

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

38 In case of an emergency or medical leave the secretary may waive
39 all or any portion of the requirements for leaves pursuant to RCW
40 13.40.205 (2)(a), (3), (4), and (5).

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

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

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

17 (6) For purposes of this section the following terms have the
18 following meanings:

19 (a) "Violent offense" means a violent offense under RCW
20 9.94A.030;

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

22 (c) "Stalking" means the crime of stalking as defined in RCW
23 9A.46.110;

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

26 **Sec. 9.** RCW 13.40.230 and 1997 c 338 s 35 are each amended to
27 read as follows:

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

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

37 (2) To uphold a disposition outside the standard range, the court
38 of appeals must find: (a) ~~((that))~~ That the reasons supplied by the
39 disposition judge are supported by the record which was before the

1 judge and that those reasons clearly and convincingly support the
2 conclusion that a disposition within the range would constitute a
3 manifest injustice(~~(7)~~); and (b) that the sentence imposed was
4 neither clearly excessive nor clearly too lenient.

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

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

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

17 (6) The disposition court may impose conditions on release
18 pending appeal as provided in RCW 13.40.040(~~((4))~~) (5) and
19 13.40.050(6).

20 (~~((6))~~) (7) Appeal of a disposition under this section does not
21 affect the finality or appeal of the underlying adjudication of
22 guilt.

23 **Sec. 10.** RCW 13.40.308 and 2016 c 136 s 4 are each amended to
24 read as follows:

25 (1) If a respondent is adjudicated of taking a motor vehicle
26 without permission in the first degree as defined in RCW 9A.56.070,
27 the court shall impose the following minimum sentence, in addition to
28 any restitution the court may order payable to the victim:

29 (a) Juveniles with a prior criminal history score of zero to one-
30 half points shall be sentenced to a standard range sentence that
31 includes no less than three months of community supervision,
32 forty-five hours of community restitution, and a requirement that the
33 juvenile remain at home such that the juvenile is confined to a
34 private residence for no less than five days. The juvenile may be
35 subject to electronic monitoring where available. If the juvenile is
36 enrolled in school, the confinement shall be served on nonschool
37 days;

38 (b) Juveniles with a prior criminal history score of three-
39 quarters to one and one-half points shall be sentenced to a standard

1 range sentence that includes six months of community supervision, no
2 less than ten days of detention, and ninety hours of community
3 restitution; and

4 (c) Juveniles with a prior criminal history score of two or more
5 points shall be sentenced to no less than fifteen to thirty-six weeks
6 commitment to the juvenile rehabilitation administration if the court
7 makes the required finding under RCW 13.40.160(1)(c), four months of
8 parole supervision, and ninety hours of community restitution. A
9 commitment to the juvenile rehabilitation administration under this
10 subsection is subject to the review hearings established under RCW
11 13.40.185(3).

12 (2) If a respondent is adjudicated of theft of a motor vehicle as
13 defined under RCW 9A.56.065, or possession of a stolen vehicle as
14 defined under RCW 9A.56.068, the court shall impose the following
15 minimum sentence, in addition to any restitution the court may order
16 payable to the victim:

17 (a) Juveniles with a prior criminal history score of zero to one-
18 half points shall be sentenced to a standard range sentence that
19 includes no less than three months of community supervision and
20 either ninety hours of community restitution or a requirement that
21 the juvenile remain at home such that the juvenile is confined in a
22 private residence for no less than five days, or a combination
23 thereof that includes a minimum of three days home confinement and a
24 minimum of forty hours of community restitution. The juvenile may be
25 subject to electronic monitoring where available;

26 (b) Juveniles with a prior criminal history score of three-
27 quarters to one and one-half points shall be sentenced to a standard
28 range sentence that includes no less than six months of community
29 supervision, no less than ten days of detention, and ninety hours of
30 community restitution; and

31 (c) Juveniles with a prior criminal history score of two or more
32 points shall be sentenced to no less than fifteen to thirty-six weeks
33 commitment to the juvenile rehabilitation administration if the court
34 makes the required finding under RCW 13.40.160(1)(c), four months of
35 parole supervision, and ninety hours of community restitution. A
36 commitment to the juvenile rehabilitation administration under this
37 subsection is subject to the review hearings established under RCW
38 13.40.185(3).

1 (3) If a respondent is adjudicated of taking a motor vehicle
2 without permission in the second degree as defined in RCW 9A.56.075,
3 the court shall impose a standard range as follows:

4 (a) Juveniles with a prior criminal history score of zero to one-
5 half points shall be sentenced to a standard range sentence that
6 includes three months of community supervision, fifteen hours of
7 community restitution, and a requirement that the juvenile remain at
8 home such that the juvenile is confined in a private residence for no
9 less than one day. If the juvenile is enrolled in school, the
10 confinement shall be served on nonschool days. The juvenile may be
11 subject to electronic monitoring where available;

12 (b) Juveniles with a prior criminal history score of three-
13 quarters to one and one-half points shall be sentenced to a standard
14 range sentence that includes no less than ~~((one day of detention,))~~
15 three months of community supervision, thirty hours of community
16 restitution, and a requirement that the juvenile remain at home such
17 that the juvenile is confined in a private residence for no less than
18 two days. If the juvenile is enrolled in school, ~~((the))~~ any
19 confinement shall be served on nonschool days. The juvenile may be
20 subject to electronic monitoring where available; and

21 (c) Juveniles with a prior criminal history score of two or more
22 points shall be sentenced to no less than ~~((three days of~~
23 ~~detention,))~~ six months of community supervision, forty-five hours of
24 community restitution, and a requirement that the juvenile remain at
25 home such that the juvenile is confined in a private residence for no
26 less than seven days. If the juvenile is enrolled in school, ~~((the))~~
27 any confinement shall be served on nonschool days. The juvenile may
28 be subject to electronic monitoring where available.

29 **Sec. 11.** RCW 72.01.412 and 2023 c 470 s 3018 are each amended to
30 read as follows:

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

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

36 (i) If the person's earned release date is after the person's
37 25th birthday but on or before the person's 26th birthday; and

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

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

8 (i) The person has an earned release date that is before their
9 26th birthday; and

10 (ii) The department of children, youth, and families determines
11 that such placement and retention by the department of children,
12 youth, and families is in the best interests of the person and the
13 community.

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

17 (3) The department's determination under subsection (1)(a)(ii)
18 and (b)(ii) of this section must include consideration of the
19 person's behavior while in confinement and any disciplinary
20 considerations.

21 (4) The department of children, youth, and families retains the
22 authority to transfer the person to the custody of the department of
23 corrections under RCW 72.01.410.

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

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

31 (a) Behavioral health treatment;

32 (b) Independent living;

33 (c) Employment;

34 (d) Education;

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

36 (f) Community connections.

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

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

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

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

11 (b) Persons who will be transferred to the department of
12 corrections, who are in the custody of the department of corrections,
13 or who are under the supervision of the department of corrections;

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

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

18 (e) Level III sex offenders; and

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

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

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

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

30 (c) The department of children, youth, and families provides
31 access to developmentally appropriate, trauma-informed, racial
32 equity-based, and culturally relevant programs to promote successful
33 reentry; and

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

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