

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2466

Chapter 205, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

JUVENILE JUSTICE AMENDMENTS

EFFECTIVE DATE: 6/11/92

Passed by the House March 11, 1992
Yeas 97 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 11, 1992
Yeas 43 Nays 5

JOEL PRITCHARD
President of the Senate

Approved April 2, 1992, with the
exception of sections, 102, 104, 110,
111, 112, 113, 114, 207, 210, 211, 212,
301, 305, 307, 403, 404, 407 and 408,
which are vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is ENGROSSED SUBSTITUTE
HOUSE BILL 2466 as passed by the House
of Representatives and the Senate on
the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED
April 2, 1992 - 11:51 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2466

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

State of Washington

52nd Legislature

1992 Regular Session

By Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig, Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate, and Rasmussen)

Read first time 01/29/92.

1 AN ACT Relating to recommendations of the juvenile issues task
2 force; amending RCW 13.40.010, 13.40.020, 13.40.027, 13.40.0357,
3 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.150, 2.56.030,
4 4.24.190, 9.41.010, 9.41.040, 13.04.011, 28A.225.020, 28A.225.030,
5 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140, 13.32A.150,
6 74.13.032, 74.13.033, 74.13.034, 74.04.055, and 71.34.010; amending
7 1991 c 234 s 1 (uncodified); amending 1991 c 234 s 2 (uncodified);
8 adding new sections to chapter 13.16 RCW; adding a new section to
9 chapter 28A.600 RCW; adding a new section to chapter 28A.225 RCW;
10 adding new sections to chapter 13.32A RCW; adding new sections to
11 chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; adding a
12 new section to chapter 13.40 RCW; creating new sections; prescribing
13 penalties; and providing an effective date.

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

PART I - JUVENILE JUSTICE

Sec. 101. RCW 13.40.010 and 1977 ex.s. c 291 s 55 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that both communities and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, ~~((it shall be the purpose))~~ the legislature declares the following to be equally important purposes of this chapter ~~((to))~~:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide necessary treatment, supervision, and custody for juvenile offenders;

(g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

(h) Provide for restitution to victims of crime;

1 (i) Develop effective standards and goals for the operation,
2 funding, and evaluation of all components of the juvenile justice
3 system and related services at the state and local levels; and

4 (j) Provide for a clear policy to determine what types of offenders
5 shall receive punishment, treatment, or both, and to determine the
6 jurisdictional limitations of the courts, institutions, and community
7 services.

8 ***Sec. 102.** RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each
9 amended to read as follows:

10 *For the purposes of this chapter:*

11 (1) "Serious offender" means a person fifteen years of age or older
12 who has committed an offense which if committed by an adult would be:

13 (a) A class A felony, or an attempt to commit a class A felony;

14 (b) Manslaughter in the first degree; or

15 (c) Assault in the second degree, extortion in the first degree,
16 child molestation in the second degree, kidnapping in the second
17 degree, robbery in the second degree, residential burglary, or burglary
18 in the second degree, where such offenses include the infliction of
19 bodily harm upon another or where during the commission of or immediate
20 withdrawal from such an offense the perpetrator is armed with a deadly
21 weapon or firearm as defined in RCW 9A.04.110;

22 (2) "Community service" means compulsory service, without
23 compensation, performed for the benefit of the community by the
24 offender as punishment for committing an offense. Community service
25 may be performed through public or private organizations or through
26 work crews;

27 (3) "Community supervision" means an order of disposition by the
28 court of an adjudicated youth not committed to the department. A
29 community supervision order for a single offense may be for a period of
30

1 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
2 one year for other offenses ((and)). Community supervision is an
3 individualized program comprised of one or more of the following:

4 (a) Community-based sanctions;

5 (b) Community-based rehabilitation;

6 (c) Monitoring and reporting requirements;

7 (4) Community-based sanctions may include one or more of the
8 following:

9 (a) A fine, not to exceed one hundred dollars;

10 (b) Community service not to exceed one hundred fifty hours of
11 service;

12 ~~((+e))~~ (5) "Community-based rehabilitation" means one or more of
13 the following: Attendance of information classes;

14 ~~((+d) Counseling; or~~

15 ~~(e) Such other services to the extent funds are available for such~~
16 ~~services,))~~ counseling, substance abuse treatment programs, outpatient
17 mental health programs, anger management classes, or other services; or
18 attendance at school or other educational programs appropriate for the
19 juvenile as determined by the school district. Placement in community-
20 based rehabilitation programs is subject to available funds;

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

29 ~~((+4))~~ (7) "Confinement" means ((physical custody by the
30 department of social and health services in a facility operated by or

~~pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county))~~
incarceration in a detention facility following: Arrest pending a detention hearing under RCW 13.40.050; entry of an order of detention entered pursuant to RCW 13.40.050; commitment to a county detention facility; modification of a disposition for violation of the disposition; or modification of parole for violation of parole. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

~~((+5))~~ (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((+6))~~ (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

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

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

~~((+7))~~ (10) "Department" means the department of social and health services;

~~((+8))~~ (11) "Detention facility" means a facility for the physical confinement of a juvenile alleged to have committed an offense or an

1 adjudicated offender subject to a disposition or modification order.
2 Detention facilities may be secure, semisecure, or nonsecure, and may
3 include group homes, foster homes, and home detention with electronic
4 or staff monitoring. Detention foster homes and group homes may not be
5 used for placement of juveniles who are ordered into rehabilitation
6 placements pursuant to a community supervision disposition. "Secure
7 detention" means lockup or staff-secure facilities. "Nonsecure
8 detention" means residential placement in the community in a physically
9 nonrestrictive environment under the supervision of and funded by the
10 local government department of youth services or equivalent department.
11 "Home detention" means placement of the juvenile in the custody of the
12 juvenile's parent, guardian, or custodian in a physically
13 nonrestrictive environment under the supervision of and funded by the
14 local government department of youth services or equivalent department
15 with electronic monitoring or department staff monitoring;

16 (12) "Diversion unit" means any probation counselor who enters into
17 a diversion agreement with an alleged youthful offender, or any other
18 person or entity except a law enforcement official or entity, with whom
19 the juvenile court administrator has contracted to arrange and
20 supervise such agreements pursuant to RCW ((13.04.040, as now or
21 hereafter amended,)) 13.40.080, or any person or entity specially
22 funded by the legislature to arrange and supervise diversion agreements
23 in accordance with the requirements of this chapter;

24 ((+9)) (13) "Institution" means a juvenile facility established
25 pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

26 ((+10)) (14) "Juvenile," "youth," and "child" mean any individual
27 who is under the chronological age of eighteen years and who has not
28 been previously transferred to adult court;

29 ((+11)) (15) "Juvenile offender" means any juvenile who has been
30 found by the juvenile court to have committed an offense, including a

1 person eighteen years of age or older over whom jurisdiction has been
2 extended under RCW 13.40.300;

3 ~~((+12+))~~ (16) "Manifest injustice" means a disposition that would
4 either impose an excessive penalty on the juvenile or would impose a
5 serious, and clear danger to society in light of the purposes of this
6 chapter;

7 ~~((+13+))~~ (17) "Middle offender" means a person who has committed an
8 offense and who is neither a minor or first offender nor a serious
9 offender;

10 ~~((+14+))~~ (18) "Minor or first offender" means a person sixteen
11 years of age or younger whose current offense(s) and criminal history
12 fall entirely within one of the following categories:

13 (a) Four misdemeanors;

14 (b) Two misdemeanors and one gross misdemeanor;

15 (c) One misdemeanor and two gross misdemeanors;

16 (d) Three gross misdemeanors;

17 (e) One class C felony except manslaughter in the second degree and
18 one misdemeanor or gross misdemeanor;

19 (f) One class B felony except: Any felony which constitutes an
20 attempt to commit a class A felony; manslaughter in the first degree;
21 assault in the second degree; extortion in the first degree; indecent
22 liberties; kidnapping in the second degree; robbery in the second
23 degree; burglary in the second degree; residential burglary; vehicular
24 homicide; or arson in the second degree.

25 For purposes of this definition, current violations shall be
26 counted as misdemeanors;

27 ~~((+15+))~~ (19) "Offense" means an act designated a violation or a
28 crime if committed by an adult under the law of this state, under any
29 ordinance of any city or county of this state, under any federal law,
30 or under the law of another state if the act occurred in that state;

1 ~~((+16+))~~ (20) "Respondent" means a juvenile who is alleged or
2 proven to have committed an offense;

3 ~~((+17+))~~ (21) "Restitution" means financial reimbursement by the
4 offender to the victim, and shall be limited to easily ascertainable
5 damages for injury to or loss of property, actual expenses incurred for
6 medical treatment for physical injury to persons, lost wages resulting
7 from physical injury, and costs of the victim's counseling reasonably
8 related to the offense if the offense is a sex offense. Restitution
9 shall not include reimbursement for damages for mental anguish, pain
10 and suffering, or other intangible losses. Nothing in this chapter
11 shall limit or replace civil remedies or defenses available to the
12 victim or offender;

13 ~~((+18+))~~ (22) "Secretary" means the secretary of the department of
14 social and health services;

15 ~~((+19+))~~ (23) "Services" mean services which provide alternatives
16 to incarceration for those juveniles who have pleaded or been
17 adjudicated guilty of an offense or have signed a diversion agreement
18 pursuant to this chapter;

19 ~~((+20+))~~ (24) "Sex offense" means an offense defined as a sex
20 offense in RCW 9.94A.030;

21 ~~((+21+))~~ (25) "Sexual motivation" means that one of the purposes
22 for which the respondent committed the offense was for the purpose of
23 his or her sexual gratification;

24 ~~((+22+))~~ (26) "Foster care" means temporary physical care in a
25 foster family home or group care facility as defined in RCW 74.15.020
26 and licensed by the department, or other legally authorized care;

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE

JUVENILE

DISPOSITION

DISPOSITION

CATEGORY FOR ATTEMPT,

OFFENSE

BAILJUMP, CONSPIRACY,

CATEGORY

DESCRIPTION (RCW CITATION)

OR SOLICITATION

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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
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B	Arson 2 (9A.48.030)	C
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C	Reckless Burning 1 (9A.48.040)	D
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D	Reckless Burning 2 (9A.48.050)	E
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B	Malicious Mischief 1 (9A.48.070)	C
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C	Malicious Mischief 2 (9A.48.080)	D
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D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
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E	Tampering with Fire Alarm Apparatus (9.40.100)	E
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A	Possession of Incendiary Device (9.40.120)	B+
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Assault and Other Crimes

Involving Physical Harm

A	Assault 1 (9A.36.011)	B+
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B+	Assault 2 (9A.36.021)	C+
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C+	Assault 3 (9A.36.031)	D+
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D+	Assault 4 (9A.36.041)	E
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1	<i>D+</i>	<i>Reckless Endangerment</i>	
2		<i>(9A.36.050)</i>	<i>E</i>
3	<i>C+</i>	<i>Promoting Suicide Attempt</i>	
4		<i>(9A.36.060)</i>	<i>D+</i>
5	<i>D+</i>	<i>Coercion (9A.36.070)</i>	<i>E</i>
6	<i>C+</i>	<i>Custodial Assault (9A.36.100)</i>	<i>D+</i>
7		<i>Burglary and Trespass</i>	
8	<i>B+</i>	<i>Burglary 1 (9A.52.020)</i>	<i>C+</i>
9	<i>B</i>	<i>Burglary 2 (9A.52.030)</i>	<i>C</i>
10	<i>D</i>	<i>Burglary Tools (Possession of)</i>	
11		<i>(9A.52.060)</i>	<i>E</i>
12	<i>D</i>	<i>Criminal Trespass 1 (9A.52.070)</i>	<i>E</i>
13	<i>E</i>	<i>Criminal Trespass 2 (9A.52.080)</i>	<i>E</i>
14	<i>D</i>	<i>Vehicle Prowling (9A.52.100)</i>	<i>E</i>
15		<i>Drugs</i>	
16	<i>E</i>	<i>Possession/Consumption of Alcohol</i>	
17		<i>(66.44.270)</i>	<i>E</i>
18	<i>C</i>	<i>Illegally Obtaining Legend Drug</i>	
19		<i>(69.41.020)</i>	<i>D</i>
20	<i>C+</i>	<i>Sale, Delivery, Possession of Legend</i>	
21		<i>Drug with Intent to Sell</i>	
22		<i>(69.41.030)</i>	<i>D+</i>
23	<i>E</i>	<i>Possession of Legend Drug</i>	
24		<i>(69.41.030)</i>	<i>E</i>
25	<i>B+</i>	<i>Violation of Uniform Controlled</i>	
26		<i>Substances Act - Narcotic Sale</i>	
27		<i>(69.50.401(a)(1)(i))</i>	<i>B+</i>
28	<i>C</i>	<i>Violation of Uniform Controlled</i>	

1		<i>Substances Act - Nonnarcotic Sale</i>	
2		<i>(69.50.401(a)(1)(ii))</i>	<i>C</i>
3	<i>E</i>	<i>Possession of Marihuana <40 grams</i>	
4		<i>(69.50.401(e))</i>	<i>E</i>
5	<i>C</i>	<i>Fraudulently Obtaining Controlled</i>	
6		<i>Substance (69.50.403)</i>	<i>C</i>
7	<i>C+</i>	<i>Sale of Controlled Substance</i>	
8		<i>for Profit (69.50.410)</i>	<i>C+</i>
9	<i>E</i>	<i>((Glue Sniffing (9.47A.050)))</i>	<i>E</i>
10		<u><i>Unlawful Inhalation (9.47A.020)</i></u>	
11	<i>B</i>	<i>Violation of Uniform Controlled</i>	
12		<i>Substances Act - Narcotic</i>	
13		<i>Counterfeit Substances</i>	
14		<i>(69.50.401(b)(1)(i))</i>	<i>B</i>
15	<i>C</i>	<i>Violation of Uniform Controlled</i>	
16		<i>Substances Act - Nonnarcotic</i>	
17		<i>Counterfeit Substances</i>	
18		<i>(69.50.401(b)(1) (ii), (iii), (iv))</i>	<i>C</i>
19	<i>C</i>	<i>Violation of Uniform Controlled</i>	
20		<i>Substances Act - Possession of a</i>	
21		<i>Controlled Substance</i>	
22		<i>(69.50.401(d))</i>	<i>C</i>
23	<i>C</i>	<i>Violation of Uniform Controlled</i>	
24		<i>Substances Act - Possession of a</i>	
25		<i>Controlled Substance</i>	
26		<i>(69.50.401(c))</i>	<i>C</i>
27		<i>Firearms and Weapons</i>	
28	<i>((C+</i>	<i>Committing Crime when Armed</i>	
29		<i>(9.41.025)</i>	<i>D+))</i>

1	<i>E</i>	<i>Carrying Loaded Pistol Without</i>	
2		<i>Permit (9.41.050)</i>	<i>E</i>
3	<i>E</i>	<i>Use of Firearms by Minor (<14)</i>	
4		<i>(9.41.240)</i>	<i>E</i>
5	<i>D+</i>	<i>Possession of Dangerous Weapon</i>	
6		<i>(9.41.250)</i>	<i>E</i>
7	<i>D</i>	<i>Intimidating Another Person by use</i>	
8		<i>of Weapon (9.41.270)</i>	<i>E</i>
9		<i>Homicide</i>	
10	<i>A+</i>	<i>Murder 1 (9A.32.030)</i>	<i>A</i>
11	<i>A+</i>	<i>Murder 2 (9A.32.050)</i>	<i>B+</i>
12	<i>B+</i>	<i>Manslaughter 1 (9A.32.060)</i>	<i>C+</i>
13	<i>C+</i>	<i>Manslaughter 2 (9A.32.070)</i>	<i>D+</i>
14	<i>B+</i>	<i>Vehicular Homicide (46.61.520)</i>	<i>C+</i>
15		<i>Kidnapping</i>	
16	<i>A</i>	<i>Kidnap 1 (9A.40.020)</i>	<i>B+</i>
17	<i>B+</i>	<i>Kidnap 2 (9A.40.030)</i>	<i>C+</i>
18	<i>C+</i>	<i>Unlawful Imprisonment</i>	
19		<i>(9A.40.040)</i>	<i>D+</i>
20	<i>((D</i>	<i>Custodial Interference</i>	
21		<i>(9A.40.050)</i>	<i>E))</i>
22		<i>Obstructing Governmental Operation</i>	
23	<i>E</i>	<i>Obstructing a Public Servant</i>	
24		<i>(9A.76.020)</i>	<i>E</i>
25	<i>E</i>	<i>Resisting Arrest (9A.76.040)</i>	<i>E</i>
26	<i>B</i>	<i>Introducing Contraband 1</i>	
27		<i>(9A.76.140)</i>	<i>C</i>

1	<i>C</i>	<i>Introducing Contraband 2</i>	
2		<i>(9A.76.150)</i>	<i>D</i>
3	<i>E</i>	<i>Introducing Contraband 3</i>	
4		<i>(9A.76.160)</i>	<i>E</i>
5	<i>B+</i>	<i>Intimidating a Public Servant</i>	
6		<i>(9A.76.180)</i>	<i>C+</i>
7	<i>B+</i>	<i>Intimidating a Witness</i>	
8		<i>(9A.72.110)</i>	<i>C+</i>
9	<i>((E</i>	<i>Criminal Contempt</i>	
10		<i>(9.23.010)</i>	<i>E))</i>
11		<i>Public Disturbance</i>	
12	<i>C+</i>	<i>Riot with Weapon (9A.84.010)</i>	<i>D+</i>
13	<i>D+</i>	<i>Riot Without Weapon</i>	
14		<i>(9A.84.010)</i>	<i>E</i>
15	<i>E</i>	<i>Failure to Disperse (9A.84.020)</i>	<i>E</i>
16	<i>E</i>	<i>Disorderly Conduct (9A.84.030)</i>	<i>E</i>
17		<i>Sex Crimes</i>	
18	<i>A</i>	<i>Rape 1 (9A.44.040)</i>	<i>B+</i>
19	<i>A-</i>	<i>Rape 2 (9A.44.050)</i>	<i>B+</i>
20	<i>C+</i>	<i>Rape 3 (9A.44.060)</i>	<i>D+</i>
21	<i>A-</i>	<i>Rape of a Child 1 (9A.44.073)</i>	<i>B+</i>
22	<i>B</i>	<i>Rape of a Child 2 (9A.44.076)</i>	<i>C+</i>
23	<i>B</i>	<i>Incest 1 (9A.64.020(1))</i>	<i>C</i>
24	<i>C</i>	<i>Incest 2 (9A.64.020(2))</i>	<i>D</i>
25	<i>D+</i>	<i>((Public Indecency))</i> <u><i>Indecent Exposure</i></u>	
26		<i>(Victim <14) (9A.88.010)</i>	<i>E</i>
27	<i>E</i>	<i>((Public Indecency))</i> <u><i>Indecent Exposure</i></u>	
28		<i>(Victim 14 or over) (9A.88.010)</i>	<i>E</i>

1	<i>B+</i>	<i>Promoting Prostitution 1</i>	
2		<i>(9A.88.070)</i>	<i>C+</i>
3	<i>C+</i>	<i>Promoting Prostitution 2</i>	
4		<i>(9A.88.080)</i>	<i>D+</i>
5	<i>E</i>	<i>O & A (Prostitution) (9A.88.030)</i>	<i>E</i>
6	<i>B+</i>	<i>Indecent Liberties (9A.44.100)</i>	<i>C+</i>
7	<i>B+</i>	<i>Child Molestation 1 (9A.44.083)</i>	<i>C+</i>
8	<i>C+</i>	<i>Child Molestation 2 (9A.44.086)</i>	<i>C</i>
9		<i>Theft, Robbery, Extortion, and Forgery</i>	
10	<i>B</i>	<i>Theft 1 (9A.56.030)</i>	<i>C</i>
11	<i>C</i>	<i>Theft 2 (9A.56.040)</i>	<i>D</i>
12	<i>D</i>	<i>Theft 3 (9A.56.050)</i>	<i>E</i>
13	<i>B</i>	<i>Theft of Livestock (9A.56.080)</i>	<i>C</i>
14	<i>C</i>	<i>Forgery (((9A.56.020))) <u>(9A.60.020)</u></i>	<i>D</i>
15	<i>A</i>	<i>Robbery 1 (9A.56.200)</i>	<i>B+</i>
16	<i>B+</i>	<i>Robbery 2 (9A.56.210)</i>	<i>C+</i>
17	<i>B+</i>	<i>Extortion 1 (9A.56.120)</i>	<i>C+</i>
18	<i>C+</i>	<i>Extortion 2 (9A.56.130)</i>	<i>D+</i>
19	<i>B</i>	<i>Possession of Stolen Property 1</i>	
20		<i>(9A.56.150)</i>	<i>C</i>
21	<i>C</i>	<i>Possession of Stolen Property 2</i>	
22		<i>(9A.56.160)</i>	<i>D</i>
23	<i>D</i>	<i>Possession of Stolen Property 3</i>	
24		<i>(9A.56.170)</i>	<i>E</i>
25	<i>C</i>	<i>Taking Motor Vehicle Without</i>	
26		<i>Owner's Permission (9A.56.070)</i>	<i>D</i>
27		<i>Motor Vehicle Related Crimes</i>	
28	<i>E</i>	<i>Driving Without a License</i>	

1		(46.20.021)	E
2	C	Hit and Run - Injury	
3		(46.52.020(4))	D
4	D	Hit and Run-Attended	
5		(46.52.020(5))	E
6	E	Hit and Run-Unattended	
7		(46.52.010)	E
8	C	Vehicular Assault (46.61.522)	D
9	C	Attempting to Elude Pursuing	
10		Police Vehicle (46.61.024)	D
11	E	Reckless Driving (46.61.500)	E
12	D	Driving While Under the Influence	
13		(46.61.515)	E
14	B+	Negligent Homicide by Motor	
15		Vehicle (46.61.520)	C+
16	D	Vehicle Prowling (9A.52.100)	E
17	C	Taking Motor Vehicle Without	
18		Owner's Permission (9A.56.070)	D
19		Other	
20	B	Bomb Threat (9.61.160)	C
21	C	Escape ¹ (9A.76.110)	C
22	C	Escape ² (9A.76.120)	C
23	D	Escape 3 (9A.76.130)	E
24	C	Failure to Appear in Court	
25		(10.19.130)	D
26	E	Tampering with Fire Alarm	
27		Apparatus (9.40.100)	E
28	E	Obscene, Harassing, Etc.,	
29		Phone Calls (9.61.230)	E

1	A	Other Offense Equivalent to an	
2		Adult Class A Felony	B+
3	B	Other Offense Equivalent to an	
4		Adult Class B Felony	C
5	C	Other Offense Equivalent to an	
6		Adult Class C Felony	D
7	D	Other Offense Equivalent to an	
8		Adult Gross Misdemeanor	E
9	E	Other Offense Equivalent to an	
10		Adult Misdemeanor	E
11	V	Violation of Order of Restitution,	
12		Community Supervision, or	
13		Confinement ² (13.40.200)	V

14 ~~Escape~~ 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 4 weeks
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
21 period - 12 weeks confinement

22 ~~III~~ the court finds that a respondent has violated terms of an order,
23 it may impose a penalty of up to 30 days of confinement.

SCHEDULE B

PRIOR OFFENSE INCREASE FACTOR

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

<i>OFFENSE</i>	<i>0-12</i>	<i>13-24</i>	<i>25 Months</i>
<i>CATEGORY</i>	<i>Months</i>	<i>Months</i>	<i>or More</i>
.....			
<i>A+</i>	<i>.9</i>	<i>.9</i>	<i>.9</i>
<i>A</i>	<i>.9</i>	<i>.8</i>	<i>.6</i>
<i>A-</i>	<i>.9</i>	<i>.8</i>	<i>.5</i>
<i>B+</i>	<i>.9</i>	<i>.7</i>	<i>.4</i>
<i>B</i>	<i>.9</i>	<i>.6</i>	<i>.3</i>
<i>C+</i>	<i>.6</i>	<i>.3</i>	<i>.2</i>
<i>C</i>	<i>.5</i>	<i>.2</i>	<i>.2</i>
<i>D+</i>	<i>.3</i>	<i>.2</i>	<i>.1</i>
<i>D</i>	<i>.2</i>	<i>.1</i>	<i>.1</i>
<i>E</i>	<i>.1</i>	<i>.1</i>	<i>.1</i>

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

SCHEDULE C

CURRENT OFFENSE POINTS

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

<i>OFFENSE</i>	<i>12 &</i>						
<i>CATEGORY</i>	<i>Under</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>	
.....							
<i>A+</i>	<i>STANDARD</i>	<i>RANGE</i>	<i>180-224</i>	<i>WEEKS</i>			
<i>A</i>	<i>250</i>	<i>300</i>	<i>350</i>	<i>375</i>	<i>375</i>	<i>375</i>	
<i>A-</i>	<i>150</i>	<i>150</i>	<i>150</i>	<i>200</i>	<i>200</i>	<i>200</i>	
<i>B+</i>	<i>110</i>	<i>110</i>	<i>120</i>	<i>130</i>	<i>140</i>	<i>150</i>	
<i>B</i>	<i>45</i>	<i>45</i>	<i>50</i>	<i>50</i>	<i>57</i>	<i>57</i>	
<i>C+</i>	<i>44</i>	<i>44</i>	<i>49</i>	<i>49</i>	<i>55</i>	<i>55</i>	
<i>C</i>	<i>40</i>	<i>40</i>	<i>45</i>	<i>45</i>	<i>50</i>	<i>50</i>	
<i>D+</i>	<i>16</i>	<i>18</i>	<i>20</i>	<i>22</i>	<i>24</i>	<i>26</i>	
<i>D</i>	<i>14</i>	<i>16</i>	<i>18</i>	<i>20</i>	<i>22</i>	<i>24</i>	
<i>E</i>	<i>4</i>	<i>4</i>	<i>4</i>	<i>6</i>	<i>8</i>	<i>10</i>	

JUVENILE SENTENCING STANDARDS

SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C. A

1 disposition order for a minor/first offender may not include an order
2 of confinement.

3 *MINOR/FIRST OFFENDER*

4 *OPTION A*

5 *STANDARD RANGE*

6			<i>Community</i>	
7		<i>Community</i>	<i>Service</i>	
8	<i>Points</i>	<i>Supervision</i>	<i>Hours</i>	<i>Fine</i>
9	<i>1-9</i>	<i>((0-3)) 0-12 months</i>	<i>and/or 0-8</i>	<i>and/or 0-\$10</i>
10	<i>10-19</i>	<i>((0-3)) 0-12 months</i>	<i>and/or 0-8</i>	<i>and/or 0-\$10</i>
11	<i>20-29</i>	<i>((0-3)) 0-12 months</i>	<i>and/or 0-16</i>	<i>and/or 0-\$10</i>
12	<i>30-39</i>	<i>((0-3)) 0-12 months</i>	<i>and/or 8-24</i>	<i>and/or 0-\$25</i>
13	<i>40-49</i>	<i>((3-6)) 0-12 months</i>	<i>and/or 16-32</i>	<i>and/or 0-\$25</i>
14	<i>50-59</i>	<i>((3-6)) 0-12 months</i>	<i>and/or 24-40</i>	<i>and/or 0-\$25</i>
15	<i>60-69</i>	<i>((6-9)) 0-12 months</i>	<i>and/or 32-48</i>	<i>and/or 0-\$50</i>
16	<i>70-79</i>	<i>((6-9)) 0-12 months</i>	<i>and/or 40-55</i>	<i>and/or 0-\$50</i>
17	<i>80-89</i>	<i>((9-12)) 0-12 months</i>	<i>and/or 48-64</i>	<i>and/or 10-\$100</i>
18	<i>90-109</i>	<i>((9-12)) 0-12 months</i>	<i>and/or 56-72</i>	<i>and/or 10-\$100</i>

1

OR

2

OPTION B

3

STATUTORY OPTION

4 0-12 Months Community Supervision

5 0-150 Hours Community Service

6 0-100 Fine

7 A term of community supervision with a maximum of 150 hours, \$100.00
8 fine, and 12 months supervision.

9

OR

10

OPTION C

11

MANIFEST INJUSTICE

12 When a term of community supervision would effectuate a manifest
13 injustice, another disposition may be imposed. When a judge imposes a
14 sentence of confinement exceeding 30 days, the court shall sentence the
15 juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~)
16 13.40.030(2), as now or hereafter amended, shall be used to determine
17 the range.

JUVENILE SENTENCING STANDARDS

SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A

STANDARD RANGE

Community				
	Community	Service		Confinement
Points	Supervision	Hours	Fine	Days Weeks
.....				
1-9	((0-3)) 0-12 months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	((0-3)) 0-12 months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	((0-3)) 0-12 months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	((0-3)) 0-12 months	and/or 8-24	and/or 0-\$25	and/or
				((2-4)) 0-10
40-49	((3-6)) 0-12 months	and/or 16-32	and/or 0-\$25	and/or
				((2-4)) 0-10
50-59	((3-6)) 0-12 months	and/or 24-40	and/or 0-\$25	and/or
				((5-10)) 0-10
60-69	((6-9)) 0-12 months	and/or 32-48	and/or 0-\$50	and/or
				((5-10)) 10-20
70-79	((6-9)) 0-12 months	and/or 40-56	and/or 0-\$50	and/or
				10-20

1	80-89	((9-12)) <u>0-12</u> months and/or 48-64 and/or 0-\$100 and/or
2		10-20
3	90-109	((9-12)) <u>0-12</u> months and/or 56-72 and/or 0-\$100 and/or
4		((15-30)) <u>20-30</u>
5	<u>110-129</u>	<u>8-12</u>
6	<u>130-149</u>	<u>13-16</u>
7	<u>150-199</u>	<u>21-28</u>
8	<u>200-249</u>	<u>30-40</u>
9	<u>250-299</u>	<u>52-65</u>
10	<u>300-374</u>	<u>80-100</u>
11	<u>375+</u>	<u>103-129</u>

12 Middle offenders with more than 110 points do not have to be committed.
13 They may be assigned community supervision under option B.
14 All A+ offenses 180-224 weeks

15 OR

16
17 OPTION B

18 STATUTORY OPTION

19 0-12 Months Community Supervision
20 0-150 Hours Community Service
21 0-100 Fine

22 The court may impose a determinate disposition of community supervision
23 and/or up to 30 days confinement; in which case, if confinement has
24 been imposed, the court shall state either aggravating or mitigating
25 factors as set forth in RCW 13.40.150, as now or hereafter amended.

1 OR

2
3 OPTION C

4 MANIFEST INJUSTICE

5 If the court determines that a disposition under A or B would
6 effectuate a manifest injustice, the court shall sentence the juvenile
7 to a maximum term and the provisions of RCW ((13.40.030(5)))
8 13.40.030(2), as now or hereafter amended, shall be used to determine
9 range.

10 JUVENILE SENTENCING STANDARDS

11 SCHEDULE D-3

12 This schedule may only be used for serious offenders. After the
13 determination is made that a youth is a serious offender, the court has
14 the discretion to select sentencing option A or B.

15 SERIOUS OFFENDER

16 OPTION A

17 STANDARD RANGE

<i>Points</i>	<i>Institution Time</i>
<i>0-129</i>	<i>8-12 weeks</i>
<i>130-149</i>	<i>13-16 weeks</i>
<i>150-199</i>	<i>21-28 weeks</i>
<i>200-249</i>	<i>30-40 weeks</i>
<i>250-299</i>	<i>52-65 weeks</i>
<i>300-374</i>	<i>80-100 weeks</i>

1 375+ 103-129 weeks
2 All A+
3 Offenses 180-224 weeks

4 OR

6 OPTION B

7 MANIFEST INJUSTICE

8 *A disposition outside the standard range shall be determined and shall*
9 *be comprised of confinement or community supervision or a combination*
10 *thereof. When a judge finds a manifest injustice and imposes a*
11 *sentence of confinement exceeding 30 days, the court shall sentence the*
12 *juvenile to a maximum term, and the provisions of RCW ((13.40.030(5)))*
13 *13.40.030(2), as now or hereafter amended, shall be used to determine*
14 *the range.*

15 **Sec. 104 was vetoed, see message at end of chapter.*

16 **Sec. 105.** RCW 13.40.038 and 1986 c 288 s 7 are each amended to
17 read as follows:

18 It is the policy of this state that all county juvenile detention
19 facilities provide a humane, safe, and rehabilitative environment and
20 that unadjudicated youth remain in the community whenever possible,
21 consistent with public safety and the provisions of chapter 13.40 RCW.

22 The counties shall develop and implement detention intake standards
23 and risk assessment standards to determine whether detention is
24 warranted and if so whether the juvenile should be placed in secure,
25 nonsecure, or home detention to implement the goals of this section.
26 Inability to pay for a less restrictive detention placement shall not
27 be a basis for denying a respondent a less restrictive placement in the

1 community. The detention and risk assessment standards shall be
2 developed and implemented no later than December 31, 1992.

3 **Sec. 106.** RCW 13.40.050 and 1979 c 155 s 58 are each amended to
4 read as follows:

5 (1) When a juvenile taken into custody is held in detention:

6 (a) An information, a community supervision modification or
7 termination of diversion petition, or a parole modification petition
8 shall be filed within seventy-two hours, Saturdays, Sundays, and
9 holidays excluded, or the juvenile shall be released; and

10 (b) A detention hearing, a community supervision modification or
11 termination of diversion petition, or a parole modification petition
12 shall be held within seventy-two hours, Saturdays, Sundays, and
13 holidays excluded, from the time of filing the information or petition,
14 to determine whether continued detention is necessary under RCW
15 13.40.040.

16 (2) Notice of the detention hearing, stating the time, place, and
17 purpose of the hearing, and stating the right to counsel, shall be
18 given to the parent, guardian, or custodian if such person can be found
19 and shall also be given to the juvenile if over twelve years of age.

20 (3) At the commencement of the detention hearing, the court shall
21 advise the parties of their rights under this chapter and shall appoint
22 counsel as specified in this chapter.

23 (4) The court shall, based upon the allegations in the information,
24 determine whether the case is properly before it or whether the case
25 should be treated as a diversion case under RCW 13.40.080. If the case
26 is not properly before the court the juvenile shall be ordered
27 released.

28 (5) Notwithstanding a determination that the case is properly
29 before the court and that probable cause exists, a juvenile shall at

1 the detention hearing be ordered released on the juvenile's personal
2 recognizance pending further hearing unless the court finds detention
3 is necessary under RCW 13.40.040 as now or hereafter amended.

4 (6) If detention is not necessary under RCW 13.40.040, as now or
5 hereafter amended, the court shall impose the most appropriate of the
6 following conditions or, if necessary, any combination of the following
7 conditions:

8 (a) Place the juvenile in the custody of a designated person
9 agreeing to supervise such juvenile;

10 (b) Place restrictions on the travel of the juvenile during the
11 period of release;

12 (c) Require the juvenile to report regularly to and remain under
13 the supervision of the juvenile court;

14 (d) Impose any condition other than detention deemed reasonably
15 necessary to assure appearance as required; or

16 (e) Require that the juvenile return to detention during specified
17 hours.

18 (7) If the parent, guardian, or custodian of the juvenile in
19 detention is available, the court shall consult with them prior to a
20 determination to further detain or release the juvenile or treat the
21 case as a diversion case under RCW 13.40.080.

22 **Sec. 107.** RCW 13.40.070 and 1989 c 407 s 9 are each amended to
23 read as follows:

24 (1) Complaints referred to the juvenile court alleging the
25 commission of an offense shall be referred directly to the prosecutor.
26 The prosecutor, upon receipt of a complaint, shall screen the complaint
27 to determine whether:

28 (a) The alleged facts bring the case within the jurisdiction of the
29 court; and

1 (b) On a basis of available evidence there is probable cause to
2 believe that the juvenile did commit the offense.

3 (2) If the identical alleged acts constitute an offense under both
4 the law of this state and an ordinance of any city or county of this
5 state, state law shall govern the prosecutor's screening and charging
6 decision for both filed and diverted cases.

7 (3) If the requirements of subsections (1) (a) and (b) of this
8 section are met, the prosecutor shall either file an information in
9 juvenile court or divert the case, as set forth in subsections (5),
10 (6), and (7) of this section. If the prosecutor finds that the
11 requirements of subsection (1) (a) and (b) of this section are not met,
12 the prosecutor shall maintain a record, for one year, of such decision
13 and the reasons therefor. In lieu of filing an information or
14 diverting an offense a prosecutor may file a motion to modify community
15 supervision where such offense constitutes a violation of community
16 supervision.

17 (4) An information shall be a plain, concise, and definite written
18 statement of the essential facts constituting the offense charged. It
19 shall be signed by the prosecuting attorney and conform to chapter
20 10.37 RCW.

21 (5) Where a case is legally sufficient, the prosecutor shall file
22 an information with the juvenile court if:

23 (a) An alleged offender is accused of a class A felony, a class B
24 felony, an attempt to commit a class B felony, (~~assault in the third~~
25 ~~degree, rape in the third degree~~) a class C felony listed in RCW
26 9.94A.440(2) as a crime against persons, or any other offense listed in
27 RCW 13.40.020(1) (b) or (c); or

28 (b) An alleged offender is accused of a felony and has a criminal
29 history of at least one class A or class B felony, or two class C
30 felonies, or at least two gross misdemeanors, or at least two

1 misdemeanors and one additional misdemeanor or gross misdemeanor, or at
2 least one class C felony and one misdemeanor or gross misdemeanor; or

3 (c) An alleged offender has previously been committed to the
4 department; or

5 (d) An alleged offender has been referred by a diversion unit for
6 prosecution or desires prosecution instead of diversion; or

7 ~~((d))~~ (e) An alleged offender has three or more diversions on the
8 alleged offender's criminal history ~~((within eighteen months of the~~
9 ~~current alleged offense))~~.

10 (6) Where a case is legally sufficient the prosecutor shall divert
11 the case if the alleged offense is a misdemeanor or gross misdemeanor
12 or violation and the alleged offense(s) in combination with the alleged
13 offender's criminal history do not exceed two offenses or violations
14 and do not include any felonies: PROVIDED, That if the alleged
15 offender is charged with a related offense that must or may be filed
16 under subsections (5) and (7) of this section, a case under this
17 subsection may also be filed.

18 (7) Where a case is legally sufficient and falls into neither
19 subsection (5) nor (6) of this section, it may be filed or diverted.
20 In deciding whether to file or divert an offense under this section the
21 prosecutor shall be guided only by the length, seriousness, and recency
22 of the alleged offender's criminal history and the circumstances
23 surrounding the commission of the alleged offense.

24 (8) Whenever a juvenile is placed in custody or, where not placed
25 in custody, referred to a diversionary interview, the parent or legal
26 guardian of the juvenile shall be notified as soon as possible
27 concerning the allegation made against the juvenile and the current
28 status of the juvenile. Where a case involves victims of crimes
29 against persons or victims whose property has not been recovered at the

1 time a juvenile is referred to a diversionary unit, the victim shall be
2 notified of the referral and informed how to contact the unit.

3 (9) The responsibilities of the prosecutor under subsections (1)
4 through (8) of this section may be performed by a juvenile court
5 probation counselor for any complaint referred to the court alleging
6 the commission of an offense which would not be a felony if committed
7 by an adult, if the prosecutor has given sufficient written notice to
8 the juvenile court that the prosecutor will not review such complaints.

9 (10) The prosecutor, juvenile court probation counselor, or
10 diversion unit may, in exercising their authority under this section or
11 RCW 13.40.080, refer juveniles to mediation or victim offender
12 reconciliation programs. Such mediation or victim offender
13 reconciliation programs shall be voluntary for victims.

14 **Sec. 108.** RCW 13.40.080 and 1985 c 73 s 2 are each amended to read
15 as follows:

16 (1) A diversion agreement shall be a contract between a juvenile
17 accused of an offense and a diversionary unit whereby the juvenile
18 agrees to fulfill certain conditions in lieu of prosecution. Such
19 agreements may be entered into only after the prosecutor, or probation
20 counselor pursuant to this chapter, has determined that probable cause
21 exists to believe that a crime has been committed and that the juvenile
22 committed it. Such agreements shall be entered into as expeditiously
23 as possible.

24 (2) A diversion agreement shall be limited to:

25 (a) Community service not to exceed one hundred fifty hours, not to
26 be performed during school hours if the juvenile is attending school;

27 (b) Restitution limited to the amount of actual loss incurred by
28 the victim, and to an amount the juvenile has the means or potential
29 means to pay;

1 (c) Attendance at up to ~~((two))~~ ten hours of counseling and/or up
2 to ~~((ten))~~ twenty hours of educational or informational sessions at a
3 community agency: PROVIDED, That the state shall not be liable for
4 costs resulting from the diversionary unit exercising the option to
5 permit diversion agreements to mandate attendance at up to ~~((two))~~ ten
6 hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or
7 informational sessions; and

8 (d) A fine, not to exceed one hundred dollars. In determining the
9 amount of the fine, the diversion unit shall consider only the
10 juvenile's financial resources and whether the juvenile has the means
11 to pay the fine. The diversion unit shall not consider the financial
12 resources of the juvenile's parents, guardian, or custodian in
13 determining the fine to be imposed.

14 (3) In assessing periods of community service to be performed and
15 restitution to be paid by a juvenile who has entered into a diversion
16 agreement, the court officer to whom this task is assigned shall
17 consult with victims who have contacted the diversionary unit and, to
18 the extent possible, involve members of the community. Such members of
19 the community shall meet with the juvenile and advise the court officer
20 as to the terms of the diversion agreement and shall supervise the
21 juvenile in carrying out its terms.

22 (4) A diversion agreement may not exceed a period of six months
23 ~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~ and
24 may include a period extending beyond the eighteenth birthday of the
25 divertee. Any restitution assessed during its term may not exceed an
26 amount which the juvenile could be reasonably expected to pay during
27 this period. If additional time is necessary for the juvenile to
28 complete restitution to the victim, the time period limitations of this
29 subsection may be extended by an additional six months.

1 (5) The juvenile shall retain the right to be referred to the court
2 at any time prior to the signing of the diversion agreement.

3 (6) Divertees and potential divertees shall be afforded due process
4 in all contacts with a diversionary unit regardless of whether the
5 juveniles are accepted for diversion or whether the diversion program
6 is successfully completed. Such due process shall include, but not be
7 limited to, the following:

8 (a) A written diversion agreement shall be executed stating all
9 conditions in clearly understandable language;

10 (b) Violation of the terms of the agreement shall be the only
11 grounds for termination;

12 (c) No diverttee may be terminated from a diversion program without
13 being given a court hearing, which hearing shall be preceded by:

14 (i) Written notice of alleged violations of the conditions of the
15 diversion program; and

16 (ii) Disclosure of all evidence to be offered against the diverttee;

17 (d) The hearing shall be conducted by the juvenile court and shall
18 include:

19 (i) Opportunity to be heard in person and to present evidence;

20 (ii) The right to confront and cross-examine all adverse witnesses;

21 (iii) A written statement by the court as to the evidence relied on
22 and the reasons for termination, should that be the decision; and

23 (iv) Demonstration by evidence that the diverttee has substantially
24 violated the terms of his or her diversion agreement.

25 (e) The prosecutor may file an information on the offense for which
26 the diverttee was diverted:

27 (i) In juvenile court if the diverttee is under eighteen years of
28 age; or

29 (ii) In superior court or the appropriate court of limited
30 jurisdiction if the diverttee is eighteen years of age or older.

1 (7) The diversion unit shall, subject to available funds, be
2 responsible for providing interpreters when juveniles need interpreters
3 to effectively communicate during diversion unit hearings or
4 negotiations.

5 (8) The diversion unit shall be responsible for advising a divertee
6 of his or her rights as provided in this chapter.

7 (~~((+8))~~) (9) The diversion unit may refer a juvenile to community-
8 based counseling or treatment programs.

9 (10) The right to counsel shall inure prior to the initial
10 interview for purposes of advising the juvenile as to whether he or she
11 desires to participate in the diversion process or to appear in the
12 juvenile court. The juvenile may be represented by counsel at any
13 critical stage of the diversion process, including intake interviews
14 and termination hearings. The juvenile shall be fully advised at the
15 intake of his or her right to an attorney and of the relevant services
16 an attorney can provide. For the purpose of this section, intake
17 interviews mean all interviews regarding the diversion agreement
18 process.

19 The juvenile shall be advised that a diversion agreement shall
20 constitute a part of the juvenile's criminal history as defined by RCW
21 13.40.020(~~((+6))~~)(9) as now or hereafter amended. A signed
22 acknowledgment of such advisement shall be obtained from the juvenile,
23 and the document shall be maintained by the diversionary unit together
24 with the diversion agreement, and a copy of both documents shall be
25 delivered to the prosecutor if requested by the prosecutor. The
26 supreme court shall promulgate rules setting forth the content of such
27 advisement in simple language.

28 (~~((+9))~~) (11) When a juvenile enters into a diversion agreement, the
29 juvenile court may receive only the following information for
30 dispositional purposes:

- 1 (a) The fact that a charge or charges were made;
- 2 (b) The fact that a diversion agreement was entered into;
- 3 (c) The juvenile's obligations under such agreement;
- 4 (d) Whether the alleged offender performed his or her obligations
- 5 under such agreement; and
- 6 (e) The facts of the alleged offense.

7 ~~((+10+))~~ (12) A diversionary unit may refuse to enter into a

8 diversion agreement with a juvenile. When a diversionary unit refuses

9 to enter a diversion agreement with a juvenile, it shall immediately

10 refer such juvenile to the court for action and shall forward to the

11 court the criminal complaint and a detailed statement of its reasons

12 for refusing to enter into a diversion agreement. The diversionary

13 unit shall also immediately refer the case to the prosecuting attorney

14 for action if such juvenile violates the terms of the diversion

15 agreement.

16 ~~((+11+))~~ (13) A diversionary unit may, in instances where it

17 determines that the act or omission of an act for which a juvenile has

18 been referred to it involved no victim, or where it determines that the

19 juvenile referred to it has no prior criminal history and is alleged to

20 have committed an illegal act involving no threat of or instance of

21 actual physical harm and involving not more than fifty dollars in

22 property loss or damage and that there is no loss outstanding to the

23 person or firm suffering such damage or loss, counsel and release or

24 release such a juvenile without entering into a diversion agreement(~~(÷~~

25 ~~PROVIDED, That~~)). A diversion unit's authority to counsel and release

26 a juvenile under this subsection shall include the authority to refer

27 the juvenile to community-based counseling or treatment programs. Any

28 juvenile (~~(so handled)~~) released under this subsection shall be advised

29 that the act or omission of any act for which he or she had been

30 referred shall constitute a part of the juvenile's criminal history as

1 defined by RCW 13.40.020(~~((+6+))~~)(9) as now or hereafter amended. A
2 signed acknowledgment of such advisement shall be obtained from the
3 juvenile, and the document shall be maintained by the unit, and a copy
4 of the document shall be delivered to the prosecutor if requested by
5 the prosecutor. The supreme court shall promulgate rules setting forth
6 the content of such advisement in simple language(~~((+PROVIDED FURTHER,~~
7 ~~That))~~). A juvenile determined to be eligible by a diversionary unit
8 for ((such)) release as provided in this subsection shall retain the
9 same right to counsel and right to have his or her case referred to the
10 court for formal action as any other juvenile referred to the unit.

11 ~~((+12+))~~ (14) A diversion unit may supervise the fulfillment of a
12 diversion agreement entered into before the juvenile's eighteenth
13 birthday and which includes a period extending beyond the diverttee's
14 eighteenth birthday.

15 ~~((+13+))~~ (15) If a fine required by a diversion agreement cannot
16 reasonably be paid due to a change of circumstance, the diversion
17 agreement may be modified at the request of the diverttee and with the
18 concurrence of the diversion unit to convert an unpaid fine into
19 community service. The modification of the diversion agreement shall
20 be in writing and signed by the diverttee and the diversion unit. The
21 number of hours of community service in lieu of a monetary penalty
22 shall be converted at the rate of the prevailing state minimum wage per
23 hour.

24 ~~((+14+))~~ (16) Fines imposed under this section shall be collected
25 and paid into the county general fund in accordance with procedures
26 established by the juvenile court administrator under RCW 13.04.040 and
27 may be used only for juvenile services. In the expenditure of funds
28 for juvenile services, there shall be a maintenance of effort whereby
29 counties exhaust existing resources before using amounts collected
30 under this section.

1 **Sec. 109.** RCW 13.40.150 and 1990 c 3 s 605 are each amended to
2 read as follows:

3 (1) In disposition hearings all relevant and material evidence,
4 including oral and written reports, may be received by the court and
5 may be relied upon to the extent of its probative value, even though
6 such evidence may not be admissible in a hearing on the information.
7 The youth or the youth's counsel and the prosecuting attorney shall be
8 afforded an opportunity to examine and controvert written reports so
9 received and to cross-examine individuals making reports when such
10 individuals are reasonably available, but sources of confidential
11 information need not be disclosed. The prosecutor and counsel for the
12 juvenile may submit recommendations for disposition.

13 (2) For purposes of disposition:

14 (a) Violations which are current offenses count as misdemeanors;

15 (b) Violations may not count as part of the offender's criminal
16 history;

17 (c) In no event may a disposition for a violation include
18 confinement.

19 (3) Before entering a dispositional order as to a respondent found
20 to have committed an offense, the court shall hold a disposition
21 hearing, at which the court shall:

22 (a) Consider the facts supporting the allegations of criminal
23 conduct by the respondent;

24 (b) Consider information and arguments offered by parties and their
25 counsel;

26 (c) Consider any predisposition reports;

27 (d) Consult with the respondent's parent, guardian, or custodian on
28 the appropriateness of dispositional options under consideration and
29 afford the respondent and the respondent's parent, guardian, or
30 custodian an opportunity to speak in the respondent's behalf;

1 (e) Allow the victim or a representative of the victim and an
2 investigative law enforcement officer to speak;

3 (f) Determine the amount of restitution owing to the victim, if
4 any;

5 (g) Determine whether the respondent is a serious offender, a
6 middle offender, or a minor or first offender;

7 (h) Consider whether or not any of the following mitigating factors
8 exist:

9 (i) The respondent's conduct neither caused nor threatened serious
10 bodily injury or the respondent did not contemplate that his or her
11 conduct would cause or threaten serious bodily injury;

12 (ii) The respondent acted under strong and immediate provocation;

13 (iii) The respondent was suffering from a mental or physical
14 condition that significantly reduced his or her culpability for the
15 offense though failing to establish a defense;

16 (iv) Prior to his or her detection, the respondent compensated or
17 made a good faith attempt to compensate the victim for the injury or
18 loss sustained; and

19 (v) There has been at least one year between the respondent's
20 current offense and any prior criminal offense;

21 (i) Consider whether or not any of the following aggravating
22 factors exist:

23 (i) In the commission of the offense, or in flight therefrom, the
24 respondent inflicted or attempted to inflict serious bodily injury to
25 another;

26 (ii) The offense was committed in an especially heinous, cruel, or
27 depraved manner;

28 (iii) The victim or victims were particularly vulnerable;

1 (iv) The respondent has a recent criminal history or has failed to
2 comply with conditions of a recent dispositional order or diversion
3 agreement;

4 (v) The current offense included a finding of sexual motivation
5 pursuant to RCW 9.94A.127;

6 (vi) The respondent was the leader of a criminal enterprise
7 involving several persons; and

8 (vii) There are other complaints which have resulted in diversion
9 or a finding or plea of guilty but which are not included as criminal
10 history.

11 (4) The following factors may not be considered in determining the
12 punishment to be imposed:

13 (a) The sex of the respondent;

14 (b) The race or color of the respondent or the respondent's family;

15 (c) The creed or religion of the respondent or the respondent's
16 family;

17 (d) The economic or social class of the respondent or the
18 respondent's family; and

19 (e) Factors indicating that the respondent may be or is a dependent
20 child within the meaning of this chapter.

21 (5) A court may not commit a juvenile to a state institution solely
22 because of the lack of facilities, including treatment facilities,
23 existing in the community.

24 ***NEW SECTION. Sec. 110. (1) The counties are expressly**
26 **authorized to implement and operate a youthful offender discipline**
27 **program to provide an intensive educational and physical training and**
28 **rehabilitative program for appropriate children.**

29 **(2) A child may be placed in a youth offender discipline program if**
30 **he is at least fourteen years of age but less than eighteen years of**

age at the time of adjudication and has been committed to the department as:

(a) A serious offender, as defined in RCW 13.40.020(1); or

(b) A minor or first offender, as defined in RCW 13.40.020(14).

*Sec. 110 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 111. (1) Each county establishing a youth offender discipline program shall screen children sent to the program, so that only those children who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. A participating county shall adopt rules for screening such admissions.

(2) The program shall include educational assignments, work assignments, and physical training exercises. Children shall be required to participate in educational, vocational, and substance abuse programs.

*Sec. 111 was vetoed, see message at end of chapter.

*NEW SECTION. Sec. 112. Each county establishing a youth offender discipline program shall:

(1) Provide an aftercare component for monitoring and assisting the release of program participants into the community;

(2) Adopt rules for the program and aftercare which provide for at least six months of participation in the program and aftercare for successful completion and which also provide disciplinary sanctions and restrictions on the privileges of the general population of children in the program; and

(3) Keep records and monitor criminal activity, educational progress, and employment placement of program participants after their release from the program. An outcome evaluation study shall be

1 published no later eighteen months after the program becomes
2 operational, which includes a comparison of criminal activity,
3 educational progress, and employment placements of children completing
4 the program with the criminal activity, educational progress, and
5 employment records of children completing other types of programs.

6 *Sec. 112 was vetoed, see message at end of chapter.

8 *NEW SECTION. Sec. 113. A participating county may also contract
9 with private organizations for the operation of the youth offender
10 discipline program and aftercare.

11 *Sec. 113 was vetoed, see message at end of chapter.

12 *NEW SECTION. Sec. 114. (1) If a child in the youth offender
14 discipline program becomes unmanageable or medically or psychologically
15 ineligible, the participating county shall remove the child from the
16 program.

17 (2) A participating county shall either establish criteria for
18 training contract staff or provide a special training program for
19 county personnel selected for the youth offender discipline program,
20 which shall include appropriate methods of dealing with children who
21 have been placed in such a stringent program.

22 *Sec. 114 was vetoed, see message at end of chapter.

23 **Sec. 115.** RCW 2.56.030 and 1989 c 95 s 2 are each amended to read
24 as follows:

25 The administrator for the courts shall, under the supervision and
26 direction of the chief justice:

27 (1) Examine the administrative methods and systems employed in the
28 offices of the judges, clerks, stenographers, and employees of the

1 courts and make recommendations, through the chief justice, for the
2 improvement of the same;

3 (2) Examine the state of the dockets of the courts and determine
4 the need for assistance by any court;

5 (3) Make recommendations to the chief justice relating to the
6 assignment of judges where courts are in need of assistance and carry
7 out the direction of the chief justice as to the assignments of judges
8 to counties and districts where the courts are in need of assistance;

9 (4) Collect and compile statistical and other data and make reports
10 of the business transacted by the courts and transmit the same to the
11 chief justice to the end that proper action may be taken in respect
12 thereto;

13 (5) Prepare and submit budget estimates of state appropriations
14 necessary for the maintenance and operation of the judicial system and
15 make recommendations in respect thereto;

16 (6) Collect statistical and other data and make reports relating to
17 the expenditure of public moneys, state and local, for the maintenance
18 and operation of the judicial system and the offices connected
19 therewith;

20 (7) Obtain reports from clerks of courts in accordance with law or
21 rules adopted by the supreme court of this state on cases and other
22 judicial business in which action has been delayed beyond periods of
23 time specified by law or rules of court and make report thereof to
24 supreme court of this state;

25 (8) Act as secretary of the judicial conference referred to in RCW
26 2.56.060;

27 (9) Formulate and submit to the judicial council of this state
28 recommendations of policies for the improvement of the judicial system;

1 (10) Submit annually, as of February 1st, to the chief justice and
2 the judicial council, a report of the activities of the administrator's
3 office for the preceding calendar year;

4 (11) Administer programs and standards for the training and
5 education of judicial personnel;

6 (12) Examine the need for new superior court and district judge
7 positions under a weighted caseload analysis that takes into account
8 the time required to hear all the cases in a particular court and the
9 amount of time existing judges have available to hear cases in that
10 court. The results of the weighted caseload analysis shall be reviewed
11 by the board for judicial administration and the judicial council, both
12 of which shall make recommendations to the legislature by January 1,
13 1989. It is the intent of the legislature that weighted caseload
14 analysis become the basis for creating additional district court
15 positions, and recommendations should address that objective;

16 (13) Provide staff to the judicial retirement account plan under
17 chapter 2.14 RCW;

18 (14) Attend to such other matters as may be assigned by the supreme
19 court of this state;

20 (15) Within available funds, develop a curriculum for a general
21 understanding of child development, placement, and treatment resources,
22 as well as specific legal skills and knowledge of relevant statutes
23 including chapters 13.32A ((and)), 13.34, and 13.40 RCW, cases, court
24 rules, interviewing skills, and special needs of the abused or
25 neglected child. This curriculum shall be completed and made available
26 to all juvenile court judges, court personnel, and service providers by
27 July 1, 1988. The curriculum shall be updated yearly to reflect
28 changes in statutes, court rules, or case law;

29 (16) Develop a curriculum for a general understanding of ((~~hate or~~
30 ~~bias~~)) crimes of malicious harassment, as well as specific legal skills

1 and knowledge of RCW 9A.36.080, relevant cases, court rules, and the
2 special needs of malicious harassment victims. This curriculum shall
3 be completed and made available to all superior court and court of
4 appeals judges and to all justices of the supreme court by July 1,
5 1989.

6 **Sec. 116.** RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended
7 to read as follows:

8 The parent or parents of any minor child under the age of eighteen
9 years who is living with the parent or parents and who shall willfully
10 or maliciously destroy property, real or personal or mixed, or who
11 shall willfully and maliciously inflict personal injury on another
12 person, shall be liable to the owner of such property or to the person
13 injured in a civil action at law for damages in an amount not to exceed
14 ((three)) five thousand dollars. This section shall in no way limit
15 the amount of recovery against the parent or parents for their own
16 common law negligence.

17 **Sec. 117.** RCW 9.41.010 and 1983 c 232 s 1 are each amended to read
18 as follows:

19 (1) "Short firearm" or "pistol" as used in this chapter means any
20 firearm with a barrel less than twelve inches in length.

21 (2) "Crime of violence" as used in this chapter means:

22 (a) Any of the following felonies, as now existing or hereafter
23 amended: Any felony defined under any law as a class A felony or an
24 attempt to commit a class A felony, criminal solicitation of or
25 criminal conspiracy to commit a class A felony, manslaughter in the
26 first degree, manslaughter in the second degree, indecent liberties if
27 committed by forcible compulsion, rape in the second degree, kidnapping
28 in the second degree, arson in the second degree, assault in the second

1 degree, extortion in the first degree, burglary in the second degree,
2 and robbery in the second degree;

3 (b) Any conviction or adjudication for a felony offense in effect
4 at any time prior to July 1, 1976, which is comparable to a felony
5 classified as a crime of violence in subsection (2)(a) of this section;
6 and

7 (c) Any federal or out-of-state conviction or adjudication for an
8 offense comparable to a felony classified as a crime of violence under
9 subsection (2) (a) or (b) of this section.

10 (3) "Firearm" as used in this chapter means a weapon or device from
11 which a projectile may be fired by an explosive such as gunpowder.

12 (4) "Commercial seller" as used in this chapter means a person who
13 has a federal firearms license.

14 **Sec. 118.** RCW 9.41.040 and 1983 c 232 s 2 are each amended to read
15 as follows:

16 (1) A person is guilty of the crime of unlawful possession of a
17 short firearm or pistol, if, having previously been convicted or, as a
18 juvenile, adjudicated in this state or elsewhere of a crime of violence
19 or of a felony in which a firearm was used or displayed, the person
20 owns or has in his possession any short firearm or pistol.

21 (2) Unlawful possession of a short firearm or pistol shall be
22 punished as a class C felony under chapter 9A.20 RCW.

23 (3) As used in this section, a person has been "convicted or
24 adjudicated" at such time as a plea of guilty has been accepted or a
25 verdict of guilty has been filed, notwithstanding the pendency of any
26 future proceedings including but not limited to sentencing or
27 disposition, post-trial or post-factfinding motions, and appeals. A
28 person shall not be precluded from possession if the conviction or
29 adjudication has been the subject of a pardon, annulment, certificate

1 of rehabilitation, or other equivalent procedure based on a finding of
2 the rehabilitation of the person convicted or adjudicated or the
3 conviction or disposition has been the subject of a pardon, annulment,
4 or other equivalent procedure based on a finding of innocence.

5 (4) Except as provided in subsection (5) of this section, a person
6 is guilty of the crime of unlawful possession of a short firearm or
7 pistol if, after having been convicted or adjudicated of any felony
8 violation of the uniform controlled substances act, chapter 69.50 RCW,
9 or equivalent statutes of another jurisdiction, or after any period of
10 confinement under RCW 71.05.320 or an equivalent statute of another
11 jurisdiction, or following a record of commitment pursuant to chapter
12 10.77 RCW or equivalent statutes of another jurisdiction, he owns or
13 has in his possession or under his control any short firearm or pistol.

14 (5) Notwithstanding subsection (1) of this section, a person
15 convicted of an offense other than murder, manslaughter, robbery, rape,
16 indecent liberties, arson, assault, kidnapping, extortion, burglary, or
17 violations with respect to controlled substances under RCW 69.50.401(a)
18 and 69.50.410, who received a probationary sentence under RCW 9.95.200,
19 and who received a dismissal of the charge under RCW 9.95.240, shall
20 not be precluded from ownership, possession, or control of a firearm as
21 a result of the conviction.

22 **Sec. 119.** RCW 13.04.011 and 1979 c 155 s 1 are each amended to
23 read as follows:

24 For purposes of this title:

25 (1) Except as specifically provided in RCW 13.40.020 and chapter
26 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and
27 "child" mean any individual who is under the chronological age of
28 eighteen years;

(2) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW ((~~13.40.010 through 13.40.240~~)) 13.40.020;

(3) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(5) "Custodian" means that person who has the legal right to custody of the child.

NEW SECTION. **Sec. 120.** A new section is added to chapter 28A.600 RCW to read as follows:

School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them.

PART II - FAMILIES AT RISK

NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.225 RCW to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall distribute the information at least annually.

Sec. 202. RCW 28A.225.020 and 1986 c 132 s 2 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification (~~((recurrently or for an extended period of time))~~), the juvenile's school(~~(, where appropriate,)~~) shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing (~~((in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact))~~) or by telephone that the juvenile has failed to attend school without valid justification (~~((recurrently or for an extended period of time))~~) after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 203. RCW 28A.225.030 and 1990 c 33 s 220 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.225.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken after five or more unexcused absences during the current school year: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of alleging a violation of RCW 28A.225.010 by the parent; or (2) a petition alleging a violation of RCW 28A.225.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply.

Sec. 204. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five

1 dollars for each day of unexcused absence from school. However, a
2 child found to be in violation of RCW 28A.225.010 shall be required to
3 attend school and shall not be fined. If the child fails to comply
4 with the court order to attend school, the court may order the child be
5 punished by detention or may impose alternatives to detention such as
6 community service hours or participation in dropout prevention programs
7 or referral to a community truancy board, if available. Failure by a
8 child to comply with an order issued under this section shall not be
9 punishable by detention for a period greater than that permitted
10 pursuant to a contempt proceeding against a child under chapter 13.32A
11 RCW. It shall be a defense for a parent charged with violating RCW
12 28A.225.010 to show that he or she exercised reasonable diligence in
13 attempting to cause a child in his or her custody to attend school or
14 that the juvenile's school did not perform its duties as required in
15 RCW 28A.225.020. Any fine imposed pursuant to this section may be
16 suspended upon the condition that a parent charged with violating RCW
17 28A.225.010 shall participate with the school and the juvenile in a
18 supervised plan for the juvenile's attendance at school or upon
19 condition that the parent attend a conference or conferences scheduled
20 by a school for the purpose of analyzing the causes of a child's
21 absence.

22 Attendance officers shall make complaint for violation of the
23 provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the
24 superior or district court.

25 **Sec. 205.** RCW 28A.225.150 and 1990 c 33 s 232 are each amended to
26 read as follows:

27 The school district attendance officer shall report biannually to
28 the educational service district superintendent, in the instance of
29 petitions filed alleging a violation by a child under RCW 28A.225.030:

1 (1) The number of petitions filed by a school district or by a
2 parent;

3 (2) The frequency of each action taken under RCW 28A.225.020 prior
4 to the filing of such petition;

5 (3) When deemed appropriate under RCW 28A.225.020, the frequency of
6 delivery of supplemental services; and

7 (4) Disposition of cases filed with the juvenile court, including
8 the frequency of contempt orders issued to enforce a court's order
9 under RCW 28A.225.090.

10 The educational service district superintendent shall compile such
11 information and report annually to the superintendent of public
12 instruction. The superintendent of public instruction shall compile
13 such information and report to the committees of the house of
14 representatives and the senate by ~~((January 1, 1988))~~ September 1 of
15 each year.

16 **Sec. 206.** RCW 13.32A.130 and 1990 c 276 s 8 are each amended to
17 read as follows:

18 A child admitted to a crisis residential center under this chapter
19 who is not returned to the home of his or her parent or who is not
20 placed in an alternative residential placement under an agreement
21 between the parent and child, shall, except as provided for by RCW
22 13.32A.140 and 13.32A.160(2), reside in such placement under the rules
23 and regulations established for the center for a period not to exceed
24 ~~((seventy-two hours, excluding Saturdays, Sundays, and holidays,))~~ five
25 consecutive days from the time of intake, except as otherwise provided
26 by this chapter. ~~Crisis residential center staff shall make a~~
27 ~~concerted effort to achieve a reconciliation of the family. If a~~
28 ~~reconciliation and voluntary return of the child has not been achieved~~
29 ~~within forty-eight hours((, excluding Saturdays, Sundays and~~

1 ~~holidays,~~) from the time of intake, and if the person in charge of the
2 center does not consider it likely that reconciliation will be achieved
3 within the (~~seventy-two hour~~) five-day period, then the person in
4 charge shall inform the parent and child of (1) the availability of
5 counseling services; (2) the right to file a petition for an
6 alternative residential placement, the right of a parent to file an at-
7 risk youth petition, and the right of the parent and child to obtain
8 assistance in filing the petition; and (3) the right to request a
9 review of any alternative residential placement: PROVIDED, That at no
10 time shall information regarding a parent's or child's rights be
11 withheld if requested: PROVIDED FURTHER, That the department shall
12 develop and distribute to all law enforcement agencies and to each
13 crisis residential center administrator a written statement delineating
14 such services and rights. Every officer taking a child into custody
15 shall provide the child and his or her parent(s) or responsible adult
16 with whom the child is placed with a copy of such statement. In
17 addition, the administrator of the facility or his or her designee
18 shall provide every resident and parent with a copy of such statement.

29 ****Sec. 207. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to***
21 *read as follows:*

22 *The department shall file a petition to approve an alternative*
23 *residential placement on behalf of a child under any of the following*
24 *sets of circumstances:*

25 *(1) The child has been admitted to a crisis residential center or*
26 *has been placed with a responsible person other than his or her parent,*
27 *and:*

28 *(a) The parent has been notified that the child was so admitted or*
29 *placed;*

1 (b) (~~((Seventy-two hours, including Saturdays, Sundays, and~~
2 ~~holidays,))~~ Five consecutive days have passed since such notification;

3 (c) No agreement between the parent and the child as to where the
4 child shall live has been reached;

5 (d) No petition requesting approval of an alternative residential
6 placement has been filed by either the child or parent or legal
7 custodian;

8 (e) The parent has not filed an at-risk youth petition; and

9 (f) The child has no suitable place to live other than the home of
10 his or her parent.

11 (2) The child has been admitted to a crisis residential center and:

12 (a) (~~((Seventy-two hours, including Saturdays, Sundays, and~~
13 ~~holidays,))~~ Five consecutive days have passed since such placement;

14 (b) The staff, after searching with due diligence, have been unable
15 to contact the parent of such child; and

16 (c) The child has no suitable place to live other than the home of
17 his or her parent.

18 (3) An agreement between parent and child made pursuant to RCW
19 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer
20 acceptable to parent or child, and:

21 (a) The party to whom the arrangement is no longer acceptable has
22 so notified the department;

23 (b) (~~((Seventy-two hours, including Saturdays, Sundays, and~~
24 ~~holidays,))~~ Five consecutive days have passed since such notification;

25 (c) No new agreement between parent and child as to where the child
26 shall live has been reached;

27 (d) No petition requesting approval of an alternative residential
28 placement has been filed by either the child or the parent;

29 (e) The parent has not filed an at-risk youth petition; and

1 (f) The child has no suitable place to live other than the home of
2 his or her parent.

3 Under the circumstances of subsections (1), (2), or (3) of this
4 section, the child shall remain in a licensed child care facility,
5 including but not limited to a crisis residential center, or in any
6 other suitable residence to be determined by the department until an
7 alternative residential placement petition filed by the department on
8 behalf of the child is reviewed by the juvenile court and is resolved
9 by such court. The department may authorize emergency medical or
10 dental care for a child placed under this section. The state, when the
11 department files a petition for alternative residential placement under
12 this section, shall be represented as provided for in RCW 13.04.093.

13 *Sec. 207 was vetoed, see message at end of chapter.

14 **Sec. 208.** RCW 13.32A.150 and 1990 c 276 s 10 are each amended to
15 read as follows:

16 (1) Except as otherwise provided in this section the juvenile court
17 shall not accept the filing of an alternative residential placement
18 petition by the child or the parents or the filing of an at-risk youth
19 petition by the parent, unless verification is provided that a family
20 assessment has been completed by the department. The family assessment
21 shall be aimed at family reconciliation and avoidance of the out-of-
22 home placement of the child. If the department is unable to complete
23 an assessment within two working days following a request for
24 assessment the child or the parents may proceed under subsection (2) of
25 this section or the parent may proceed under subsection (3) of this
26 section.

27 (2) A child or a child's parent may file with the juvenile court a
28 petition to approve an alternative residential placement for the child
29 outside the parent's home. The department shall, when requested,

1 assist either a parent or child in the filing of the petition. The
2 petition shall only ask that the placement of a child outside the home
3 of his or her parent be approved. The filing of a petition to approve
4 such placement is not dependent upon the court's having obtained any
5 prior jurisdiction over the child or his or her parent, and confers
6 upon the court a special jurisdiction to approve or disapprove an
7 alternative residential placement.

8 (3) A child's parent may file with the juvenile court a petition in
9 the interest of a child alleged to be an at-risk youth. The department
10 shall, when requested, assist the parent in filing the petition. The
11 petition shall be filed in the county where the petitioning parent
12 resides. The petition shall set forth the name, age, and residence of
13 the child and the names and residence of the child's parents and shall
14 allege that:

15 (a) The child is an at-risk youth as defined in this chapter;

16 (b) The petitioning parent has the right to legal custody of the
17 child;

18 (c) Court intervention and supervision are necessary to assist the
19 parent to maintain the care, custody, and control of the child; and

20 (d) Alternatives to court intervention have been attempted or there
21 is good cause why such alternatives have not been attempted.

22 The petition shall set forth facts that support the allegations in
23 this subsection and shall generally request relief available under this
24 chapter. The petition need not specify any proposed disposition
25 following adjudication of the petition. The filing of an at-risk youth
26 petition is not dependent upon the court's having obtained any prior
27 jurisdiction over the child or his or her parent and confers upon the
28 court the special jurisdiction to assist the parent in maintaining
29 parental authority and responsibility for the child. An at-risk youth
30 petition may not be filed if the court has approved an alternative

1 residential placement petition regarding the child or if the child is
2 the subject of a proceeding under chapter 13.34 RCW. A petition may be
3 accepted for filing only if alternatives to court intervention have
4 been attempted ((or if there is good cause why they were not
5 attempted)).— Juvenile court personnel may screen all at-risk youth
6 petitions and may refuse to allow the filing of any petition that lacks
7 merit, fails to comply with the requirements of this section, or fails
8 to allege sufficient facts in support of allegations in the petition.

9 ~~NEW SECTION. Sec. 209.~~— To the extent possible within existing
10 funds, the department of social and health services shall transfer
11 children who are inappropriately housed in crisis residential centers
12 to residential and treatment services designed to meet their specific,
13 unique needs by June 30, 1993.

14 ~~*NEW SECTION. Sec. 210.~~— A new section is added to chapter 13.32A
16 RCW to read as follows:

17 ~~The department of social and health services shall not~~
18 ~~administratively split-code staff responsible for family reconciliation~~
19 ~~services between separate and distinct functions, except in remote~~
20 ~~rural offices where to do otherwise proves impractical.~~

21 ~~*Sec. 210 was vetoed, see message at end of chapter.~~

22 ~~*NEW SECTION. Sec. 211.~~— A new section is added to chapter 13.32A
24 RCW to read as follows:

25 ~~All placements into crisis residential centers shall be approved by~~
26 ~~and coordinated through the family reconciliation services supervisor.~~
27 ~~The department of social and health services shall establish uniform~~
28 ~~procedures for the use of crisis residential centers, which shall be~~
29 ~~adhered to by all family reconciliation services supervisors. The~~

~~department shall ensure procedures established under this section will facilitate and complement law enforcement officer's existing responsibility to pick up and transport children to crisis residential centers and other places authorized by law under this chapter.~~

~~*Sec. 211 was vetoed, see message at end of chapter.~~

~~*Sec. 212. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:~~

~~(1) The department ((shall establish, by contracts with private vendors,)) may operate or contract to operate not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have ((an average of at least four adult staff members and in no event less than)) three adult staff members to every ((eight)) nine children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.~~

~~(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.~~

Crisis residential facilities shall be operated as semi-secure facilities.

**Sec. 212 was vetoed, see message at end of chapter.*

Sec. 213. RCW 74.13.033 and 1979 c 155 s 79 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, (~~to a community mental health center~~) for evaluation pursuant to chapter 71.34 RCW (~~72.23.070~~) or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

1 (b) Contact the juvenile's parents and arrange for a counseling
2 interview with the juvenile and his or her parents as soon as possible;

3 (c) Conduct counseling interviews with the juvenile and his or her
4 parents, to the end that resolution of the child/parent conflict is
5 attained and the child is returned home as soon as possible; and

6 (d) Provide additional crisis counseling as needed, to the end that
7 placement of the child in the crisis residential center will be
8 required for the shortest time possible, but not to exceed (~~seventy-~~
9 ~~two hours~~) five consecutive days.

10 (3) A juvenile taking unauthorized leave from this residence may be
11 apprehended and returned to it by law enforcement officers or other
12 persons designated as having this authority as provided in RCW
13 13.32A.050. If returned to the facility after having taken
14 unauthorized leave for a period of more than twenty-four hours a
15 juvenile may be supervised by such a facility for a period, pursuant to
16 this chapter, which, unless where otherwise provided, may not exceed
17 (~~seventy-two hours~~) five consecutive days on the premises. Costs of
18 housing juveniles admitted to crisis residential centers shall be
19 assumed by the department for a period not to exceed (~~seventy-two~~
20 ~~hours~~) five consecutive days.

21 **Sec. 214.** RCW 74.13.034 and 1991 c 364 s 5 are each amended to
22 read as follows:

23 (1) A child taken into custody and taken to a crisis residential
24 center established pursuant to RCW 74.13.032(2) may, if the center is
25 unable to provide appropriate treatment, supervision, and structure to
26 the child, be taken at department expense to another crisis residential
27 center or the nearest regional crisis residential center. Placement in
28 both centers shall not exceed (~~seventy-two hours~~) five consecutive
29 days from the point of intake as provided in RCW 13.32A.130.

1 ~~(2) A child taken into custody and taken to a crisis residential~~
2 ~~center established by this chapter may be placed physically by the~~
3 ~~department or the department's designee and, at departmental expense~~
4 ~~and approval, in a secure juvenile detention facility operated by the~~
5 ~~county in which the center is located for a maximum of forty-eight~~
6 ~~hours, including Saturdays, Sundays, and holidays, if the child has~~
7 ~~taken unauthorized leave from the center and the person in charge of~~
8 ~~the center determines that the center cannot provide supervision and~~
9 ~~structure adequate to ensure that the child will not again take~~
10 ~~unauthorized leave. Juveniles placed in such a facility pursuant to~~
11 ~~this section may not, to the extent possible, come in contact with~~
12 ~~alleged or convicted juvenile or adult offenders.~~

13 ~~(3) Any child placed in secure detention pursuant to this section~~
14 ~~shall, during the period of confinement, be provided with appropriate~~
15 ~~treatment by the department or the department's designee, which shall~~
16 ~~include the services defined in RCW 74.13.033(2). If the child placed~~
17 ~~in secure detention is not returned home or if an alternative living~~
18 ~~arrangement agreeable to the parent and the child is not made within~~
19 ~~twenty-four hours after the child's admission, the child shall be taken~~
20 ~~at the department's expense to a crisis residential center. Placement~~
21 ~~in the crisis residential center or centers plus placement in juvenile~~
22 ~~detention shall not exceed ((seventy-two hours)) five consecutive days~~
23 ~~from the point of intake as provided in RCW 13.32A.130.~~

24 (4) Juvenile detention facilities used pursuant to this section
25 shall first be certified by the department to ensure that juveniles
26 placed in the facility pursuant to this section are provided with
27 living conditions suitable to the well-being of the child. Where space
28 is available, juvenile courts, when certified by the department to do
29 so, shall provide secure placement for juveniles pursuant to this
30 section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

PART III - INVOLUNTARY COMMITMENT AND TREATMENT

**Sec. 301. RCW 74.04.055 and 1991 c 126 s 2 are each amended to read as follows:*

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. The secretary shall ensure that the department's services and programs are designed and implemented to maximize the allocation of federal funds to the state.

Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or

1 *determination shall not affect the operation of the remainder of this*
2 *chapter.*

3 **Sec. 301 was vetoed, see message at end of chapter.*

4 **Sec. 302.** RCW 71.34.010 and 1985 c 354 s 1 are each amended to
5 read as follows:

6 It is the purpose of this ~~((legislation))~~ chapter to ensure that
7 minors in need of mental health care and treatment receive an
8 appropriate continuum of culturally relevant care and treatment, ~~((and~~
9 ~~to enable treatment decisions to be made in response to clinical needs~~
10 ~~and in accordance with sound professional judgment while also~~
11 ~~recognizing parents' rights to participate in treatment decisions for~~
12 ~~their minor children, and to protect minors against needless~~
13 ~~hospitalization and deprivations of liberty))~~ from prevention and early
14 intervention to involuntary treatment. To facilitate the continuum of
15 care and treatment to minors in out-of-home placements, all divisions
16 of the department that provide mental health services to minors shall
17 jointly plan and deliver those services.

18 It is also the purpose of this chapter to protect the rights of
19 minors against needless hospitalization and deprivations of liberty and
20 to enable treatment decisions to be made in response to clinical needs
21 in accordance with sound professional judgment. The mental health care
22 and treatment providers shall encourage the use of voluntary services
23 and, whenever clinically appropriate, the providers shall offer less
24 restrictive alternatives to inpatient treatment. Additionally, all
25 mental health care and treatment providers shall ensure that minors'
26 parents are given an opportunity to participate in the treatment
27 decisions for their minor children. The mental health care and
28 treatment providers shall, to the extent possible, offer services that
29 involve minors' parents or family.

1 NEW SECTION. **Sec. 303.** A new section is added to chapter 71.34
2 RCW to read as follows:

3 For the purpose of encouraging the expansion of existing evaluation
4 and treatment facilities and the creation of new facilities, the
5 department shall endeavor to redirect federal Title XIX funds which are
6 expended on out-of-state placements to fund placements within the
7 state.

8 NEW SECTION. **Sec. 304.** A new section is added to chapter 71.34
9 RCW to read as follows:

10 The department shall ensure that the provisions of this chapter are
11 applied by the counties in a consistent and uniform manner. The
12 department shall also ensure that, to the extent possible within
13 available funds, the county-designated mental health professionals are
14 specifically trained in adolescent mental health issues, the mental
15 health civil commitment laws, and the criteria for civil commitment.

16 ****NEW SECTION.** Sec. 305.* *A new section is added to chapter 71.34*
17 *RCW to read as follows:*

18 *Whenever a county-designated mental health professional makes a*
19 *determination under RCW 71.34.050 that a minor, thirteen years or*
20 *older, does not meet the criteria for an involuntary detention at an*
21 *evaluation and treatment facility, the county-designated mental health*
22 *professional shall:*

23 *(1) Provide written notice to the minor's parent of the parent's*
24 *right to file petitions and obtain services available under chapter*
25 *13.32A RCW;*

26 *(2) Provide a written evaluation to the minor's parent detailing*
27 *the county-designated mental health professional's reasons for not*
28 *detaining the minor at an evaluation and treatment facility. The*
29

1 *evaluation shall include the specific facts investigated, the*
2 *credibility of the person or persons providing the information, and the*
3 *criteria for an involuntary detention; and*

4 *(3) Refer the minor and the parents to other available services.*

5 **Sec. 305 was vetoed, see message at end of chapter.*

6 NEW SECTION. **Sec. 306.** A new section is added to chapter 70.96A
7 RCW to read as follows:

8 The department shall ensure that the provisions of this chapter are
9 applied by the counties in a consistent and uniform manner. The
10 department shall also ensure that, to the extent possible within
11 available funds, the county-designated chemical dependency specialists
12 are specifically trained in adolescent chemical dependency issues, the
13 chemical dependency commitment laws, and the criteria for commitment.

14 *NEW SECTION. **Sec. 307.** A new section is added to chapter 70.96A
16 RCW to read as follows:

17 *Whenever a county-designated chemical dependency specialist makes*
18 *a determination under RCW 70.96A.140 that a minor does not meet the*
19 *criteria for a commitment to a chemical dependency program, the county-*
20 *designated chemical dependency specialist shall:*

21 *(1) Provide written notice to the minor's parent of the parent's*
22 *right to file petitions and obtain services available under chapter*
23 *13.32A RCW;*

24 *(2) Provide a written evaluation to the minor's parent detailing*
25 *the county-designated chemical dependency specialist's reasons for not*
26 *committing the minor in a chemical dependency program. The evaluation*
27 *shall include the specific facts investigated, the credibility of the*
28 *person or persons providing the information, and the criteria for a*
29 *commitment to a chemical dependency treatment program; and*

(3) Refer the minor and the parents to other available services.

*Sec. 307 was vetoed, see message at end of chapter.

PART IV - MISCELLANEOUS

Sec. 401. 1991 c 234 s 1 (uncodified) is amended to read as follows:

A joint select committee on juvenile issues (~~((task-force))~~) is created to review the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990 "at-risk" youth legislation, and to study related issues. The (~~((task-force))~~) joint select committee is charged with issuing a report and making recommendations to the legislature by December 15, (~~((1991))~~) 1992.

The ~~((task-force))~~ joint select committee shall consist of the following members:

(1) (~~Three~~) Two co-chairs, one from the state senate appointed by the president of the senate(~~(;)~~) and one from the state house of representatives appointed by the speaker of the house of representatives(~~(; and one appointed by the governor from among the members of the task force named in subsection (3) of this section)~~).

(2) Eight legislators in addition to the two legislative cochairs selected under subsection (1) of this section, two each from the majority and minority caucuses of the senate and two each from the majority and minority caucuses of the house of representatives.

(3) (~~The governor shall appoint the following members of the task force~~) Advisory committees shall be composed of the following:

(a) (~~Three~~) Two superior court judges;

(b) ((Two)) One prosecuting attorney((s));

(c) ~~((Two))~~ One juvenile public defender~~((s))~~;

(d) The secretary of social and health services or the secretary's designee;

(e) ~~((Two))~~ One juvenile court administrator~~((s))~~;

(f) One police chief or county sheriff;

(g) ~~((One child psychologist;~~

~~{h} One child psychiatrist;~~

~~{i})))~~ Two directors of ~~((a))~~ youth service organizations;

~~((+j)))~~ {h} One person from the Washington council on crime and delinquency;

~~((+k)))~~ {i} One person from a parents' organization;

~~((+l) One person from a crisis residential center;~~

~~{m})))~~ {j} One juvenile court caseworker;

~~((+n) One representative of the executive branch;~~

~~{o} One))~~ {k} Two members of the mental health treatment community;

~~((and~~

~~{p})))~~ {l} One member from the substance abuse treatment community;

{m} One member from the education system;

{n} One member from local government; and

{o} One member representing the employees of state institutions.

~~((The department of social and health services shall fund the task force in an amount sufficient to meet its mission. The task force shall be staffed, to the extent possible, by staff available from the membership of the task force.~~

~~The governor shall ensure that the racial diversity of the task force membership appointed by the governor reflects the racial diversity of juveniles served under the Family Reconciliation Act, the 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.))~~

The joint select committee shall develop a statutory community-based planning, allocation, and service system for children and families, including at-risk youth, runaways, and families in conflict,

1 and submit it to the appropriate legislative committees no later than
2 December 1, 1992. The joint select committee shall: (i) Identify
3 which state agencies, programs, and services should be included in the
4 system; (ii) identify the various youth populations to be served by the
5 system; and (iii) determine how to coordinate this system with existing
6 community-based planning and coordination requirements, including, but
7 not limited to, chapter 326, Laws of 1991, and chapter 13.06 RCW.

8 **Sec. 402.** 1991 c 234 s 2 (uncodified) is amended to read as
9 follows:

10 The department of social and health services, in cooperation with
11 the commission on African American affairs, shall contract for an
12 independent study of racial disproportionality in the juvenile justice
13 system. The study shall identify key decision points in the juvenile
14 justice system where race and/or ethnicity-based disproportionality
15 exists in the treatment and incarceration of juvenile offenders. The
16 study shall identify the causes of disproportionality, and propose new
17 policies and procedures to address disproportionality.

18 (~~The department shall submit the study's preliminary findings and~~
19 ~~recommendations to the juvenile justice task force established under~~
20 ~~section 1 of this act by September 13, 1991.)) The final report shall
21 be submitted to the appropriate committees of the legislature by
22 December (~~(1, 1991))~~ 15, 1992.~~

23 The juvenile justice task force shall utilize the information on
24 disproportionality in developing its report and recommendations to the
25 legislature required under section (~~(1)~~) 401 of this act. (~~If by June~~
26 ~~30, 1991, the omnibus operating budget appropriations act for the 1991-~~
27 ~~93 biennium does not provide specific funding for this section,~~
28 ~~referencing this section by bill number and section, this section is~~
29 ~~null and void.))~~

2 NEW SECTION. *Sec. 403.* A new section is added to chapter 13.40
3 RCW to read as follows:

4 *The department shall within existing funds collect such data as may*
5 *be necessary to monitor any disparity in processing or disposing of*
6 *cases involving juvenile offenders due to economic, gender, geographic,*
7 *or racial factors that may result from implementation of chapter ...,*
8 *Laws of 1992 (this act). Beginning December 1, 1993, the department*
9 *shall report annually to the legislature on economic, gender,*
10 *geographic, or racial disproportionality in the rates of arrest,*
11 *detention, trial, treatment, and disposition in the state's juvenile*
12 *justice system. The report shall cover the preceding calendar year.*
13 *The annual report shall identify the causes of such disproportionality*
14 *and shall specifically point out any economic, gender, geographic, or*
15 *racial disproportionality resulting from implementation of chapter ...,*
16 *Laws of 1992 (this act).*

17 *Sec. 403 was vetoed, see message at end of chapter.

19 *NEW SECTION. *Sec. 404.* Sections 110 through 114 of this act are
20 each added to chapter 13.16 RCW.

21 *Sec. 404 was vetoed, see message at end of chapter.

22 NEW SECTION. *Sec. 405.* Part headings as used in this act do not
23 constitute any part of the law.

24 NEW SECTION. *Sec. 406.* If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

2 NEW SECTION. Sec. 407. The purpose of this act is solely to
 3 provide authority for the counties and the department of social and
 4 health services to provide services within existing funds and current
 5 programs and facilities unless otherwise specifically funded by June
 6 30, 1992, by reference to this bill and section number, in the
 7 supplemental omnibus appropriations act for the 1992. Nothing in this
 8 act shall be construed to require the addition of new facilities nor
 9 affect the department of social and health services' nor county
 10 authority for the uses of existing programs and funding.

11 *Sec. 407 was vetoed, see message at end of chapter.

12 *NEW SECTION. Sec. 408. Sections 102, 104, 106, 206, 207, 212,
 14 214, and 304 through 307 of this act shall take effect July 1, 1993.

15 *Sec. 408 was vetoed, see message at end of chapter.

Passed the House March 11, 1992.

Passed the Senate March 11, 1992.

Approved by the Governor April 2, 1992, with the exception of
 certain items which were vetoed.

Filed in Office of Secretary of State April 2, 1992.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 102,
 3 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403,
 4 404, 407 and 408, Engrossed Substitute House Bill No. 2466 entitled:

5 "AN ACT Relating to recommendations of the juvenile issues task
 6 force."

7 Engrossed Substitute House Bill No. 2466 originated from the
 8 deliberations of the Juvenile Issues Task Force. The Task Force was
 9 comprised of individuals representing a broad range of interests. It
 10 attempted a comprehensive review of the juvenile justice system and the
 11 programs provided for troubled youth and their families. The Task
 12 Force focused on three substantive areas: juvenile offenders, families
 13 at risk, and involuntary commitment and treatment.

14 These issues are of paramount concern. I applaud the work of the
 15 Juvenile Issues Task Force. Its job was not an easy one.
 16 Unfortunately, the job was not completed. Many provisions of Engrossed
 17 Substitute House Bill No. 2466 were left unfunded, and the burden of

1 making the tough choices to fund these new programs was left to the
2 next legislature.

3 I cannot mislead the citizens of the state into believing that
4 Substitute House Bill No. 2466 will make important and needed changes
5 in the lives of youths. My hope is that the newly created Joint Select
6 Committee will address these issues with legislation and appropriate
7 funding in the 1993 legislative session. For that reason, I find it
8 necessary to veto the following sections of Engrossed Substitute House
9 Bill No. 2466:

10 Section 102

11 This section redefines terms of the state's Juvenile Justice Act.
12 I am concerned that the definition of "community based rehabilitation"
13 could result in placing youths in residential or inpatient substance
14 abuse programs as a condition of their sentence. This would limit
15 their liberty without adequate due process as required by the state's
16 involuntary commitment statutes. Substance abuse treatment during
17 community based rehabilitation should be limited to outpatient
18 programs. For this reason, I have vetoed section 102.

19 Section 104

20 The sentence range increases contained in this section will result
21 in a significant caseload increase for county detention facilities.
22 While the language would imply that this increase is optional, it is
23 only optional for the court at the time of sentencing. Therefore, the
24 detention facilities will have no real control over the increased
25 sentences and the resulting case load. The fiscal impact of this
26 section is estimated to be \$11 million for the community supervision
27 expansion alone. The fiscal impact for detention increase would be of
28 the same magnitude. Local governments lack the fiscal resources to
29 accommodate this increase at this time. In addition, local governments
30 lack the physical resources (beds) to accommodate this increased case
31 load. Currently, many detention facilities are facing critical
32 overcrowding problems. This section would only add to this crisis.
33 For this reason, I have vetoed section 104.

34 Sections 110 through 114

35 These sections authorize counties to implement and operate youthful
36 offender discipline programs, popularly known as "boot camps." Section
37 110 limits the programs to children between the ages of 14 and 18 who
38 have been committed to the Department as serious offenders or as minor
39 or first offenders. I believe section 110 contains a drafting error.
40 Minor or first offenders should not be in confinement. They should
41 instead be placed in community supervision programs. Furthermore,
42 serious offenders are generally placed in total confinement settings
43 separate from minor offenders. Sections 111 through 114 implement
44 section 110. Because of the confusion created by the drafting error in
45 section 110, I have vetoed sections 110 through 114.

46 Section 207

1 This section addresses alternative residential placements for
2 children following placement in a crisis residential center. This
3 section increases the waiting period for the Department of Social and
4 Health Services prior to filing an alternative residential placement
5 petition from 72 hours to 5 days. Under requirements of this section,
6 the Department's authority to retain a child in a crisis residential
7 center can expire before the petition can be filed. I have vetoed this
8 section in order to maintain the Department's current authority to file
9 a petition before the authority to retain a child expires.

10 Section 210

11 This section requires that the Department of Social and Health
12 Services not administratively split code staff that provide family
13 reconciliation services. Although the Department is in the process of
14 accomplishing this action, I believe it is inappropriate to place such
15 administrative requirements in statute. I have vetoed this section to
16 allow the Department to handle such matters administratively.

17 Section 211

18 This section requires that all placements into crisis residential
19 centers be approved and coordinated through the family reconciliation
20 supervisor. This administrative requirement needs flexibility and,
21 thus, is inappropriate for inclusion in statute. I have vetoed this
22 section to ensure that this level of administrative detail be left to
23 the agency.

24 Section 212

25 This section reduces the staffing in regional crisis residential
26 centers from an average of one staff member for every two children to
27 an average of one staff member for every three children. Children
28 housed in crisis residential centers may pose a threat to themselves
29 and others. This change in the staffing ratio creates a dangerous
30 situation for both residents and staff. I have vetoed this section in
31 order to retain a higher ratio of staff to residents and to ensure
32 greater safety and quality of care within the crisis residential
33 centers.

34 Section 301

35 This section requires the Department of Social and Health Services
36 to design and implement its services and programs to maximize receipt
37 of federal funds. The Department has federal funding for numerous
38 programs and has contributed toward saving millions of dollars for the
39 state's General Fund. But, in some circumstances maximizing federal
40 funding would result in denying needed services to many of our state's
41 vulnerable persons. I have vetoed this section in order to allow the
42 Department to manage its programs and services in a more flexible
43 manner.

44 Section 305

1 This section would require county designated mental health
2 professionals to provide a written notice and evaluation report to
3 parents of a minor who does not meet involuntary detention criteria.
4 This would create an unnecessary and burdensome workload. For this
5 reason, I have vetoed this section.

6 Section 307

7 This section requires a county designated chemical dependency
8 specialist to provide a written notice and evaluation report to parents
9 of a minor who does not meet the criteria for a commitment to a
10 chemical dependency program. This requirement will generate an
11 unnecessary and burdensome workload. In addition, it appears this
12 language is in direct violation of federal confidentiality rules. For
13 these reasons, I have vetoed this section.

14 Section 403

15 This section requires the Department to produce a study and report
16 by a specified date. The Legislature did not provide funds to
17 accomplish this mandate. The phrase "within existing funds" requires
18 the Department to divert funding from other priorities in order to
19 accomplish this study. In a period of diminishing fiscal resources,
20 this only degrades the Department's ability to complete existing tasks
21 and requirements. For this reason, I have vetoed this section.

22 Section 404

23 Section 404 refers to section 111 through 114. I have vetoed this
24 section because, otherwise, it would have no meaning.

25 Section 407

26 This section declares that the purposes of this Act are solely to
27 provide counties and the Department of Social and Health Services with
28 authority to provide these new or expanded services within existing
29 funds unless otherwise funded in the 1992 supplemental appropriations
30 act. This section implies that substantive reform can be achieved
31 without expending resources. It is inappropriate to require or force
32 new programs on the Department or the local governments without making
33 the conscious decision to fund them. For this reason, I have vetoed
34 this section.

35 Section 408

36 This section establishes a July 1, 1993, implementation date for
37 numerous provisions of the Act. I believe that this precedent is an
38 unwise one. The 1992 legislature should take responsibility for its
39 own actions and not place the burden of funding these new requirements
40 on the next legislature. I have vetoed this section in order to allow
41 those referenced sections that have not been vetoed to take effect
42 earlier.

1 For the reasons stated above, I have vetoed sections 102, 104, 110,
2 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407
3 and 408 of Engrossed Substitute House Bill No. 2466.

4 With the exception of sections 102, 104, 110, 111, 112, 113, 114,
5 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408, Engrossed
6 Substitute House Bill No. 2466 is approved."