H-2620.3

HOUSE BILL 2389

State of Washington 69th Legislature 2026 Regular Session

By Representatives Cortes and Bergquist

Prefiled 01/09/26.

AN ACT Relating to modifying provisions related to individuals found to have committed criminal offenses when under the age of 18 by increasing alternatives to confinement and modifying placement options for those in confinement; amending RCW 13.40.160, 13.40.165, 13.40.185, 13.40.0357, 13.40.210, 13.40.230, 13.40.300, 9.92.151, 13.40.193, 13.40.308, 13.40.020, 13.40.460, 72.65.200, 72.05.420, 13.40.215, 72.01.410, 13.40.280, 13.40.205, and 13.40.210; adding a new section to chapter 13.40 RCW; adding a new section to chapter 72.01 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** (1) The legislature finds that despite significant reductions in youth crime in the past 15 years, racial disparities continue to persist, with Black, Latino, and indigenous youth overrepresented in juvenile court filings, adjudications, and admissions to state juvenile prison.

(2) The legislature further finds that Washington remains the only state in the country with a presumptive sentencing grid for all youth offenders. Most other states either consider individualized factors, or use a sentencing grid based on risk levels or for certain offenses.

(3) The legislature further finds that Washington's juvenile sentencing grid was established in 1978, and has rarely been changed, despite significant advances in our understanding of youth development, brain science, and effective alternatives to secure incarceration.

(4) The legislature further finds that black youth are 27 times more likely than white youth to be charged with a robbery offense, offenses which require lengthy sentences even for first-time offenders. The legislature further finds that youth adjudicated of robbery offenses make up approximately one-third of the current population incarcerated in a juvenile rehabilitation institution, exacerbating both overcrowding and racial and ethnic disparities in Washington's youth prisons. Moreover, research regarding length of incarceration shows that stays longer than six months do not reduce recidivism and that longer lengths of stay increase the mental health and health disparities for system-involved youth including trauma and posttraumatic stress disorder.

(5) Therefore, the legislature intends to strengthen local decision making, provide more equitable access to sentencing alternatives, and provide opportunities for youth who have demonstrated significant rehabilitation to move to less-restrictive placement options.

PART I
JUVENILE SENTENCING

Sec. 2. RCW 13.40.160 and 2023 c 295 s 9 are each amended to read as follows:

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

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

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

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

(c) Unless the offense is excluded under (d) of this subsection, the court must maintain concurrent jurisdiction with the department over a juvenile committed to the department, except the court's concurrent jurisdiction may be only for the purposes of conducting the review hearings described under RCW 13.40.185(3), and any community supervision that is ordered if a juvenile is released at the review hearing.

(d) Concurrent jurisdiction described in (c) of this subsection is not required for the following:

(i) A serious violent offense as defined in RCW 9.94A.030;

(ii) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's 13th birthday and prosecuted separately;

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

(iv) Manslaughter in the second degree under RCW 9A.32.070;

(v) Hit and run resulting in death under RCW 46.52.020(4)(a);

(vi) Assault of a child in the second degree under RCW 9A.36.130; and

(vii) Vehicular homicide under RCW 46.61.520.

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

A disposition outside the standard range shall be determinate, subject to RCW 13.40.185(3), and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition ((~~within~~

~~the standard range~~)) with a term of confinement that is 30 days or more is ((~~not~~)) appealable under RCW 13.40.230 unless the disposition relates to an offense in subsection (1)(d) of this section.

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

(4) ((~~If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the~~)) The court may impose the disposition alternative under RCW 13.40.165 unless a juvenile has been adjudicated of an offense described in subsection (1)(d) of this section.

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

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

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

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

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

((~~(10)~~)) (8) Except as provided under subsections (3)((~~, (4),~~)) through (5)((~~, or (6)~~)) of this section, or option B of RCW

13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

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

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

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

(2) The court must consider eligibility for the substance use disorder or mental health disposition alternative when a juvenile offender is subject to a standard range disposition ((~~of local sanctions or 15 to 36 weeks of confinement~~)) and has not committed an ((~~A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW~~)) offense under RCW 13.40.160(1)(d). The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, substance abusing, or has significant mental health or co-occurring disorders may order an examination by a substance use disorder counselor from a substance use disorder treatment facility approved under chapter 70.96A RCW or a mental health professional as defined in chapter 71.34 RCW to determine if the youth is chemically dependent, substance abusing, or suffers from significant mental health or co-

occurring disorders. The state shall pay the cost of any examination ordered under this subsection unless third-party insurance coverage is available.

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

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

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

(b) Availability of appropriate treatment;

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

(d) Anticipated length of treatment; and

(e) Recommended crime-related prohibitions.

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

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

(b) <u>The suspended disposition shall be granted unless the court makes an independent finding, supported by a preponderance of the evidence, that commitment to the department is needed because remaining in the community and being placed on community supervision, with a suspended commitment to the department, would not adequately protect the community. In making a finding the court shall consider the following factors:</u>

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

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

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

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

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

(c) If the court does not make the finding described in (b) of this subsection, the court shall establish in writing the conditions that the juvenile will be ordered to comply with on the suspended disposition.

(d) If the court ((~~determines that~~)) orders this disposition alternative ((~~is appropriate~~)) according to the requirements of this section, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard range ((~~and the confinement of the offender does not exceed a maximum of 52 weeks~~)), suspend execution of the disposition, and place the offender on community supervision for up to one year. At any time after the court suspends a disposition under this section, the court may continue community supervision for an additional one-year period for good cause. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol, mental health, or co-occurring disorder treatment and/or inpatient mental health or drug/alcohol treatment. The court may impose a determinate sentence of electronic monitoring, if such electronic monitoring is available

in the jurisdiction, for up to the minimum of the juvenile's standard range.

(e) The court shall only order inpatient treatment under this section if a funded bed is available. If the inpatient treatment is longer than 90 days, the court shall hold a review hearing every 30 days beyond the initial 90 days. The respondent may appear telephonically at these review hearings if in compliance with treatment.

(f) As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to 30 days of confinement, 150 hours of community restitution, and payment of restitution. The court shall establish in writing the conditions the juvenile must follow to maintain the suspended disposition.

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

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

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or, if the court makes a finding under subsection (6)(b) of this section, revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

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

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional

order shall specifically state the number of days of credit for time served.

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

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

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

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

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

(1)(a) Any term of confinement imposed for an offense which exceeds ((~~thirty~~)) 30 days shall be served under the supervision of the department, although the juvenile court maintains concurrent jurisdiction with the department over the juvenile, only for the purposes of conducting review hearings described under this section and any community supervision that is ordered if a juvenile is released at the review hearing. If the period of confinement imposed for more than one offense exceeds ((~~thirty~~)) 30 days but the term imposed for each offense is less than ((~~thirty~~)) 30 days or if the court orders electronic monitoring up to the minimum of the standard range under RCW 13.40.165(6)(d) and 13.40.0357, the confinement may, in the discretion of the court, be served in a juvenile facility operated by or pursuant to a contract with the state or a county.

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

(2) Whenever a juvenile is confined in a detention facility or is committed to the department, the court may not directly order a juvenile into a particular county or state facility. The juvenile

court administrator and the secretary or the secretary's designee, as appropriate, has the sole discretion to determine in which facility a juvenile should be confined or committed. The counties may operate a variety of detention facilities as determined by the county legislative authority subject to available funds.

(3) Excluding the offenses listed in RCW 13.40.160(1)(d), the juvenile court maintains concurrent jurisdiction with the department over a juvenile who is committed to the department, except the court's concurrent jurisdiction may be only for the purposes of scheduling and conducting a review hearing at the midpoint of the minimum range, provided the review does not occur until after the juvenile has served at least six months in the custody of the department, and imposing any community supervision that is ordered if a juvenile is released at the review hearing.

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

(i) The services received by the juvenile;

(ii) Any infractions committed by the juvenile;

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

(b) During the review hearing the court shall consider the juvenile's progress and input of the victim, and unless the court makes a finding under RCW 13.40.160(1)(c), the court shall release the juvenile from the custody of the department, no less than 14 days after the review hearing and no more than 21 days, and place the juvenile on up to a year of community supervision administered by the county, unless the juvenile will be placed on mandatory parole, in which case the juvenile shall be released to parole rather than community supervision.

(c) The prosecutor shall provide notice to the victim at least one month before each review hearing described under this subsection, if the victim requests such notice be provided.

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

Sec. 5. RCW 13.40.0357 and 2023 c 295 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	

	B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
	A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
	B	Residential Burglary (9A.52.025)	C
	B	Burglary 2 (9A.52.030)	C
	D	Burglary Tools (Possession of) (9A.52.060)	E
	D	Criminal Trespass 1 (9A.52.070)	E
	E	Criminal Trespass 2 (9A.52.080)	E
	C	Mineral Trespass (78.44.330)	C
	C	Vehicle Prowling 1 (9A.52.095)	D
	D	Vehicle Prowling 2 (9A.52.100)	E
		Drugs	
	E	Possession/Consumption of Alcohol (66.44.270)	E
	C	Illegally Obtaining Legend Drug (69.41.020)	D
	C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
	E	Possession of Legend Drug (69.41.030(2)(b))	E
	B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
	E	Possession of Cannabis <40 grams (69.50.4014)	E
	C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
	C+	Sale of Controlled Substance for Profit (69.50.410)	C+
	E	Unlawful Inhalation (9.47A.020)	E

B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
E	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	E
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
	Firearms and Weapons	
B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (v))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	Obstructing Governmental Operation	

	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
	E	Resisting Arrest (9A.76.040)	E
	B	Introducing Contraband 1 (9A.76.140)	C
	C	Introducing Contraband 2 (9A.76.150)	D
	E	Introducing Contraband 3 (9A.76.160)	E
	B+	Intimidating a Public Servant (9A.76.180)	C+
	B+	Intimidating a Witness (9A.72.110)	C+
		Public Disturbance	
	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
	E	Failure to Disperse (9A.84.020)	E
	E	Disorderly Conduct (9A.84.030)	E
		Sex Crimes	
	A	Rape 1 (9A.44.040)	B+
	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
	A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
	C+	Rape 3 (9A.44.060)	D+
	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
	B+	Rape of a Child 2 (9A.44.076)	C+
	B	Incest 1 (9A.64.020(1))	C
	C	Incest 2 (9A.64.020(2))	D
	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
	B+	Promoting Prostitution 1 (9A.88.070)	C+
	C+	Promoting Prostitution 2 (9A.88.080)	D+

E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
B	Child Molestation 2 (9A.44.086)	C+
C	Failure to Register as a Sex Offender (9A.44.132)	D
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
((~~A~~)) <u>A-</u>	Robbery 1 (9A.56.200) committed at age 15 or under	B+
((~~A+~~)) <u>A</u>	Robbery 1 (9A.56.200) committed at age 16 or 17	((~~A~~)) <u>B+</u>
((~~B+~~)) <u>B</u>	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2))	D
D	Identity Theft 2 (9.35.020(3))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E

B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B	Theft of a Motor Vehicle (9A.56.065)	C
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
	Other	
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1[1] (9A.76.110)	C
C	Escape 2[1] (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D

	D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
	E	Other Offense Equivalent to an Adult Misdemeanor	E
	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)[2]	V

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

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

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

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

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

JUVENILE SENTENCING STANDARDS

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

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS

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

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

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

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

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

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

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

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) The court must consider eligibility for the suspended disposition alternative when a juvenile offender is subject to a standard range disposition. The suspended disposition shall be granted, on condition that the offender comply with one or more local sanctions and any educational or treatment requirement, unless the court makes an independent finding, supported by a preponderance of the evidence, that commitment to the department is needed because remaining in the community and being placed on community supervision, with a suspended commitment to the department, would not adequately protect the community. When determining whether to grant the suspended disposition, the court shall consider the factors outlined

in RCW 13.40.165(6)(b). If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The court may also impose a determinate sentence of electronic monitoring, if such electronic monitoring is available in the jurisdiction, for up to the minimum of the juvenile's standard range.

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

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

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

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution if the court makes the finding described under RCW 13.40.165(6)(b).

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

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

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

(i) A class A felony offense as described under RCW 9A.20.020, or an attempt, conspiracy, or solicitation to commit a class A felony offense as described under RCW 9A.20.020;

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

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

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

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

~~(d)~~)) Is adjudicated of a sex offense as defined in RCW 9.94A.030((~~; or~~

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

(4) The court may revoke a suspended disposition only if the court makes a finding under RCW 13.40.165(6)(b).

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

((~~If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the~~)) The court may impose a disposition alternative under the conditions described under this section, RCW 13.40.160(4), and RCW 13.40.165. The court may revoke a disposition alternative only if the court makes a finding under RCW 13.40.160(1)(c).

OR

OPTION D

MANIFEST INJUSTICE

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

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

(1) The secretary shall set a release date for each juvenile committed to its custody. The department shall prioritize setting the

release date for juveniles who would serve less than 30 days under the supervision of the department. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of ((~~sixty~~)) 60 percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds ((~~one hundred five~~)) 105 percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to ((~~one hundred~~)) 100 percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his

or her community which shall last no longer than ((~~eighteen~~)) 18 months, except that in the case of a juvenile sentenced for a sex offense as defined under RCW 9.94A.030 the period of parole shall be ((~~twenty-four~~)) 24 months and, in the discretion of the secretary, may be up to ((~~thirty-six~~)) 36 months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence for theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. A juvenile adjudicated for unlawful possession of a firearm, possession of a stolen firearm, theft of a firearm, or drive-by shooting may participate in aggression replacement training, functional family therapy, or functional family parole aftercare if the juvenile meets eligibility requirements for these services. The decision to place an offender in an evidence-based parole program shall be based on an assessment by the department of the offender's risk for reoffending upon release and an assessment of the ongoing treatment needs of the juvenile. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon, and refrain from committing new offenses or violating any orders issued by the juvenile court pursuant to chapter 7.105 RCW, and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of

individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to ((~~twenty-five~~)) 25 percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

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

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if

the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.128 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive ((~~twenty-four~~)) 24 week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least ((~~thirty~~)) 30 days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of children, youth, and families shall have the power to arrest a juvenile under his or her

supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

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

Sec. 7. RCW 13.40.230 and 1997 c 338 s 35 are each amended to read as follows:

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

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

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

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

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

(5) To uphold a finding under RCW 13.40.165(6)(b), the court of appeals must find: (a) That the reasons supplied by the disposition judge are supported by the record which was before the judge; and (b) that those reasons support the conclusion, by the preponderance of the evidence, that commitment to the department is needed because a community-based placement would not adequately protect the community.

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

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

Sec. 8. RCW 13.40.300 and 2024 c 117 s 1 are each amended to read as follows:

(1) Except as provided in (a) through (c) of this subsection, a juvenile offender may not be committed by the juvenile court to the department for placement in a juvenile rehabilitation facility beyond the juvenile offender's 21st birthday.

(a) A juvenile offender adjudicated of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional 12 months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department for placement in a juvenile rehabilitation facility up to the juvenile offender's 25th birthday, but not beyond.

(b) A juvenile offender adjudicated of a murder in the first or second degree offense committed at age 14 or older or a juvenile offender adjudicated of a rape in the first degree offense committed at age 15 or older may be committed by the juvenile court to the department for placement in a juvenile rehabilitation facility up to the juvenile offender's 23rd birthday, but not beyond.

(c) A juvenile offender who is 18 or older at the time of the adjudication may be committed by the juvenile court to the department for placement in a juvenile rehabilitation facility up to the juvenile offender's 23rd birthday, but not beyond, in order to serve a standard range disposition.

(2)(a) The juvenile court has jurisdiction over, and may place an individual under the authority of the department in the following circumstances:

(i) Except as provided under RCW 13.04.030 and 13.40.110, when the individual is under the age of 21 at the time of the filing of the information and is accused of committing a criminal offense that occurred when the individual was under the age of 18; or

(ii) If proceedings are pending in a case in which jurisdiction is vested in the adult criminal court pursuant to RCW 13.04.030 and an automatic extension is required because either:

(A) The individual is found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in RCW

13.04.030(1)(e)(v), and the matter is transferred to juvenile court pursuant to RCW 13.04.030(1)(e)(v)(C)(II); or

(B) The parties agree to juvenile court jurisdiction with the court's approval pursuant to RCW 13.04.030(1)(e)(v)(C)(III).

(b) Upon a finding of guilt in juvenile court, the juvenile court maintains jurisdiction to allow for imposition, execution, and enforcement of the court's order of disposition, subject to the limitations in this section.

(3) If an order of disposition imposes a commitment to the department for a juvenile offender:

(a) Adjudicated of an A++ juvenile disposition category offense listed in RCW 13.40.0357, adjudicated of a murder in the first or second degree offense committed at age 14 or older, or found to be armed with a firearm and sentenced to an additional 12 months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to 24 months of parole, in no case extending beyond the offender's 25th birthday; or

(b) Adjudicated of a rape in the first degree offense committed at age 15 or older, then jurisdiction for parole is automatically extended to include a period of no less than 24 months and no more than 36 months of parole, in no case extending beyond the offender's 25th birthday.

(4) Pursuant to the terms of RCW 13.40.190, the juvenile court maintains jurisdiction beyond the juvenile offender's 21st birthday for the purpose of enforcing an order of restitution or penalty assessment.

(5) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's 21st birthday.

(6) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person 18 years of age or older.

(7) The juvenile court maintains jurisdiction beyond the juvenile offender's 21st birthday to place the juvenile offender on community supervision for a suspended disposition and, if the suspended disposition is revoked, to commit the juvenile offender to the department for placement in a juvenile rehabilitation facility.

Sec. 9. RCW 9.92.151 and 2013 2nd sp.s. c 14 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner or respondent confined in a county jail facility or county detention facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional ((~~agency~~)) institution shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

(3) If ((~~an offender~~)) a person is transferred from a county jail or juvenile detention facility to the department or the department of children, youth, and families, the administrator of a county jail facility or juvenile detention facility shall certify to the department or the department of children, youth, and families the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned.

Sec. 10. RCW 13.40.193 and 2023 c 295 s 10 are each amended to read as follows:

(1) ((~~If~~)) Except when the court imposes a suspended disposition under RCW 13.40.165 or 13.40.0357, if a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)(v), the court shall impose a minimum disposition of ten days of confinement. ((~~If~~)) Except when the court imposes a suspended disposition under RCW 13.40.165 or 13.40.0357, if the offender's standard range of disposition for the offense as indicated

in RCW 13.40.0357 is more than ((~~thirty~~)) 30 days of confinement, the court shall commit the offender to the department for the standard range disposition. ((~~The~~)) Except when the court imposes a suspended disposition under RCW 13.40.165 or 13.40.0357, the offender shall not be released until the offender has served a minimum of ((~~ten~~)) 10 days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in

RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 11. RCW 13.40.308 and 2016 c 136 s 4 are each amended to read as follows:

(1) ((~~If~~)) Except when the court imposes a suspended disposition under RCW 13.40.165 or 13.40.0357, if a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

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

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

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution.

(2) ((~~If~~)) Except when the court imposes a suspended disposition under RCW 13.40.165 or 13.40.0357, if a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

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

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

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks

commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution.

(3) ((~~If~~)) Except when the court imposes a suspended disposition under RCW 13.40.165, if a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

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

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

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

PART II
JUVENILE INSTITUTIONAL CAPACITY

Sec. 12. RCW 13.40.020 and 2025 c 140 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including

the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

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

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

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

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

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

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

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

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

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

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

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

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

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

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

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

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

(7) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant

to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. 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. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

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

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense, 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. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history. A successfully completed diversion under RCW 13.40.080 may not be considered part of the respondent's criminal history;

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

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

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

(13) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community

accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(27) "Rated bed capacity" means the number of in-residence individuals at a juvenile rehabilitation institution, pursuant to RCW 13.40.460(9), that should not be exceeded in order to provide treatment aligned with juvenile justice standards;

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

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

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

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

(a) Physical restraint; or

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

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

((~~(32)~~)) (33) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive

assessment. A screening may be undertaken with or without the administration of a formal instrument;

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

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

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

((~~(36)~~)) (37) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

((~~(37)~~)) (38) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

((~~(38)~~)) (39) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

((~~(39)~~)) (40) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

((~~(40)~~)) (41) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

((~~(41)~~)) (42) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 13. RCW 13.40.460 and 2017 3rd sp.s. c 6 s 616 are each amended to read as follows:

The secretary or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or the secretary's designee shall:

(1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;

(2) Create by rule a formal system for inmate classification. This classification system shall consider:

(a) Public safety;

(b) Internal security and staff safety;

(c) Rehabilitative resources both within and outside the department;

(d) An assessment of each offender's risk of sexually aggressive behavior as provided in RCW 13.40.470; and

(e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in RCW 13.40.470;

(3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;

(4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;

(5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;

(6) Develop placement criteria:

(a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under RCW 13.40.470(1)(c); and

(b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status;

(7) Develop a plan to implement, by July 1, 1995:

(a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;

(b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and

(c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as:

Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills; ((~~and~~))

(8)(a) The department shall develop uniform policies related to custodial assaults consistent with RCW 72.01.045 and 9A.36.100 that are to be followed in all juvenile rehabilitation facilities; and

(b) The department will report assaults in accordance with the policies developed in (a) of this subsection;

(9)(a) Promulgate rules related to the rated bed capacity of juvenile rehabilitation institutions, facilities, and community transition services under its control, and revise those rules as necessary.

(b) The rated bed capacity number established by the department for each juvenile rehabilitation institution must include the following conditions:

(i) Single-occupancy rooms;

(ii) Ten percent of facility beds reserved for intensive management unit beds and for flexibility of movement;

(iii) Appropriate bathroom and shower ratio to youth;

(iv) Adequate education space to ensure that all youth can maintain a full class schedule; and

(v) Adequate indoor and outdoor recreation space to safely manage population groups;

(10) Before a transfer to the department of corrections occurs under RCW 72.01.410(2)(c), take action to reduce the in-residence population of any juvenile rehabilitation institution when the secretary concludes that the in-residence population exceeds 105 percent of rated bed capacity under this chapter or chapter 72.01 RCW, on a case-by-case basis, in the following descending order with highest priority for the secretary to:

(a) Transfer all persons that qualify, up to 90 percent of the capacity for the community transition services program, from a community facility to placement in community transition services; and

(b) Transfer a sufficient number of persons from the juvenile rehabilitation institution to community facilities or community transition services to reduce the in-residence population;

(11) Monitor the number of persons residing in each institution, and when that number reaches 90 percent of rated bed capacity, begin planning and identifying methods to avoid exceeding rated bed

capacity at each juvenile rehabilitation institution including, but not limited to:

(a) Notifying individuals who may be released or transferred to community transition services or community facilities;

(b) Discussing with the department of corrections any early release options under section 15 of this act for individuals convicted in adult court of offenses that occurred before turning 18; and

(c) Notifying county juvenile court administrators, the legislature, and the governor of current rated bed capacity and any measures or plans to reduce the population of a juvenile institution to maintain a population that is at or below the rated bed capacity;

(12) Engage in transfer or transition planning for any individual leaving a juvenile institution, including but not limited to situations where an individual transfers to a department of corrections facility, transfers to a different juvenile institution, is placed on community transition services, placed in a community facility, or releases to the community. The transition planning required under this section must include, but is not limited to:

(a) Planning for medical and behavioral health needs;

(b) Planning for vocational training; and

(c) Family notification; and

(13) By December 1st, submit an annual report to the legislature and the governor, in compliance with RCW 43.01.036, on the:

(a) Number of transfers that occurred in the prior 12 months, the reason for each transfer, the age of each person transferred, information about which department of corrections facilities people were transferred to, and the outcome of each transfer hearing under RCW 13.40.280;

(b) Monthly average population at each secure juvenile rehabilitation institution;

(c) Number of individuals who have been placed in community facilities and information regarding the overall utilization and capacity of community facilities;

(d) Number of individuals who have been placed in community transition services and the number of individuals who were eligible for community transition services;

(e) Number of individuals that the department has the ability to support in community transition services; and

(f) Current rated bed capacity for all available secure juvenile rehabilitation institutions, projections for whether all available secure juvenile rehabilitation institutions will have sufficient rated bed capacity based on caseload forecasts provided by the caseload forecast council as described under RCW 43.88C.010, and updates regarding the development of additional secure juvenile rehabilitation institutions.

Sec. 14. RCW 72.65.200 and 1981 c 137 s 35 are each amended to read as follows:

(1) The secretary may permit a prisoner to participate in any work release plan or program but only if the participation is authorized pursuant to the prisoner's sentence or pursuant to RCW 9.94A.728. This section shall become effective July 1, 1984.

(2) The secretary, with the consent of the secretary of the department of children, youth, and families, may directly transfer a person who is in the custody of the department pursuant to RCW 72.01.410 from the custody of the department of children, youth, and families and place the person in the custody of the department in a work release program if, under section 15 of this act, the secretary of the department of children, youth, and families concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9). The person shall meet eligibility criteria for direct transfer to a work release program under section 15 of this act.

NEW SECTION. **Sec. 15.** A new section is added to chapter 13.40 RCW to read as follows:

(1) In accordance with RCW 13.40.460(10), the secretary may take any of the actions outlined in this section when the secretary concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), on a case-by-case basis.

(2)(a) When the secretary concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), the secretary may transfer a sufficient number of persons from community facilities to community transition services under RCW 13.40.205 and 72.01.412.

(b) After taking steps outlined in (a) of this subsection to transfer individuals to community transition services, if the secretary concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), the secretary may transfer a sufficient number of persons from the secure juvenile rehabilitation institution to community facilities or community transition services to reduce the in-residence population at the secure juvenile rehabilitation institution to 95 percent of rated bed capacity.

(c) The following persons shall not be transferred from a secure juvenile rehabilitation institution to a community facility under this subsection:

(i) A person that is deemed a high risk to reoffend;

(ii) A person that would be better served by the services provided at an institution; or

(iii) A person who would be unable to comply with residential disciplinary standards established by the department.

(d) When placing a person at a community facility under this section, the requirements of RCW 72.05.420(1)(b) do not apply, and the notice requirements in RCW 13.40.215(1) (a) and (b) may be less than 30 days.

(3)(a) Pursuant to RCW 72.65.200, and with the consent of the secretary of the department of corrections, when the secretary of the department concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), the secretary may transfer a sufficient number of persons, who are in the custody of the department pursuant to RCW 72.01.410, from the secure juvenile rehabilitation institution to a work release facility operated by the department of corrections to reduce the in-residence population at the secure juvenile rehabilitation institution to 95 percent of rated bed capacity.

(b) To be eligible for direct transfer to a work release facility operated by the department of corrections under this subsection, the person must be:

(i) Above the age of 21;

(ii) Within 18 months of their earned release date; and

(iii) Determined by the department of corrections that direct transfer to a work release facility would be an appropriate placement for the person.

(4) The hearing requirements of RCW 13.40.280 do not apply to persons transferred under this section.

Sec. 16. RCW 72.05.420 and 1998 c 269 s 10 are each amended to read as follows:

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

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

(b) ((~~The~~)) Except for offenders transferring to a community facility under section 15 of this act, the offender has spent at least ((~~ten~~)) 10 percent of his or her sentence, but in no event less than ((~~thirty~~)) 30 days, in a secure institution operated by, or under contract with, the department.

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

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

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

Sec. 17. RCW 13.40.215 and 2021 c 206 s 5 are each amended to read as follows:

(1)(a) Except as provided in (d) of this subsection and subsection (2) of this section, at the earliest practicable date, and in no event later than ((~~thirty~~)) 30 days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility or community transition services

program, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

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

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

(b)(i) Except as provided in (d) of this subsection and subsection (2) of this section, at the earliest practicable date, and in no event later than ((~~thirty~~)) 30 days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility or community transition services program, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is ((~~twenty-one~~)) 21 years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

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

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

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

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

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

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

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The ((~~thirty-day~~)) 30-day notice requirements contained in this subsection shall not apply to emergency medical furloughs. The notice requirements contained in this subsection may be less than 30 days for persons transferred under section 15 of this act.

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

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

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed ((~~forty-eight~~)) 48 hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical

leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

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

(3) If the victim, the victim's next of kin, or any witness is under the age of ((~~sixteen~~)) 16, the notice required by this section shall be sent to the parents or legal guardian of the child.

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

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

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

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

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

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

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

Sec. 18. RCW 72.01.410 and 2019 c 322 s 2 are each amended to read as follows:

(1) Whenever any person is convicted as an adult in the courts of this state of a felony offense committed under the age of ((~~eighteen~~)) 18, and is committed for a term of confinement, that person shall be initially placed in a facility operated by the department of children, youth, and families, unless the facility in which the person is to be placed is at or above 105 percent of rated bed capacity as described in RCW 13.40.460(9) and the person is over the age of 21 at the time of placement with an earned release date after the age of 26. These individuals who are not placed in a department of children, youth, and families facility must be notified upon placement in a department of corrections facility of the ability to request transfer according to this subsection and notified when the population of the department of children, youth, and families facility where they would have been placed is below 95 percent of the rated bed capacity as described in RCW 13.40.460(9) and there is more than one year remaining on the person's sentence that would be served in the department of children, youth, and families facility and given the option to request a transfer to a department of children, youth, and families facility. A person who is eligible for transfer to a department of children, youth, and families facility under this subsection has the right to counsel and the department of children, youth, and families shall process the transfer request with the coordination of the department of corrections. The department of corrections shall determine the person's earned release date.

(a) While in the custody of the department of children, youth, and families, the person must have the same treatment, housing options, transfer, and access to program resources as any other person committed to that juvenile correctional facility or institution pursuant to chapter 13.40 RCW. Except as provided under ((~~(d) of this~~)) subsection (3) of this section, treatment, placement, and program decisions shall be at the sole discretion of the department of children, youth, and families. ((~~The person shall not be transferred to the custody of the department of corrections without the approval of the department of children, youth, and families until the person reaches the age of twenty-five.~~))

(b) If the person's sentence includes a term of community custody, the department of children, youth, and families shall not release the person to community custody until the department of corrections has approved the person's release plan pursuant to RCW 9.94A.729(5)(b). If a person is held past his or her earned release

date pending release plan approval, the department of children, youth, and families shall retain custody until a plan is approved or the person completes the ordered term of confinement prior to age ((~~twenty-five~~)) 25.

((~~(c)~~)) (2)(a) The department of children, youth, and families may not transfer a person placed in a facility operated by the department of children, youth, and families under this section to the custody of the department of corrections until the person reaches the age of 25, unless one of the following exceptions in this subsection (2) applies.

(b) If the department of children, youth, and families ((~~determines~~)) establishes at a hearing before a review board under RCW 13.40.280 that ((~~retaining custody of~~)) the person in a facility of the department of children, youth, and families presents a ((~~significant safety risk~~)) continuing and serious threat to the safety of others in the institution, the department of children, youth, and families may transfer the person to the custody of the department of corrections.

((~~(d)~~)) (c)(i) Until January 1, 2031, except as provided in this subsection (2)(c), after taking actions outlined in RCW 13.40.460(10) and section 15 of this act and exhausting any remaining transfer authority provided to the secretary of the department of children, youth, and families that apply to individuals convicted in adult court of an offense that occurred before turning age 18, if the population of the juvenile rehabilitation institution exceeds 105 percent of rated bed capacity as described in RCW 13.40.460(9) and the rehabilitative goals of the institution cannot be met as defined in this section, the secretary of the department of children, youth, and families may, with the consent of the secretary of the department of corrections, only transfer a sufficient number of persons who meet the requirements provided in (c)(ii) of this subsection to the custody of the department of corrections to reduce the in-residence population of the facility to 95 percent of rated bed capacity in a manner consistent with the requirements in this subsection (2)(c).

(ii) If the circumstances listed in (c)(i) of this subsection exist, the secretary of the department of children, youth, and families may only transfer a person who is age 21 or older, and who consistently refuses to participate in available rehabilitative programming, or engage in planning for such programming, provided the

person receives a transfer hearing under RCW 13.40.280 prior to transfer.

(iii) Transfer hearings under this subsection (2)(c) shall take into account whether the department of children, youth, and families has offered the person culturally and age-appropriate services based on the person's diagnostic evaluation process used at intake as described under RCW 13.40.460 or any other assessment conducted during the person's intake to the department of children, youth, and families institution, and the person's engagement in programming, treatment needs, goals, future plans, length of confinement, classification, current behavior, mental and emotional health, and any disabilities or special needs impacting the safety or suitability of transferring the person to the department of corrections, be minimally disruptive, and ensure a person has at least seven calendar days' notice to prepare for the hearing.

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

((~~(2)~~)) (4)(a) Except as provided in (b) and (c) of this subsection, a person under the age of ((~~eighteen~~)) 18 who is transferred to the custody of the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from other persons in custody who are ((~~eighteen~~)) 18 years of age or older, until the person reaches the age of ((~~eighteen~~)) 18.

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

older; and (ii) the programs or housing environment for persons under the age of ((~~eighteen~~)) 18 will not be substantially affected by the continued placement of the person in that environment. The person may remain placed in a housing unit for persons under the age of ((~~eighteen~~)) 18 until such time as the secretary of corrections determines that the person's needs and goals are no longer better met in that environment but in no case past the person's ((~~twenty-fifth~~)) 25th birthday.

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

((~~(3)~~)) (5) The department of children, youth, and families must review the placement of a person over age ((~~twenty-one~~)) 18 in the custody of the department of children, youth, and families under this section to ((~~determine whether the person should be transferred to the custody of the department of corrections~~)) provide information to the person regarding voluntary transfer to the custody of the department of corrections.

(a) The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the person reaches age ((~~twenty-three~~)) 23 if the person's commitment period in a juvenile institution extends beyond the person's ((~~twenty-third~~)) 25th birthday.

(b) At the review required under this subsection, the department of children, youth, and families and the department of corrections shall provide information in writing to the person on all available placement options and availability of those options at the department of corrections, and the person's specific eligibility for those placement options based on their classification and custody level determination made by the department of corrections in writing prior to any voluntary transfer decision. The person shall be provided an opportunity to consult with counsel during the review to confirm that the person is making a knowing, voluntary, and fully informed request.

(c) A person who, after the review, requests to be transferred to the department of corrections shall have seven days to reconsider the transfer request. Following the seven-day waiting period, if the person confirms their continued request to transfer to the custody of the department of corrections, the person shall be transferred directly into the placement agreed upon by the secretary of the department of children, youth, and families and the secretary of the department of corrections. A person who has been transferred to the department of corrections under this section may request to be transferred and returned to the custody of the department of children, youth, and families one time within 12 months after transferring, provided the in-residence population of the juvenile rehabilitation institution is below 95 percent rated bed capacity at the time the department of children, youth, and families receives the request. If the in-residence population of the juvenile rehabilitation institution exceeds 95 percent rated bed capacity at the time the department of children, youth, and families receives the person's request, the request shall be placed on hold until the in-residence population returns below 95 percent rated bed capacity, at which time the department of children, youth, and families shall process the transfer request with the coordination of the department of corrections.

(d) The hearing requirements of RCW 13.40.280 do not apply to persons transferred under this subsection.

(6) For the purposes of this section, "rehabilitative goals of the institution" include, but are not limited to:

(a) Appropriate bathroom and shower ratio to youth;

(b) Adequate education space to ensure that all youth can maintain a full class schedule; and

(c) Adequate indoor and outdoor recreation space to safely manage population groups.

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

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

(2)(a) The secretary of the department of children, youth, and families may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution.

(b) The department of children, youth, and families shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

(c) In no case may behavior that occurred prior to a juvenile turning 18 years old be considered as a basis to seek a transfer or establish a continuing and serious threat under this section.

(3) ((~~Assaults made against any staff member at a juvenile corrections institution that are reported to a local law enforcement agency shall require a hearing held by the department of children, youth, and families review board within ten judicial working days.~~)) The secretary of the department shall establish rules for defining and developing an internal behavioral management infraction system and procedures to respond to a continuing and serious threat to the safety of others in the institution under this section. The rules shall provide guidance on when the following circumstances present a continuing and serious threat and warrant imposing a disciplinary infraction by the department: Any assault involving serious bodily harm and possession of any contraband that puts the safety of others or the security of the institution at risk. The department shall also establish a rule setting the amount of time for when the board must hold a hearing. The board shall determine whether the accused juvenile offender represents a continuing and serious threat to the safety of others in the institution.

(4) ((~~Upon conviction in a court of law for custodial assault as defined in RCW 9A.36.100, the~~)) The department of children, youth, and families review board shall ((~~conduct a second hearing, within five judicial working days, to~~)) recommend to the secretary of the department of children, youth, and families that the ((~~convicted~~)) juvenile be transferred to an adult correctional facility if the review board has determined the juvenile offender represents a continuing and serious threat to the safety of others in the institution.

((~~The juvenile has the burden to show cause why the transfer to an adult correctional facility should not occur.~~))

(5) The secretary may, with the consent of the secretary of the department of corrections, transfer an individual committed to the department under RCW 72.01.410. The review board established under this section shall determine whether the conditions for transfer, as set forth in RCW 72.01.410, have been met. The hearing requirements of this section do not apply to persons transferred under section 15 of this act or RCW 72.01.410(5).

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

((~~(6)~~)) (7) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of children, youth, and families and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

NEW SECTION. **Sec. 20.** A new section is added to chapter 72.01 RCW to read as follows:

(1) A person in the custody of the department of children, youth, and families under RCW 72.01.410 is eligible to be released on or after the person's earned release date by the department of corrections if:

(a) The person's earned release date is within six months of the person's 25th birthday;

(b) The person has not been deemed a high risk to reoffend; and

(c) The person has not committed any serious infractions as defined by the department of children, youth, and families' internal behavioral management infraction system.

(2) As part of the department of children, youth, and families monitoring of rated bed capacity under RCW 13.40.460(11), when the in-residence population of any juvenile rehabilitation institution reaches 90 percent of rated bed capacity, the department shall begin to plan and identify persons who may be released by the department of corrections under this section.

PART III

MISCELLANEOUS

Sec. 21. RCW 13.40.205 and 2021 c 206 s 4 are each amended to read as follows:

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

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

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

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

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

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

((~~(iii)~~)) (C) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community; or

(b) The leave is temporary and tolls an individual's term of confinement under the supervision of the department, and physical custody is transferred from the department to the county for the purpose of serving a jail sentence of 364 days or less in order to preserve the individual's eligibility for community placement and reentry services provided by the department at the conclusion of an individual's term of confinement so long as the leave does not extend their original sentence past their maximum juvenile jurisdiction age for individuals who will be released from the department's custody. In cases of leave granted under this subsection (2)(b), the secretary may waive all or any portions of (a) of this subsection and subsections (3) through (6) of this section.

(3) ((~~No~~)) Except as provided in subsection (2)(b) of this section, no authorized leave may exceed seven consecutive days. The total of all preminimum term authorized leaves granted to a juvenile

prior to final discharge from confinement shall not exceed thirty days.

(4) ((~~Prior~~)) Except as provided in subsection (2)(b) of this section, prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) ((~~Upon~~)) Except as provided in subsection (2)(b) of this section, upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) ((~~Prior~~)) Except as provided in subsection (2)(b) of this section, prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed ((~~forty-eight~~)) 48 hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave or

community transition services under subsection (13) of this section to the victim or the victim's immediate family.

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

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

(11) Notwithstanding the provisions of this section, a juvenile placed in minimum security status or in community transition services under subsection (13) of this section may participate in work, educational, community restitution, or treatment programs in the community up to ((~~twelve~~)) 12 hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence. This authorization may be increased to more than twelve hours a day up to sixteen hours a day if approved by the secretary and operated within the department's appropriations.

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

(13)(a) The department may require a person in its custody to serve the remainder of the person's sentence in community transition services if the department determines that such placement is in the best interest of the person and the community using the risk assessment tool and considering the availability of appropriate placements, treatment, and programming. The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations. The department shall establish appropriate conditions the person must comply with to remain in community transition services. A person must have served 60 percent of their minimum term of confinement and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order before becoming eligible for community transition services under the authority and supervision of the department.

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

(i) Behavioral health treatment;

(ii) Independent living;

(iii) Employment;

(iv) Education;

(v) Connections to family and natural supports; and

(vi) Community connections.

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

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

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

(i) Persons with pending charges or warrants;

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

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

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

(v) Level III sex offenders; and

(vi) Persons requiring out-of-state placement.

(14) The department shall design, or contract for the design, and implement a risk assessment tool. The tool must be designed to limit bias related to race, ethnicity, gender, and age. The risk assessment tool must be certified at least every three years based on current academic standards for assessment validation, and can be certified by the office of innovation, alignment, and accountability or an outside researcher.

Sec. 22. RCW 13.40.210 and 2024 c 297 s 16 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320

concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of ((~~sixty~~)) 60 percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile ((~~has~~)):

(a) Has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee; and

(b) Is confined in a county jail under RCW 13.40.205(2)(b) after being sentenced on an adult conviction with a maximum term of confinement of 364 days or less in a county jail.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his

or her community which shall last no longer than ((~~eighteen~~)) 18 months, except that in the case of a juvenile sentenced for a sex offense as defined under RCW 9.94A.030 the period of parole shall be ((~~twenty-four~~)) 24 months and, in the discretion of the secretary, may be up to ((~~thirty-six~~)) 36 months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence for theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. A juvenile adjudicated for unlawful possession of a firearm, possession of a stolen firearm, theft of a firearm, or drive-by shooting may participate in aggression replacement training, functional family therapy, or functional family parole aftercare if the juvenile meets eligibility requirements for these services. The decision to place an offender in an evidence-based parole program shall be based on an assessment by the department of the offender's risk for reoffending upon release and an assessment of the ongoing treatment needs of the juvenile. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon, and refrain from committing new offenses or violating any orders issued by the juvenile court pursuant to chapter 7.105 RCW, and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of

individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

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

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

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if

the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.128 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive ((~~twenty-four~~)) 24 week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

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

(5) A parole officer of the department of children, youth, and families shall have the power to arrest a juvenile under his or her

supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

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

NEW SECTION. **Sec. 23.** Sections 12 through 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 24.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2026, in the omnibus appropriations act, this act is null and void.

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