
HOUSE BILL 2122

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By Representatives Koster, Stevens, Goldsmith, Sterk, Lambert, Blanton, Hargrove, McMorris, Chappell, Campbell, Fuhrman, Thompson, Backlund, Benton and McMahan

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1 AN ACT Relating to juvenile rehabilitation; amending RCW 72.01.050,
2 72.09.050, 72.09.060, 13.04.116, 13.04.145, 13.16.100, 13.40.210,
3 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.50.010,
4 43.20A.090, 43.43.754, 71.36.030, and 72.09.350; reenacting and
5 amending RCW 13.40.020 and 13.40.280; adding a new section to chapter
6 13.40 RCW; and creating new sections.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that violent acts of
9 crime committed by juvenile criminals have escalated sharply in our
10 state over the past decade. Juvenile criminals are committing more
11 violent crimes while carrying deadly weapons and are becoming
12 increasingly more involved in the highly organized crimes sponsored by
13 a network of well established criminal gangs. More often the violent
14 criminal activities of youthful offenders are reminiscent of those
15 committed by seasoned adult offenders. However, despite the severity
16 and sophistication of these juvenile criminals very few juvenile
17 offenders are remanded to the adult correctional system. The
18 legislature further finds that an alarming number of young criminals

1 are also returning to the juvenile system, indicating that
2 rehabilitation efforts are falling far short of their intended goals.

3 The legislature intends that a more efficient, effective, and
4 discipline-focused juvenile rehabilitation system be established that
5 enhances the development of the juvenile criminal's personal
6 discipline, individual and community responsibility, and value system
7 that promotes good citizenship. The legislature intends that both
8 significant administrative and programmatic changes be made in the
9 juvenile rehabilitation system that redefine juvenile rehabilitation
10 within the context of personal responsibility for each juvenile
11 offender and enhance overall program accountability. To accomplish
12 this end, the legislature intends to transfer the administrative
13 authority for the juvenile rehabilitation administration from the
14 department of social and health services to the department of
15 corrections.

16 NEW SECTION. **Sec. 2.** (1) All powers, duties, and functions of the
17 department of social and health services pertaining to juvenile
18 rehabilitation are transferred to the department of corrections.

19 (2)(a) All reports, documents, surveys, books, records, files,
20 papers, or written material in the possession of the department of
21 social and health services pertaining to the powers, functions, and
22 duties transferred shall be delivered to the custody of the department
23 of corrections. All cabinets, furniture, office equipment, motor
24 vehicles, and other tangible property employed by the department of
25 social and health services in carrying out the powers, functions, and
26 duties transferred shall be made available to the department of
27 corrections. All funds, credits, or other assets held in connection
28 with the powers, functions, and duties transferred shall be assigned to
29 the department of corrections.

30 (b) Any appropriations made to the department of social and health
31 services for carrying out the powers, functions, and duties transferred
32 shall, on the effective date of this section, be transferred and
33 credited to the department of corrections.

34 (c) Whenever any question arises as to the transfer of any
35 personnel, funds, books, documents, records, papers, files, equipment,
36 or other tangible property used or held in the exercise of the powers
37 and the performance of the duties and functions transferred, the

1 director of financial management shall make a determination as to the
2 proper allocation and certify the same to the state agencies concerned.

3 (3) All employees of the department of social and health services
4 engaged in performing the powers, functions, and duties transferred are
5 transferred to the jurisdiction of the department of corrections. All
6 employees classified under chapter 41.06 RCW, the state civil service
7 law, are assigned to the department of corrections to perform their
8 usual duties upon the same terms as formerly, without any loss of
9 rights, subject to any action that may be appropriate thereafter in
10 accordance with the laws and rules governing state civil service.

11 (4) All rules and all pending business before the department of
12 social and health services pertaining to the powers, functions, and
13 duties transferred shall be continued and acted upon by the department
14 of corrections. All existing contracts and obligations shall remain in
15 full force and shall be performed by the department of corrections.

16 (5) The transfer of the powers, duties, functions, and personnel of
17 the department of social and health services shall not affect the
18 validity of any act performed before the effective date of this
19 section.

20 (6) If apportionments of budgeted funds are required because of the
21 transfers directed by this section, the director of financial
22 management shall certify the apportionments to the agencies affected,
23 the state auditor, and the state treasurer. Each of these shall make
24 the appropriate transfer and adjustments in funds and appropriation
25 accounts and equipment records in accordance with the certification.

26 (7) Nothing contained in this section may be construed to alter any
27 existing collective bargaining unit or the provisions of any existing
28 collective bargaining agreement until the agreement has expired or
29 until the bargaining unit has been modified by action of the personnel
30 board as provided by law.

31 **Sec. 3.** RCW 72.01.050 and 1992 c 7 s 51 are each amended to read
32 as follows:

33 (1) The secretary of social and health services shall have full
34 power to manage and govern the following public institutions: The
35 western state hospital, the eastern state hospital, (~~the northern~~
36 ~~state hospital,~~) the state training school, the state school for
37 girls, Lakeland Village, the Rainier school, and such other

1 institutions as authorized by law, subject only to the limitations
2 contained in laws relating to the management of such institutions.

3 (2) The secretary of corrections shall have full power to manage,
4 govern, and name all state correctional facilities and juvenile
5 rehabilitation facilities, subject only to the limitations contained in
6 laws relating to the management of such institutions.

7 (3) If any state correctional facility is fully or partially
8 destroyed by natural causes or otherwise, the secretary of corrections
9 may, with the approval of the governor, provide for the establishment
10 and operation of additional residential correctional facilities to
11 place those inmates displaced by such destruction. However, such
12 additional facilities may not be established if there are existing
13 residential correctional facilities to which all of the displaced
14 inmates can be appropriately placed. The establishment and operation
15 of any additional facility shall be on a temporary basis, and the
16 facility may not be operated beyond July 1 of the year following the
17 year in which it was partially or fully destroyed.

18 **Sec. 4.** RCW 72.09.050 and 1995 c 189 s 1 are each amended to read
19 as follows:

20 The secretary shall manage the department of corrections and shall
21 be responsible for the administration of adult correctional programs,
22 including but not limited to the operation of all state correctional
23 institutions or facilities used for the confinement of convicted
24 felons, and juvenile rehabilitation programs. In addition, the
25 secretary shall have broad powers to enter into agreements with any
26 federal agency, or any other state, or any Washington state agency or
27 local government providing for the operation of any correctional
28 facility or program for persons convicted of felonies or misdemeanors
29 or for juvenile offenders. Such agreements for counties with local law
30 and justice councils shall be required in the local law and justice
31 plan pursuant to RCW 72.09.300. The agreements may provide for joint
32 operation or operation by the department of corrections, alone, or by
33 any of the other governmental entities, alone. The secretary may
34 employ persons to aid in performing the functions and duties of the
35 department. The secretary may delegate any of his or her functions or
36 duties to department employees, including the authority to certify and
37 maintain custody of records and documents on file with the department.
38 The secretary is authorized to promulgate standards for the department

1 of corrections within appropriation levels authorized by the
2 legislature.

3 Pursuant to the authority granted in chapter 34.05 RCW, the
4 secretary shall adopt rules providing for inmate restitution when
5 restitution is determined appropriate as a result of a disciplinary
6 action.

7 **Sec. 5.** RCW 72.09.060 and 1989 c 185 s 3 are each amended to read
8 as follows:

9 The department of corrections may be organized into such divisions
10 or offices as the secretary may determine, but shall include divisions
11 for (1) correctional industries, (2) prisons and other custodial
12 institutions ~~((and))~~, (3) probation, parole, community service,
13 restitution, and other nonincarcerative sanctions, and (4) juvenile
14 rehabilitation. The secretary shall have at least one person on his or
15 her staff who shall have the responsibility for developing a program
16 which encourages the use of volunteers, for citizen advisory groups,
17 and for similar public involvement programs in the corrections area.
18 Minimum qualification for staff assigned to public involvement
19 responsibilities shall include previous experience in working with
20 volunteers or volunteer agencies. The secretary shall appoint an
21 assistant secretary to administer the juvenile rehabilitation
22 responsibilities required of the department by chapters 13.04, 13.40,
23 and 13.50 RCW.

24 **Sec. 6.** RCW 13.04.116 and 1987 c 462 s 1 are each amended to read
25 as follows:

26 (1) A juvenile shall not be confined in a jail or holding facility
27 for adults, except:

28 (a) For a period not exceeding twenty-four hours excluding weekends
29 and holidays and only for the purpose of an initial court appearance in
30 a county where no juvenile detention facility is available, a juvenile
31 may be held in an adult facility provided that the confinement is
32 separate from the sight and sound of adult inmates; or

33 (b) For not more than six hours and pursuant to a lawful detention
34 in the course of an investigation, a juvenile may be held in an adult
35 facility provided that the confinement is separate from the sight and
36 sound of adult inmates.

1 (2) For purposes of this section a juvenile is an individual under
2 the chronological age of eighteen years who has not been transferred
3 previously to adult courts.

4 (3) The department of (~~social and health services~~) corrections
5 shall monitor and enforce compliance with this section.

6 (4) This section shall not be construed to expand or limit the
7 authority to lawfully detain juveniles.

8 **Sec. 7.** RCW 13.04.145 and 1990 c 33 s 551 are each amended to read
9 as follows:

10 A program of education shall be provided for by the several
11 counties and school districts of the state for common school age
12 persons confined in each of the detention facilities staffed and
13 maintained by the several counties of the state under this chapter and
14 chapters 13.16 and 13.20 RCW. The division of duties, authority, and
15 liabilities of the several counties and school districts of the state
16 respecting the educational programs is the same in all respects as set
17 forth in RCW 28A.190.030 through 28A.190.060 respecting programs of
18 education for state residential school residents. For the purposes of
19 this section, the terms "department of (~~social and health services~~)
20 corrections," "residential school" or "schools," and "superintendent or
21 chief administrator of a residential school" as used in RCW 28A.190.030
22 through 28A.190.060 shall be respectively construed to mean "the
23 several counties of the state," "detention facilities," and "the
24 administrator of juvenile court detention services." Nothing in this
25 section shall prohibit a school district from utilizing the services of
26 an educational service district subject to RCW 28A.310.180.

27 **Sec. 8.** RCW 13.16.100 and 1994 sp.s. c 7 s 807 are each amended to
28 read as follows:

29 Motion pictures unrated after November 1968 or rated R, X, or NC-17
30 by the motion picture association of America shall not be shown in
31 juvenile detention facilities or facilities operated by the (~~division~~
32 ~~of~~) juvenile rehabilitation administration in the department of
33 (~~social and health services~~) corrections.

34 **Sec. 9.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are
35 each reenacted and amended to read as follows:

36 For the purposes of this chapter:

1 (1) "Serious offender" means a person fifteen years of age or older
2 who has committed an offense which if committed by an adult would be:
3 (a) A class A felony, or an attempt to commit a class A felony;
4 (b) Manslaughter in the first degree; or
5 (c) Assault in the second degree, extortion in the first degree,
6 child molestation in the second degree, kidnapping in the second
7 degree, robbery in the second degree, residential burglary, or burglary
8 in the second degree, where such offenses include the infliction of
9 bodily harm upon another or where during the commission of or immediate
10 withdrawal from such an offense the perpetrator is armed with a deadly
11 weapon;

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

17 (3) "Community supervision" means an order of disposition by the
18 court of an adjudicated youth not committed to the department or an
19 order granting a deferred adjudication pursuant to RCW 13.40.125. A
20 community supervision order for a single offense may be for a period of
21 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
22 one year for other offenses. As a mandatory condition of any term of
23 community supervision, the court shall order the juvenile to refrain
24 from committing new offenses. As a mandatory condition of community
25 supervision, the court shall order the juvenile to comply with the
26 mandatory school attendance provisions of chapter 28A.225 RCW and to
27 inform the school of the existence of this requirement. Community
28 supervision is an individualized program comprised of one or more of
29 the following:

30 (a) Community-based sanctions;
31 (b) Community-based rehabilitation;
32 (c) Monitoring and reporting requirements;
33 (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;

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

36 (a) A fine, not to exceed one hundred dollars;
37 (b) Community service not to exceed one hundred fifty hours of
38 service;

1 (5) "Community-based rehabilitation" means one or more of the
2 following: Attendance of information classes; counseling, outpatient
3 substance abuse treatment programs, outpatient mental health programs,
4 anger management classes, education or outpatient treatment programs to
5 prevent animal cruelty, or other services; or attendance at school or
6 other educational programs appropriate for the juvenile as determined
7 by the school district. Placement in community-based rehabilitation
8 programs is subject to available funds;

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

17 (7) "Confinement" means physical custody by the department of
18 (~~social and health services~~) corrections in a facility operated by or
19 pursuant to a contract with the state, or physical custody in a
20 detention facility operated by or pursuant to a contract with any
21 county. The county may operate or contract with vendors to operate
22 county detention facilities. The department may operate or contract to
23 operate detention facilities for juveniles committed to the department.
24 Pretrial confinement or confinement of less than thirty-one days
25 imposed as part of a disposition or modification order may be served
26 consecutively or intermittently, in the discretion of the court;

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

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

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

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

1 successfully completed deferred adjudication shall not be considered
2 part of the respondent's criminal history;

3 (10) "Department" means the department of (~~social and health~~
4 ~~services~~) corrections;

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

11 (12) "Diversion unit" means any probation counselor who enters into
12 a diversion agreement with an alleged youthful offender, or any other
13 person, community accountability board, or other entity except a law
14 enforcement official or entity, with whom the juvenile court
15 administrator has contracted to arrange and supervise such agreements
16 pursuant to RCW 13.40.080, or any person, community accountability
17 board, or other entity specially funded by the legislature to arrange
18 and supervise diversion agreements in accordance with the requirements
19 of this chapter. For purposes of this subsection, "community
20 accountability board" means a board comprised of members of the local
21 community in which the juvenile offender resides. The superior court
22 shall appoint the members. The boards shall consist of at least three
23 and not more than seven members. If possible, the board should include
24 a variety of representatives from the community, such as a law
25 enforcement officer, teacher or school administrator, high school
26 student, parent, and business owner, and should represent the cultural
27 diversity of the local community;

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

30 (14) "Juvenile," "youth," and "child" mean any individual who is
31 under the chronological age of eighteen years and who has not been
32 previously transferred to adult court pursuant to RCW 13.40.110 or who
33 is otherwise under adult court jurisdiction;

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

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

4 (17) "Middle offender" means a person who has committed an offense
5 and who is neither a minor or first offender nor a serious offender;

6 (18) "Minor or first offender" means a person whose current
7 offense(s) and criminal history fall entirely within one of the
8 following categories:

9 (a) Four misdemeanors;

10 (b) Two misdemeanors and one gross misdemeanor;

11 (c) One misdemeanor and two gross misdemeanors; and

12 (d) Three gross misdemeanors.

13 For purposes of this definition, current violations shall be
14 counted as misdemeanors;

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

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

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

31 (22) "Secretary" means the secretary of the department of (~~social~~
32 ~~and health services~~) corrections. "Assistant secretary" means the
33 assistant secretary for juvenile rehabilitation for the department;

34 (23) "Services" mean services which provide alternatives to
35 incarceration for those juveniles who have pleaded or been adjudicated
36 guilty of an offense or have signed a diversion agreement pursuant to
37 this chapter;

38 (24) "Sex offense" means an offense defined as a sex offense in RCW
39 9.94A.030;

1 (25) "Sexual motivation" means that one of the purposes for which
2 the respondent committed the offense was for the purpose of his or her
3 sexual gratification;

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

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

10 (28) "Violent offense" means a violent offense as defined in RCW
11 9.94A.030;

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

19 (30) "Surety" means an entity licensed under state insurance laws
20 or by the state department of licensing, to write corporate, property,
21 or probation bonds within the state, and justified and approved by the
22 superior court of the county having jurisdiction of the case.

23 **Sec. 10.** RCW 13.40.210 and 1994 sp.s. c 7 s 527 are each amended
24 to read as follows:

25 (1) The secretary shall, except in the case of a juvenile committed
26 by a court to a term of confinement in a state institution outside the
27 appropriate standard range for the offense(s) for which the juvenile
28 was found to be guilty established pursuant to RCW 13.40.030, set a
29 release or discharge date for each juvenile committed to its custody.
30 The release or discharge date shall be within the prescribed range to
31 which a juvenile has been committed except as provided in RCW 13.40.320
32 concerning offenders the department determines are eligible for the
33 juvenile offender basic training camp program. Such dates shall be
34 determined prior to the expiration of sixty percent of a juvenile's
35 minimum term of confinement included within the prescribed range to
36 which the juvenile has been committed. The secretary shall release any
37 juvenile committed to the custody of the department within four
38 calendar days prior to the juvenile's release date or on the release

1 date set under this chapter. Days spent in the custody of the
2 department shall be tolled by any period of time during which a
3 juvenile has absented himself or herself from the department's
4 supervision without the prior approval of the secretary or the
5 secretary's designee.

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

26 (3) Following the juvenile's release under subsection (1) of this
27 section, the secretary may require the juvenile to comply with a
28 program of parole to be administered by the department in his or her
29 community which shall last no longer than eighteen months, except that
30 in the case of a juvenile sentenced for rape in the first or second
31 degree, rape of a child in the first or second degree, child
32 molestation in the first degree, or indecent liberties with forcible
33 compulsion, the period of parole shall be twenty-four months. A parole
34 program is mandatory for offenders released under subsection (2) of
35 this section. The secretary shall, for the period of parole,
36 facilitate the juvenile's reintegration into his or her community and
37 to further this goal shall require the juvenile to refrain from
38 possessing a firearm or using a deadly weapon and refrain from
39 committing new offenses and may require the juvenile to: (a) Undergo

1 available medical or psychiatric treatment; (b) report as directed to
2 a parole officer; (c) pursue a course of study or vocational training;
3 and (d) remain within prescribed geographical boundaries and notify the
4 department of any change in his or her address. After termination of
5 the parole period, the juvenile shall be discharged from the
6 department's supervision.

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

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

35 (5) A parole officer of the department of (~~social and health~~
36 ~~services~~) corrections shall have the power to arrest a juvenile under
37 his or her supervision on the same grounds as a law enforcement officer
38 would be authorized to arrest the person.

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

4 **Sec. 11.** RCW 13.40.220 and 1995 c 300 s 1 are each amended to read
5 as follows:

6 (1) Whenever legal custody of a child is vested in someone other
7 than his or her parents, under this chapter, and not vested in the
8 department of (~~social and health services~~) corrections, after due
9 notice to the parents or other persons legally obligated to care for
10 and support the child, and after a hearing, the court may order and
11 decree that the parent or other legally obligated person shall pay in
12 such a manner as the court may direct a reasonable sum representing in
13 whole or in part the costs of support, treatment, and confinement of
14 the child after the decree is entered.

15 (2) If the parent or other legally obligated person willfully fails
16 or refuses to pay such sum, the court may proceed against such person
17 for contempt.

18 (3) Whenever legal custody of a child is vested in the department
19 under this chapter, the parents or other persons legally obligated to
20 care for and support the child shall be liable for the costs of
21 support, treatment, and confinement of the child, in accordance with
22 the department's reimbursement of cost schedule. The department shall
23 adopt a reimbursement of cost schedule based on the costs of providing
24 such services, and shall determine an obligation based on the
25 responsible parents' or other legally obligated person's ability to
26 pay. The department is authorized to adopt additional rules as
27 appropriate to enforce this section.

28 (4) To enforce subsection (3) of this section, the department shall
29 serve on the parents or other person legally obligated to care for and
30 support the child a notice and finding of financial responsibility
31 requiring the parents or other legally obligated person to appear and
32 show cause in an adjudicative proceeding why the finding of
33 responsibility and/or the amount thereof is incorrect and should not be
34 ordered. This notice and finding shall relate to the costs of support,
35 treatment, and confinement of the child in accordance with the
36 department's reimbursement of cost schedule adopted under this section,
37 including periodic payments to be made in the future. The hearing

1 shall be held pursuant to chapter 34.05 RCW, the Administrative
2 Procedure Act, and the rules of the department.

3 (5) The notice and finding of financial responsibility shall be
4 served in the same manner prescribed for the service of a summons in a
5 civil action or may be served on the parent or legally obligated person
6 by certified mail, return receipt requested. The receipt shall be
7 prima facie evidence of service.

8 (6) If the parents or other legally obligated person objects to the
9 notice and finding of financial responsibility, then an application for
10 an adjudicative hearing may be filed within twenty days of the date of
11 service of the notice. If an application for an adjudicative
12 proceeding is filed, the presiding or reviewing officer shall determine
13 the past liability and responsibility, if any, of the parents or other
14 legally obligated person and shall also determine the amount of
15 periodic payments to be made in the future. If the parents or other
16 legally responsible person fails to file an application within twenty
17 days, the notice and finding of financial responsibility shall become
18 a final administrative order.

19 (7) Debts determined pursuant to this section are subject to
20 collection action without further necessity of action by a presiding or
21 reviewing officer. The department may collect the debt in accordance
22 with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The
23 department shall exempt from payment parents receiving adoption support
24 under RCW 74.13.100 through 74.13.145, parents eligible to receive
25 adoption support under RCW 74.13.150, and a parent or other legally
26 obligated person when the parent or other legally obligated person, or
27 such person's child, spouse, or spouse's child, was the victim of the
28 offense for which the child was committed.

29 (8) An administrative order entered pursuant to this section shall
30 supersede any court order entered prior to June 13, 1994.

31 (9) The department shall be subrogated to the right of the child
32 and his or her parents or other legally responsible person to receive
33 support payments for the benefit of the child from any parent or
34 legally obligated person pursuant to a support order established by a
35 superior court or pursuant to RCW 74.20A.055. The department's right
36 of subrogation under this section is limited to the liability
37 established in accordance with its cost schedule for support,
38 treatment, and confinement, except as addressed in subsection (10) of
39 this section.

1 (10) Nothing in this section precludes the department from
2 recouping such additional support payments from the child's parents or
3 other legally obligated person as required to qualify for receipt of
4 federal funds. The department may adopt such rules dealing with
5 liability for recoupment of support, treatment, or confinement costs as
6 may become necessary to entitle the state to participate in federal
7 funds unless such rules would be expressly prohibited by law. If any
8 law dealing with liability for recoupment of support, treatment, or
9 confinement costs is ruled to be in conflict with federal requirements
10 which are a prescribed condition of the allocation of federal funds,
11 such conflicting law is declared to be inoperative solely to the extent
12 of the conflict.

13 **Sec. 12.** RCW 13.40.280 and 1989 c 410 s 2 and 1989 c 407 s 8 are
14 each reenacted and amended to read as follows:

15 (1) The secretary(~~(, with the consent of the secretary of the~~
16 ~~department of corrections,~~) has the authority to transfer a juvenile
17 presently or hereafter committed to the department (~~(of social and~~
18 ~~health services to the department of corrections for appropriate~~
19 ~~institutional placement)~~) from a juvenile facility to an adult
20 correctional facility in accordance with this section.

21 (2) The secretary (~~(of the department of social and health~~
22 ~~services)~~) may(~~(, with the consent of the secretary of the department~~
23 ~~of corrections,~~) transfer a juvenile offender to (~~(the department of~~
24 ~~corrections)~~) an adult correctional facility if it is established at a
25 hearing before a review board that continued placement of the juvenile
26 offender in an institution for juvenile offenders presents a continuing
27 and serious threat to the safety of others in the institution. The
28 department (~~(of social and health services)~~) shall establish rules for
29 the conduct of the hearing, including provision of counsel for the
30 juvenile offender.

31 (3) Assaults made against any staff member at a juvenile
32 corrections institution that are reported to a local law enforcement
33 agency shall require a hearing held by the department (~~(of social and~~
34 ~~health services)~~) review board within ten judicial working days. The
35 board shall determine whether the accused juvenile offender represents
36 a continuing and serious threat to the safety of others in the
37 institution.

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

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

11 (5) A juvenile offender transferred to an (~~(institution operated by~~
12 ~~the department of corrections))~~ adult correctional facility shall not
13 remain in such an institution beyond the maximum term of confinement
14 imposed by the juvenile court.

15 (6) A juvenile offender who has been transferred to (~~(the~~
16 ~~department of corrections))~~ an adult correctional facility under this
17 section may, in the discretion of the secretary (~~(of the department of~~
18 ~~social and health services and with the consent of the secretary of the~~
19 ~~department of corrections))~~, be transferred from (~~(an institution~~
20 ~~operated by the department of corrections))~~ the adult correctional
21 facility to a facility for juvenile offenders deemed appropriate by the
22 secretary.

23 **Sec. 13.** RCW 13.40.285 and 1983 c 191 s 23 are each amended to
24 read as follows:

25 A juvenile offender ordered to serve a term of confinement (~~(with~~
26 ~~the department of social and health services))~~ in a juvenile facility
27 who is subsequently sentenced to (~~(the department of corrections))~~ an
28 adult correctional facility may, (~~(with the consent of the department~~
29 ~~of corrections))~~ at the discretion of the secretary, be transferred
30 (~~(by the secretary of social and health services))~~ to the (~~(department~~
31 ~~of corrections))~~ adult correctional facility to serve the balance of
32 the term of confinement ordered by the juvenile court. The juvenile
33 and adult sentences shall be served consecutively. In no case shall
34 the secretary credit time served as a result of an adult conviction
35 against the term of confinement ordered by the juvenile court.

36 **Sec. 14.** RCW 13.40.300 and 1994 sp.s. c 7 s 530 are each amended
37 to read as follows:

1 (1) In no case may a juvenile offender be committed by the juvenile
2 court to the department of (~~social and health services~~) corrections
3 for placement in a juvenile correctional institution beyond the
4 juvenile offender's twenty-first birthday. A juvenile may be under the
5 jurisdiction of the juvenile court or the authority of the department
6 (~~of social and health services~~) beyond the juvenile's eighteenth
7 birthday only if prior to the juvenile's eighteenth birthday:

8 (a) Proceedings are pending seeking the adjudication of a juvenile
9 offense and the court by written order setting forth its reasons
10 extends jurisdiction of juvenile court over the juvenile beyond his or
11 her eighteenth birthday;

12 (b) The juvenile has been found guilty after a fact finding or
13 after a plea of guilty and an automatic extension is necessary to allow
14 for the imposition of disposition; or

15 (c) Disposition has been held and an automatic extension is
16 necessary to allow for the execution and enforcement of the court's
17 order of disposition. If an order of disposition imposes commitment to
18 the department, then jurisdiction is automatically extended to include
19 a period of up to twelve months of parole, in no case extending beyond
20 the offender's twenty-first birthday.

21 (2) If the juvenile court previously has extended jurisdiction
22 beyond the juvenile offender's eighteenth birthday and that period of
23 extension has not expired, the court may further extend jurisdiction by
24 written order setting forth its reasons.

25 (3) In no event may the juvenile court have authority to extend
26 jurisdiction over any juvenile offender beyond the juvenile offender's
27 twenty-first birthday except for the purpose of enforcing an order of
28 restitution.

29 (4) Notwithstanding any extension of jurisdiction over a person
30 pursuant to this section, the juvenile court has no jurisdiction over
31 any offenses alleged to have been committed by a person eighteen years
32 of age or older.

33 **Sec. 15.** RCW 13.40.310 and 1991 c 326 s 4 are each amended to read
34 as follows:

35 (1) The department of (~~social and health services~~) corrections
36 may contract with a community-based nonprofit organization to establish
37 a three-step transitional treatment program for gang and drug-involved
38 juvenile offenders committed to the custody of the department under

1 chapter 13.40 RCW. Any such program shall provide six to twenty-four
2 months of treatment. The program shall emphasize the principles of
3 self-determination, unity, collective work and responsibility,
4 cooperative economics, and creativity. The program shall be culturally
5 relevant and appropriate and shall include:

6 (a) A culturally relevant and appropriate institution-based program
7 that provides comprehensive drug and alcohol services, individual and
8 family counseling, and a wilderness experience of constructive group
9 living, rigorous physical exercise, and academic studies;

10 (b) A culturally relevant and appropriate community-based
11 structured group living program that focuses on individual goals,
12 positive community involvement, coordinated drug and alcohol treatment,
13 coordinated individual and family counseling, academic and vocational
14 training, and employment in apprenticeship, internship, and
15 entrepreneurial programs; and

16 (c) A culturally relevant and appropriate transitional group living
17 program that provides support services, academic services, and
18 coordinated individual and family counseling.

19 (2) Participation in any such program shall be on a voluntary
20 basis.

21 (3) The department shall adopt rules as necessary to implement any
22 such program.

23 **Sec. 16.** RCW 13.40.320 and 1995 c 40 s 1 are each amended to read
24 as follows:

25 (1) The department of (~~social and health services~~) corrections
26 shall establish and operate a medium security juvenile offender basic
27 training camp program. The department shall site a juvenile offender
28 basic training camp facility in the most cost-effective facility
29 possible and shall review the possibility of using an existing
30 abandoned and/or available state, federally, or military-owned site or
31 facility.

32 (2) The department may contract under this chapter with private
33 companies, the national guard, or other federal, state, or local
34 agencies to operate the juvenile offender basic training camp,
35 notwithstanding the provisions of RCW 41.06.380. Requests for
36 proposals from possible contractors shall not call for payment on a per
37 diem basis.

1 (3) The juvenile offender basic training camp shall accommodate at
2 least seventy offenders. The beds shall count as additions to, and not
3 be used as replacements for, existing bed capacity at existing
4 department of (~~social and health services~~) corrections juvenile
5 facilities.

6 (4) The juvenile offender basic training camp shall be a structured
7 and regimented model lasting one hundred twenty days emphasizing the
8 building up of an offender's self-esteem, confidence, and discipline.
9 The juvenile offender basic training camp program shall provide
10 participants with basic education, prevocational training, work-based
11 learning, live work, work ethic skills, conflict resolution counseling,
12 substance abuse intervention, anger management counseling, and
13 structured intensive physical training. The juvenile offender basic
14 training camp program shall have a curriculum training and work
15 schedule that incorporates a balanced assignment of these or other
16 rehabilitation and training components for no less than sixteen hours
17 per day, six days a week.

18 The department shall adopt rules for the safe and effective
19 operation of the juvenile offender basic training camp program,
20 standards for an offender's successful program completion, and rules
21 for the continued after-care supervision of offenders who have
22 successfully completed the program.

23 (5) Offenders eligible for the juvenile offender basic training
24 camp option shall be those with a disposition of not more than seventy-
25 eight weeks. Violent and sex offenders shall not be eligible for the
26 juvenile offender basic training camp program.

27 (6) If the court determines that the offender is eligible for the
28 juvenile offender basic training camp option, the court may recommend
29 that the department place the offender in the program. The department
30 shall evaluate the offender and may place the offender in the program.
31 The evaluation shall include, at a minimum, a risk assessment developed
32 by the department and designed to determine the offender's suitability
33 for the program. No juvenile who is assessed as a high risk offender
34 or suffers from any mental or physical problems that could endanger his
35 or her health or drastically affect his or her performance in the
36 program shall be admitted to or retained in the juvenile offender basic
37 training camp program.

38 (7) All juvenile offenders eligible for the juvenile offender basic
39 training camp sentencing option shall spend one hundred twenty days of

1 their disposition in a juvenile offender basic training camp. If the
2 juvenile offender's activities while in the juvenile offender basic
3 training camp are so disruptive to the juvenile offender basic training
4 camp program, as determined by the secretary according to rules adopted
5 by the department, as to result in the removal of the juvenile offender
6 from the juvenile offender basic training camp program, or if the
7 offender cannot complete the juvenile offender basic training camp
8 program due to medical problems, the secretary shall require that the
9 offender be committed to a juvenile institution to serve the entire
10 remainder of his or her disposition, less the amount of time already
11 served in the juvenile offender basic training camp program.

12 (8) All offenders who successfully graduate from the one hundred
13 twenty day juvenile offender basic training camp program shall spend
14 the remainder of their disposition on parole in a ~~((division of))~~
15 juvenile rehabilitation administration intensive aftercare program in
16 the local community. The program shall provide for the needs of the
17 offender based on his or her progress in the aftercare program as
18 indicated by ongoing assessment of those needs and progress. The
19 intensive aftercare program shall monitor postprogram juvenile
20 offenders and assist them to successfully reintegrate into the
21 community. In addition, the program shall develop a process for
22 closely monitoring and assessing public safety risks. The intensive
23 aftercare program shall be designed and funded by the department of
24 ~~((social and health services))~~ corrections.

25 (9) The department shall also develop and maintain a data base to
26 measure recidivism rates specific to this incarceration program. The
27 data base shall maintain data on all juvenile offenders who complete
28 the juvenile offender basic training camp program for a period of two
29 years after they have completed the program. The data base shall also
30 maintain data on the criminal activity, educational progress, and
31 employment activities of all juvenile offenders who participated in the
32 program. The department shall produce an outcome evaluation report on
33 the progress of the juvenile offender basic training camp program to
34 the appropriate committees of the legislature no later than December
35 12, 1996.

36 **Sec. 17.** RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended
37 to read as follows:

38 (1) For purposes of this chapter:

1 (a) "Juvenile justice or care agency" means any of the following:
2 Police, diversion units, court, prosecuting attorney, defense attorney,
3 detention center, attorney general, the department of (~~social and~~
4 ~~health services~~) corrections and its contracting agencies, schools;
5 and, in addition, persons or public or private agencies having children
6 committed to their custody;

7 (b) "Official juvenile court file" means the legal file of the
8 juvenile court containing the petition or information, motions,
9 memorandums, briefs, findings of the court, and court orders;

10 (c) "Social file" means the juvenile court file containing the
11 records and reports of the probation counselor;

12 (d) "Records" means the official juvenile court file, the social
13 file, and records of any other juvenile justice or care agency in the
14 case.

15 (2) Each petition or information filed with the court may include
16 only one juvenile and each petition or information shall be filed under
17 a separate docket number. The social file shall be filed separately
18 from the official juvenile court file.

19 (3) It is the duty of any juvenile justice or care agency to
20 maintain accurate records. To this end:

21 (a) The agency may never knowingly record inaccurate information.
22 Any information in records maintained by the department of social and
23 health services relating to a petition filed pursuant to chapter 13.34
24 RCW that is found by the court, upon proof presented, to be false or
25 inaccurate shall be corrected or expunged from such records by the
26 agency;

27 (b) An agency shall take reasonable steps to assure the security of
28 its records and prevent tampering with them; and

29 (c) An agency shall make reasonable efforts to insure the
30 completeness of its records, including action taken by other agencies
31 with respect to matters in its files.

32 (4) Each juvenile justice or care agency shall implement procedures
33 consistent with the provisions of this chapter to facilitate inquiries
34 concerning records.

35 (5) Any person who has reasonable cause to believe information
36 concerning that person is included in the records of a juvenile justice
37 or care agency and who has been denied access to those records by the
38 agency may make a motion to the court for an order authorizing that
39 person to inspect the juvenile justice or care agency record concerning

1 that person. The court shall grant the motion to examine records
2 unless it finds that in the interests of justice or in the best
3 interests of the juvenile the records or parts of them should remain
4 confidential.

5 (6) A juvenile, or his or her parents, or any person who has
6 reasonable cause to believe information concerning that person is
7 included in the records of a juvenile justice or care agency may make
8 a motion to the court challenging the accuracy of any information
9 concerning the moving party in the record or challenging the continued
10 possession of the record by the agency. If the court grants the
11 motion, it shall order the record or information to be corrected or
12 destroyed.

13 (7) The person making a motion under subsection (5) or (6) of this
14 section shall give reasonable notice of the motion to all parties to
15 the original action and to any agency whose records will be affected by
16 the motion.

17 (8) The court may permit inspection of records by, or release of
18 information to, any clinic, hospital, or agency which has the subject
19 person under care or treatment. The court may also permit inspection
20 by or release to individuals or agencies, including juvenile justice
21 advisory committees of county law and justice councils, engaged in
22 legitimate research for educational, scientific, or public purposes.
23 The court may also permit inspection of, or release of information
24 from, records which have been sealed pursuant to RCW 13.50.050(11).
25 Access to records or information for research purposes shall be
26 permitted only if the anonymity of all persons mentioned in the records
27 or information will be preserved. Each person granted permission to
28 inspect juvenile justice or care agency records for research purposes
29 shall present a notarized statement to the court stating that the names
30 of juveniles and parents will remain confidential.

31 (9) Juvenile detention facilities shall release records to the
32 juvenile disposition standards commission under RCW 13.40.025 upon
33 request. The commission shall not disclose the names of any juveniles
34 or parents mentioned in the records without the named individual's
35 written permission.

36 **Sec. 18.** RCW 43.20A.090 and 1994 sp.s. c 7 s 515 are each amended
37 to read as follows:

1 The secretary shall appoint a deputy secretary, a department
2 personnel director and such assistant secretaries as shall be needed to
3 administer the department. The deputy secretary shall have charge and
4 general supervision of the department in the absence or disability of
5 the secretary, and in case of a vacancy in the office of secretary,
6 shall continue in charge of the department until a successor is
7 appointed and qualified, or until the governor shall appoint an acting
8 secretary. (~~The secretary shall appoint an assistant secretary to~~
9 ~~administer the juvenile rehabilitation responsibilities required of the~~
10 ~~department by chapters 13.04, 13.40, and 13.50 RCW.)) The officers
11 appointed under this section, and exempt from the provisions of the
12 state civil service law by the terms of RCW 41.06.076, shall be paid
13 salaries to be fixed by the governor in accordance with the procedure
14 established by law for the fixing of salaries for officers exempt from
15 the operation of the state civil service law.~~

16 **Sec. 19.** RCW 43.43.754 and 1994 c 271 s 402 are each amended to
17 read as follows:

18 Every adult or juvenile individual convicted of a felony or
19 adjudicated guilty of an equivalent juvenile offense defined as a sex
20 offense under RCW 9.94A.030(~~(+31)(a)~~)(33)(a) or a violent offense as
21 defined in RCW 9.94A.030 shall have a blood sample drawn for purposes
22 of DNA identification analysis. For persons convicted of such offenses
23 or adjudicated guilty of an equivalent juvenile offense who are serving
24 a term of confinement in a county jail or detention facility, the
25 county shall be responsible for obtaining blood samples prior to
26 release from the county jail or detention facility. For persons
27 convicted of such offenses or adjudicated guilty of an equivalent
28 juvenile offense, who are serving a term of confinement in a department
29 of corrections facility or a (~~division of~~) juvenile rehabilitation
30 administration facility, the facility holding the person shall be
31 responsible for obtaining blood samples prior to release from such
32 facility. Any blood sample taken pursuant to RCW 43.43.752 through
33 43.43.758 shall be used solely for the purpose of providing DNA or
34 other blood grouping tests for identification analysis and prosecution
35 of a sex offense or a violent offense.

36 This section applies to all adults who are convicted after July 1,
37 1990. This section applies to all juveniles who are adjudicated guilty
38 after July 1, 1994.

1 **Sec. 20.** RCW 71.36.030 and 1991 c 326 s 14 are each amended to
2 read as follows:

3 (1) On or before January 1, 1992, each regional support network, or
4 county authority in counties that have not established a regional
5 support network, shall initiate a local planning effort to develop a
6 children's mental health services delivery system.

7 (2) Representatives of the following agencies or organizations and
8 the following individuals shall participate in the local planning
9 effort:

10 (a) Representatives of the department of social and health services
11 in the following program areas: Children and family services, medical
12 care, mental health, (~~(juvenile rehabilitation,~~) alcohol and substance
13 abuse, and developmental disabilities;

14 (b) The department of corrections in the area of juvenile
15 rehabilitation;

16 (c) The juvenile courts;

17 (~~(e)~~) (d) The public health department or health district;

18 (~~(d)~~) (e) The school districts;

19 (~~(e)~~) (f) The educational service district serving schools in the
20 county;

21 (~~(f)~~) (g) Head start or early childhood education and assistance
22 programs;

23 (~~(g)~~) (h) Community action agencies; and

24 (~~(h)~~) (i) Children's services providers, including minority
25 mental health providers.

26 (3) Parents of children in need of mental health services (~~and~~
27 ~~parents of children of color~~) shall be invited to participate in the
28 local planning effort.

29 (4) The following information shall be developed through the local
30 planning effort and submitted to the secretary:

31 (a) A supplement to the county's January 1, 1991, children's mental
32 health services report prepared pursuant to RCW 71.24.049 to include
33 the following data:

34 (i) The number of children in need of mental health services in the
35 county or counties covered by the local planning effort, including
36 children in school and children receiving services through the
37 department of social and health services division of children and
38 family services, division of developmental disabilities, and division
39 of alcohol and substance abuse, (~~and division of~~) or through the

1 juvenile rehabilitation administration of the department of
2 corrections, grouped by severity of their mental illness;

3 (ii) The number of such children that are underserved or unserved
4 and the types of services needed by such children; and

5 (iii) The supply of children's mental health specialists in the
6 county or counties covered by the local planning effort.

7 (b) A children's mental health services delivery plan that includes
8 a description of the following:

9 (i) Children that will be served, giving consideration to children
10 who are at significant risk of experiencing mental illness, as well as
11 those already experiencing mental illness;

12 (ii) How appropriate services needed by children served through the
13 plan will be identified and provided, including prevention and
14 identification services;

15 (iii) How a lead case manager for each child will be identified;

16 (iv) How funding for existing services will be coordinated to
17 create more flexibility in meeting children's needs. Such funding
18 shall include the services and programs inventoried pursuant to RCW
19 71.36.020(1);

20 (v) How the children's mental health delivery system will
21 incorporate the elements of the early periodic screening, diagnosis,
22 and treatment services plan developed pursuant to RCW 71.36.020(2); and

23 (vi) How the children's mental health delivery system will
24 coordinate with the regional support network information system
25 developed pursuant to RCW 71.24.035(5)(g).

26 (5) In developing the children's mental health services delivery
27 plan, every effort shall be made to reduce duplication in service
28 delivery and promote complementary services among all entities that
29 provide children's services related to mental health.

30 ~~((6) The children's mental health services delivery plan shall~~
31 ~~address the needs of children of color through at least the following~~
32 ~~mechanisms:~~

33 ~~(a) Outreach initiatives, services, and modes of service delivery~~
34 ~~that meet the unique needs of children of color; and~~

35 ~~(b) Services to children of color that are culturally relevant and~~
36 ~~acceptable, as well as linguistically accessible.))~~

37 **Sec. 21.** RCW 72.09.350 and 1993 c 459 s 1 are each amended to read
38 as follows:

1 (1) The department of corrections and the University of Washington
2 may enter into a collaborative arrangement to provide improved services
3 for mentally ill offenders with a focus on prevention, treatment, and
4 reintegration into society. The participants in the collaborative
5 arrangement may develop a strategic plan within sixty days after May
6 17, 1993, to address the management of mentally ill offenders within
7 the correctional system, facilitating their reentry into the community
8 and the mental health system, and preventing the inappropriate
9 incarceration of mentally ill individuals. The collaborative
10 arrangement may also specify the establishment and maintenance of a
11 corrections mental health center located at McNeil Island corrections
12 center. The collaborative arrangement shall require that an advisory
13 panel of key stakeholders be established and consulted throughout the
14 development and implementation of the center. The stakeholders
15 advisory panel shall include a broad array of interest groups drawn
16 from representatives of mental health, criminal justice, and
17 correctional systems. The stakeholders advisory panel shall include,
18 but is not limited to, membership from: The department of corrections,
19 the department of social and health services mental health division
20 (~~and division of juvenile rehabilitation~~), regional support networks,
21 local and regional law enforcement agencies, the sentencing guidelines
22 commission, county and city jails, mental health advocacy groups for
23 the mentally ill, developmentally disabled, and traumatically brain-
24 injured, and the general public. The center established by the
25 department of corrections and University of Washington, in consultation
26 with the stakeholder advisory groups, shall have the authority to:

27 (a) Develop new and innovative treatment approaches for corrections
28 mental health clients;

29 (b) Improve the quality of mental health services within the
30 department and throughout the corrections system;

31 (c) Facilitate mental health staff recruitment and training to meet
32 departmental, county, and municipal needs;

33 (d) Expand research activities within the department in the area of
34 treatment services, the design of delivery systems, the development of
35 organizational models, and training for corrections mental health care
36 professionals;

37 (e) Improve the work environment for correctional employees by
38 developing the skills, knowledge, and understanding of how to work with
39 offenders with special chronic mental health challenges;

1 (f) Establish a more positive rehabilitative environment for
2 offenders;

3 (g) Strengthen multidisciplinary mental health collaboration
4 between the University of Washington, other groups committed to the
5 intent of this section, and the department of corrections;

6 (h) Strengthen department linkages between institutions of higher
7 education, public sector mental health systems, and county and
8 municipal corrections;

9 (i) Assist in the continued formulation of corrections mental
10 health policies;

11 (j) Develop innovative and effective recruitment and training
12 programs for correctional personnel working with mentally ill
13 offenders;

14 (k) Assist in the development of a coordinated continuum of mental
15 health care capable of providing services from corrections entry to
16 community return; and

17 (l) Evaluate all current and innovative approaches developed within
18 this center in terms of their effective and efficient achievement of
19 improved mental health of inmates, development and utilization of
20 personnel, the impact of these approaches on the functioning of
21 correctional institutions, and the relationship of the corrections
22 system to mental health and criminal justice systems. Specific
23 attention should be paid to evaluating the effects of programs on the
24 reintegration of mentally ill offenders into the community and the
25 prevention of inappropriate incarceration of mentally ill persons.

26 (2) The corrections mental health center may conduct research,
27 training, and treatment activities for the mentally ill offender within
28 selected sites operated by the department. The department shall
29 provide support services for the center such as food services,
30 maintenance, perimeter security, classification, offender supervision,
31 and living unit functions. The University of Washington may develop,
32 implement, and evaluate the clinical, treatment, research, and
33 evaluation components of the mentally ill offender center. The
34 institute of public policy and management may be consulted regarding
35 the development of the center and in the recommendations regarding
36 public policy. As resources permit, training within the center shall
37 be available to state, county, and municipal agencies requiring the
38 services. Other state colleges, state universities, and mental health
39 providers may be involved in activities as required on a subcontract

1 basis. Community mental health organizations, research groups, and
2 community advocacy groups may be critical components of the center's
3 operations and involved as appropriate to annual objectives. Mentally
4 ill clients may be drawn from throughout the department's population
5 and transferred to the center as clinical need, available services, and
6 department jurisdiction permits.

7 (3) The department shall prepare a report of the center's progress
8 toward the attainment of stated goals and provide the report to the
9 legislature annually.

10 NEW SECTION. **Sec. 22.** A new section is added to chapter 13.40 RCW
11 to read as follows:

12 (1) There is hereby created a joint committee on juvenile
13 rehabilitation standards. The committee shall consist of: (a) Two
14 members of the senate appointed by the president of the senate, one of
15 whom shall be a member of the majority party and one of whom shall be
16 a member of the minority party; and (b) two members of the house of
17 representatives appointed by the speaker of the house of
18 representatives, one of whom shall be a member of the majority party
19 and one of whom shall be a member of the minority party. Members of
20 the committee shall be appointed before the close of each regular
21 session during an odd-numbered year.

22 (2) Each member's term of office shall run from the close of the
23 session in which the member was appointed until the close of the next
24 regular session held in an odd-numbered year. If a successor is not
25 appointed during a session, the member's term shall continue until the
26 member is reappointed or a successor is appointed. The term of office
27 for a committee member who does not continue as a member of the senate
28 or house of representatives shall cease upon the convening of the next
29 session of the legislature during an odd-numbered year after the
30 member's appointment, or upon the member's resignation, whichever is
31 earlier. Vacancies on the committee shall be filled by appointment in
32 the same manner as described in subsection (1) of this section. All
33 such vacancies shall be filled from the same political party and from
34 the same house as the member whose seat was vacated.

35 (3) The committee shall elect a chair and a vice-chair. The chair
36 shall be a member of the senate in even-numbered years and a member of
37 the house of representatives in odd-numbered years.

38 (4) The committee shall have the following powers and duties:

1 (a) Oversee the transfer of the juvenile rehabilitation
2 administration from the department of social and health services to the
3 department of corrections;

4 (b) Develop policy recommendations to the appropriate committees of
5 the legislature and the governor regarding the establishment of changes
6 to the juvenile sentencing system;

7 (c) Oversee the transfer of administrative responsibilities;

8 (d) Make recommendations regarding changes to the juvenile
9 educational and rehabilitation programs;

10 (e) Provide direction to departmental staff to conduct or cause to
11 be conducted appropriate studies and review; and

12 (f) Review rules prepared by the department of corrections
13 affecting juvenile rehabilitation to ensure consistency.

14 (5) By December 12, 1996, the committee shall report to the
15 appropriate committees of the legislature on the progress of the
16 transfer of the juvenile rehabilitation administration.

17 (6) The joint committee on juvenile rehabilitation standards shall
18 terminate on January 1, 1999.

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