

RCW 13.04.116 Juvenile not to be confined in jail or holding facility for adults, exceptions—Enforcement. (1) A juvenile shall not be confined in a jail or holding facility for adults, except:

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

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

(c) For a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110, the juvenile may not be held in a jail or holding facility for a period exceeding twenty-four hours excluding weekends and holidays, unless a court finds, after a hearing and in writing, that it is in the interest of justice.

(i) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility, the juvenile may not have sight or sound contact with adult inmates, unless the court also finds, after a hearing and in writing, that it is in the interest of justice to permit sight or sound contact with adult inmates. In making the determination regarding sight or sound contact with adult inmates under this subsection, the court shall consider:

(A) The age of the juvenile;

(B) The physical and mental maturity of the juvenile;

(C) The present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to himself or herself;

(D) The nature and circumstances of the alleged offense;

(E) The juvenile's history of prior delinquent acts;

(F) The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile, protect the safety of the public, and protect other detained juveniles; and

(G) Any other relevant factors.

(ii) If a court determines that it is in the interest of justice to permit a juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 to be held in a jail or holding facility or have sight or sound contact with adult inmates under this section:

(A) The court shall hold a hearing at least once every thirty days to review whether it is still in the interest of justice to permit the juvenile to be held in a jail or holding facility, as defined under RCW 70.48.020, or have sight or sound contact with adult inmates; and

(B) The juvenile shall not be held in any jail or holding facility or permitted to have sight or sound contact with adult inmates, for more than one hundred eighty days, unless:

(I) The court, in writing, determines that there is good cause to allow an extension beyond one hundred eighty days; or

(II) The juvenile expressly waives this limitation.

(iii) A juvenile who is subject to exclusive adult criminal court jurisdiction under RCW 13.04.030 or who has been transferred to adult criminal court under RCW 13.40.110 has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court at any hearing held to determine whether to place the juvenile in a jail or holding facility or to continue the juvenile's placement in such a facility.

(2) The department shall monitor and enforce compliance with this section. The department may use information regarding juveniles confined in a jail gathered under the authority granted by this subsection in the report required in RCW 13.22.060(1) with respect to juveniles in the custody of a jail or holding facility.

A detention facility and a governing unit for a jail or holding facility must provide assistance to the department in gathering information regarding juveniles confined in a jail or holding facility. This information must include:

- (a) The age, race, and gender of each juvenile;
- (b) The circumstances requiring the juvenile to be placed in the jail or holding facility; and
- (c) The length of time the juvenile was held in the jail or holding facility.

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

(4) For purposes of this section, the following definitions apply:

- (a) "Detention facility" has the same meaning as provided under RCW 13.40.020.
- (b) "Governing unit" has the same meaning as provided under RCW 70.48.020.
- (c) "Holding facility" has the same meaning as provided under RCW 70.48.020.
- (d) "Jail" has the same meaning as provided under RCW 70.48.020. [2020 c 333 § 8; 2017 3rd sp.s. c 6 § 603; 1987 c 462 § 1; 1985 c 50 § 1.]

Effective date—2017 3rd sp.s. c 6 §§ 601-631, 701-728, and 804:
See note following RCW 13.04.011.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective dates—1987 c 462: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Sections 15 and 21 of this act shall take effect immediately. Sections 1 through 11 and sections 16, 17, 22 and 23 of this act shall take effect January 1, 1988." [1987 c 462 § 24.]

Places of detention: Chapter 13.16 RCW.

Transfer of juvenile to department of corrections facility: RCW 13.40.280.