
SUBSTITUTE SENATE BILL 5474

State of Washington**68th Legislature****2023 Regular Session**

By Senate Human Services (originally sponsored by Senators Frame, Trudeau, Kuderer, Lovelett, Nguyen, Saldaña, and C. Wilson)

1 AN ACT Relating to decreasing barriers to successful community
2 participation for individuals involved in the juvenile justice
3 system; amending RCW 13.40.---, 6.17.020, 7.68.035, 7.68.120,
4 10.01.160, 13.40.020, 13.40.020, 13.40.060, 13.40.060, 13.40.077,
5 13.40.080, 13.40.080, 13.40.127, 13.40.150, 13.40.162, 13.40.162,
6 13.40.165, 13.40.165, 13.40.180, 13.40.190, 13.40.190, 13.40.200,
7 13.40.200, 13.40.205, 13.40.205, 13.40.210, 13.40.210, 13.40.250,
8 13.40.308, 13.40.308, 13.40.510, 13.50.260, 13.50.260, 13.50.270, and
9 43.43.7541; reenacting and amending RCW 13.40.020 and 13.40.020;
10 adding new sections to chapter 13.40 RCW; creating new sections;
11 repealing RCW 13.40.056, 13.40.085, 13.40.192, 13.40.198, 13.40.610,
12 and 13.40.640; providing effective dates; providing contingent
13 effective dates; providing expiration dates; and providing contingent
14 expiration dates.

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

16 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

17 (a) The goal of the juvenile justice system should be to protect
18 public safety by providing meaningful opportunity for rehabilitation.
19 Outstanding legal financial obligations represent a significant
20 obstacle for youth and emerging adults trying to rebuild their lives
21 after involvement with the juvenile justice system. The consequences

1 of legal financial obligations for youth impact their ability to
2 access education, find and keep work, and to remain stably housed -
3 all key indicators of success and statistically important factors in
4 reducing recidivism.

5 (b) Despite significant reforms, thousands of youth impacted by
6 the juvenile justice system are struggling to pay legal financial
7 obligations and other costs, and very few victims receive the
8 restitution ordered by juvenile courts.

9 (c) Decades of research in Washington and around the country has
10 found that legal financial obligations fall disproportionately on
11 black, indigenous, low-income, and rural communities and communities
12 of color. These disproportionate harms are unacceptable in any
13 context, but especially well documented in juvenile court. Legal
14 financial obligations are also expensive to collect, an unstable
15 source of government revenue, and undermine trust in courts that may
16 seem to operate as tax collectors. Because juveniles do not have the
17 means to pay, only a small percentage of juvenile restitution is
18 collected and in turn, victims rarely see any compensation. Making
19 people whole should be a guiding principle of any juvenile court
20 system, while acknowledging that society bears some responsibility
21 for harm done by individual young people.

22 (d) Eliminating juvenile legal financial obligations and creating
23 a community compensation program will better serve victims, increase
24 racial and socioeconomic equity in Washington, improve public safety,
25 and help to support young people and families involved in the
26 juvenile system.

27 (2) Therefore, the legislature finds and declares that the
28 purpose of this act is to:

29 (a) Eliminate fines, administrative fees, costs, and surcharges;
30 and

31 (b) Convene a task force to develop a plan for replacing the
32 juvenile restitution system with a state-funded community
33 compensation program by July 1, 2025, in order to improve access to
34 resources for victims and decrease barriers to successful reentry and
35 rehabilitation amongst youth previously involved in the juvenile
36 justice system.

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

1 No fine, administrative fee, cost, or surcharge may be imposed or
2 collected by the court or any agent of the court against any juvenile
3 or a juvenile's parent or guardian, or other person having custody of
4 the juvenile, in connection with any juvenile offender proceeding
5 including, but not limited to, fees for diversion, DNA sampling, or
6 victims' penalty assessments. Victims may collect compensation
7 through the community compensation program as provided in section 5
8 of this act.

9 **Sec. 3.** RCW 13.40.--- and 2023 c . . . s 2 (section 2 of this
10 act) are each amended to read as follows:

11 No fine, administrative fee, cost, (~~(or)~~) surcharge, or
12 restitution may be imposed or collected by the court or any agent of
13 the court against any juvenile or a juvenile's parent or guardian, or
14 other person having custody of the juvenile, in connection with any
15 juvenile offender proceeding including, but not limited to, fees for
16 diversion, DNA sampling, or victims' penalty assessments. Victims may
17 collect compensation through the community compensation program as
18 provided in section 5 of this act.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40
20 RCW to read as follows:

21 (1) On or before the effective date of this section, the juvenile
22 court prosecutor shall coordinate with the clerk and other
23 appropriate entities to develop a list of all outstanding legal
24 financial obligations under sections repealed by this act. The
25 prosecutor shall include legal financial obligations owing to
26 private, third-party agencies with whom the courts or local
27 jurisdictions have contractual relationships for the collection of
28 legal financial obligations, the department of children, youth, and
29 families, and other private entities to the extent those amounts are
30 known or readily ascertainable, or if the person subject to the legal
31 financial obligations has provided the prosecutor with documentation
32 of legal financial obligation amounts owed to private entities.

33 (2) The prosecutor shall file an ex parte motion to waive any
34 outstanding legal financial obligations for which the underlying
35 statutory authority was repealed by this act, as well as the former
36 RCW 13.40.220 and 13.16.085, within one year of the relevant
37 effective date. The prosecuting attorney is not required to notify
38 the defendant of the motion, and the court shall consider a motion

1 under this section without requiring the presence of the prosecuting
2 attorney or defendant.

3 (3) If a judgment was entered after the expiration of juvenile
4 court jurisdiction pursuant to RCW 13.40.190 and 13.40.192, the court
5 shall direct the clerk to satisfy the judgment.

6 (4) On or before September 1, 2024, and in compliance with RCW
7 43.01.036, the administrative office of the courts shall report to
8 the relevant committees of the legislature the number of judgments
9 and orders vacated or partially vacated pursuant to this section in
10 each judicial district and the amount of the balances waived in each
11 judicial district.

12 (5) On or before September 1, 2023, and annually thereafter, the
13 administrative office of the courts shall, in compliance with RCW
14 43.01.036, report to the relevant committees of the legislature the
15 total amount assessed to and collected from all individuals charged
16 in superior court and other courts of limited jurisdiction, in fees,
17 court costs, fines, and restitution. This annual report shall include
18 information about total amounts assessed and collected, disaggregated
19 by the defendants' age at the time of adjudication, race, gender,
20 legal financial obligation type, and charging court.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40
22 RCW to read as follows:

23 (1) The department of labor and industries is directed to convene
24 and staff a community compensation task force. The purpose of the
25 task force is to address the elimination of juvenile restitution
26 required by section 3 of this act and the compensation of parties
27 harmed by juveniles. Core considerations for the task force should be
28 reliant on restorative principles and best practices. The task force
29 shall hold its first meeting on or before October 1, 2023. A final
30 implementation plan must be submitted on or before October 1, 2024,
31 to the appropriate committees of the legislature. The final
32 implementation plan must be published and must include:

33 (a) A description of the decision-making structure recommended by
34 the task force;

35 (b) Details on the infrastructure of the community compensation
36 program created in this section to compensate parties harmed by
37 juveniles including, but not limited to, how the program shall
38 operate within the department of labor and industries, and an

1 estimate of the administrative cost required to maintain the program
2 including the salaries of any necessary staff;

3 (c) A process for victims, potentially including those who do not
4 meet the current statutory definition of "victim," to participate in
5 the community compensation program, including details of the
6 application and disbursement process, which must:

7 (i) Ensure individuals may participate in the compensation
8 program regardless of their legal status;

9 (ii) Guarantee, to the greatest extent possible, the anonymity of
10 those participating in the compensation program;

11 (iii) Not require a court order for victims to participate in the
12 compensation program;

13 (iv) Limit, to the greatest extent possible, the amount of
14 documentation required to participate in the program and the
15 administrative burden on individuals seeking payment;

16 (v) Consider capping amounts and types of costs that are eligible
17 for compensation; and

18 (vi) Consider critically the ability of government entities,
19 corporations, insurance companies, and other nonindividual victims to
20 participate in the compensation program with individual victims
21 having priority access;

22 (d) A process for determining the eligibility of parties who may
23 try to participate in the program. It is the intention of the
24 legislature that the community compensation program be accessible to
25 the broadest possible number of victims, and that participation in
26 the program does not require an adjudication or an order from the
27 court; and

28 (e) Standards and practices for calculating the amount of
29 compensation individual applicants may receive.

30 (2) The community compensation task force representatives shall
31 be selected by the department of labor and industries, and shall
32 include:

33 (a) Three people who were ordered to pay juvenile legal financial
34 obligations, either as juveniles or parents or guardians;

35 (b) Three people who were ordered to receive restitution payments
36 from a respondent;

37 (c) One representative from a statewide coalition focused on
38 legal financial obligations and youth justice;

39 (d) One representative from a civil society organization focused
40 on legal financial obligation reform;

1 (e) One member of the Washington state partnership council on
2 juvenile justice;

3 (f) One public defender specializing in juvenile law;

4 (g) One juvenile court judge;

5 (h) One prosecutor specializing in juvenile law;

6 (i) One county clerk or juvenile court administrator;

7 (j) One member of the Washington state supreme court minority and
8 justice commission;

9 (k) One individual with expertise in restorative justice
10 practices or expertise in community compensation programs;

11 (l) One representative from the department of children, youth,
12 and families; and

13 (m) One representative from the administrative office of the
14 courts.

15 (3) Upon submission of the implementation plan, the task force
16 may be convened by the director of labor and industries as needed to
17 consult with the department of labor and industries regarding
18 implementation of the task force's recommendations.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.40
20 RCW to read as follows:

21 (1) Within funds appropriated for this specific purpose, the
22 community compensation program is created in and will be operated by
23 the department of labor and industries. The director of labor and
24 industries is authorized to receive private contributions and funds
25 from other sources for this program.

26 (2) Consistent with the recommendations of the community
27 compensation task force established in section 5 of this act, the
28 community compensation program will provide compensation to victims
29 of juvenile offenses. The department of labor and industries is
30 authorized to work with community-based organizations or third-party
31 vendors to operate the community compensation program.

32 (3) The department of labor and industries shall implement the
33 recommendations of the community compensation task force to the
34 greatest extent feasible on or before July 1, 2025.

35 (4) The department of labor and industries may adopt rules
36 necessary to implement this section.

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.40
38 RCW to read as follows:

1 The community compensation account is created in the custody of
2 the state treasurer. Expenditures from the account may be used only
3 for the community compensation program created in section 6 of this
4 act. Only the director of the department of labor and industries or
5 the director's designee may authorize expenditures from the account.

6 **Sec. 8.** RCW 6.17.020 and 2022 c 260 s 5 are each amended to read
7 as follows:

8 (1) Except as provided in subsections (2), (3), and (4) of this
9 section, the party in whose favor a judgment of a court has been or
10 may be filed or rendered, or the assignee or the current holder
11 thereof, may have an execution, garnishment, or other legal process
12 issued for the collection or enforcement of the judgment at any time
13 within 10 years from entry of the judgment or the filing of the
14 judgment in this state.

15 (2) After July 23, 1989, a party who obtains a judgment or order
16 of a court or an administrative order entered as defined in RCW
17 74.20A.020(6) for accrued child support, or the assignee or the
18 current holder thereof, may have an execution, garnishment, or other
19 legal process issued upon that judgment or order at any time within
20 10 years of the 18th birthday of the youngest child named in the
21 order for whom support is ordered.

22 (3) After June 9, 1994, a party in whose favor a judgment has
23 been filed as a foreign judgment or rendered pursuant to subsection
24 (1) or (4) of this section, or the assignee or the current holder
25 thereof, may, within 90 days before the expiration of the original
26 10-year period, apply to the court that rendered the judgment or to
27 the court where the judgment was filed as a foreign judgment for an
28 order granting an additional 10 years during which an execution,
29 garnishment, or other legal process may be issued. If a district
30 court judgment of this state is transcribed to a superior court of
31 this state, the original district court judgment shall not be
32 extended and any petition under this section to extend the judgment
33 that has been transcribed to superior court shall be filed in the
34 superior court within 90 days before the expiration of the 10-year
35 period of the date the transcript of the district court judgment was
36 filed in the superior court of this state. The petitioner shall pay
37 to the court a filing fee equal to the filing fee for filing the
38 first or initial paper in a civil action in the court, except in the
39 case of district court judgments transcribed to superior court, where

1 the filing fee shall be the fee for filing the first or initial paper
2 in a civil action in the superior court where the judgment was
3 transcribed. The order granting the application shall contain an
4 updated judgment summary as provided in RCW 4.64.030. The filing fee
5 required under this subsection shall be included in the judgment
6 summary and shall be a recoverable cost. The application shall be
7 granted as a matter of right, subject to review only for timeliness,
8 factual issues of full or partial satisfaction, or errors in
9 calculating the judgment summary amounts.

10 (4) (a) A party who obtains a judgment or order for restitution
11 pursuant to a criminal judgment and sentence against an adult
12 defendant, or the assignee or the current holder thereof, may
13 execute, garnish, and/or have legal process issued upon the judgment
14 or order any time within 10 years subsequent to the entry of the
15 judgment and sentence or 10 years following the adult offender's
16 release from total confinement as provided in chapter 9.94A RCW. The
17 clerk of (~~the~~) the superior court, or a party designated by the
18 clerk, may seek extension under subsection (3) of this section for
19 purposes of collection as allowed under RCW 36.18.190, provided that
20 no filing fee shall be required.

21 (b) A party who obtains a judgment or order for court-ordered
22 legal financial obligations other than restitution, pursuant to a
23 criminal judgment and sentence against an adult defendant, or the
24 assignee or the current holder thereof, may execute, garnish, and
25 have legal process issued upon the judgment or order any time within
26 10 years subsequent to the entry of the judgment and sentence or 10
27 years following the adult offender's release from total confinement
28 as provided in chapter 9.94A RCW. The clerk of (~~the~~) the superior
29 court, or a party designated by the clerk, may seek extension under
30 subsection (3) of this section for purposes of collection as allowed
31 under RCW 36.18.190, only if the court finds that the offender has
32 the current or likely future ability to pay the nonrestitution legal
33 financial obligations. A person does not have the current ability to
34 pay if the person is indigent as defined in RCW 10.01.160(3). No
35 filing fee shall be required for filing a petition for an extension
36 pursuant to this subsection (4) (b).

37 (5) "Court" as used in this section includes but is not limited
38 to the United States supreme court, the United States courts of
39 appeals, the United States district courts, the United States
40 bankruptcy courts, the Washington state supreme court, the court of

1 appeals of the state of Washington, superior courts and district
2 courts of the counties of the state of Washington, and courts of
3 other states and jurisdictions from which judgment has been filed in
4 this state under chapter 6.36 or 6.40 RCW.

5 (6) The perfection of any judgment lien and the priority of that
6 judgment lien on property as established by RCW 6.13.090 and chapter
7 4.56 RCW is not altered by the extension of the judgment pursuant to
8 the provisions of this section and the lien remains in full force and
9 effect and does not have to be rerecorded after it is extended.
10 Continued perfection of a judgment that has been transcribed to other
11 counties and perfected in those counties may be accomplished after
12 extension of the judgment by filing with the clerk of the other
13 counties where the judgment has been filed either a certified copy of
14 the order extending the judgment or a certified copy of the docket of
15 the matter where the judgment was extended.

16 (7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A
17 RCW, or chapter 13.40 RCW, no judgment is enforceable for a period
18 exceeding 20 years from the date of entry in the originating court.
19 Nothing in this section may be interpreted to extend the expiration
20 date of a foreign judgment beyond the expiration date under the laws
21 of the jurisdiction where the judgment originated.

22 (8) The chapter 261, Laws of 2002 amendments to this section
23 apply to all judgments currently in effect on June 13, 2002, to all
24 judgments extended after June 9, 1994, unless the judgment has been
25 satisfied, vacated, and/or quashed, and to all judgments filed or
26 rendered, or both, after June 13, 2002.

27 (9) Notwithstanding any provisions of this section, no fees,
28 costs, or surcharges arising out of a juvenile offender proceeding
29 may be charged to a juvenile, or the parent, guardian, or other
30 person having custody of a juvenile.

31 **Sec. 9.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to
32 read as follows:

33 (1)(a) When any (~~person~~) adult is found guilty in any superior
34 court of having committed a crime, except as provided in subsection
35 (2) of this section, there shall be imposed by the court upon such
36 convicted person a penalty assessment. The assessment shall be in
37 addition to any other penalty or fine imposed by law and shall be
38 (~~five hundred dollars~~) \$500 for each case or cause of action that
39 includes one or more convictions of a felony or gross misdemeanor and

1 (~~two hundred fifty dollars~~) \$250 for any case or cause of action
2 that includes convictions of only one or more misdemeanors.

3 (b) (~~When any juvenile is adjudicated of an offense that is a~~
4 ~~most serious offense as defined in RCW 9.94A.030, or a sex offense~~
5 ~~under chapter 9A.44 RCW, there shall be imposed upon the juvenile~~
6 ~~offender a penalty assessment. The assessment shall be in addition to~~
7 ~~any other penalty or fine imposed by law and shall be one hundred~~
8 ~~dollars for each case or cause of action.~~

9 (~~e~~)) When any juvenile is adjudicated of an offense which has a
10 victim, and which is not a most serious offense as defined in RCW
11 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
12 order up to seven hours of community (~~restitution~~) service pursuant
13 to RCW 13.40.020, unless the court finds that such an order is not
14 practicable for the offender. (~~This community restitution must be~~
15 ~~imposed consecutively to any other community restitution the court~~
16 ~~imposes for the offense.~~)

17 (2) The assessment imposed by subsection (1) of this section
18 shall not apply to motor vehicle crimes defined in Title 46 RCW
19 except those defined in the following sections: RCW 46.61.520,
20 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
21 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
22 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
23 46.44.180, 46.10.490(2), and 46.09.470(2).

24 (3) When any (~~person~~) adult accused of having committed a crime
25 posts bail in superior court pursuant to the provisions of chapter
26 10.19 RCW and such bail is forfeited, there shall be deducted from
27 the proceeds of such forfeited bail a penalty assessment, in addition
28 to any other penalty or fine imposed by law, equal to the assessment
29 which would be applicable under subsection (1) of this section if the
30 person had been convicted of the crime.

31 (4) Such penalty assessments shall be paid by the clerk of the
32 superior court to the county treasurer. Each county shall deposit
33 (~~one hundred~~) 100 percent of the money it receives per case or
34 cause of action under subsection (1) of this section, not less than
35 one and seventy-five one-hundredths percent of the remaining money it
36 retains under RCW 10.82.070 and the money it retains under chapter
37 3.62 RCW, and all money it receives under subsection (7) of this
38 section into a fund maintained exclusively for the support of
39 comprehensive programs to encourage and facilitate testimony by the
40 victims of crimes and witnesses to crimes. A program shall be

1 considered "comprehensive" only after approval of the department upon
2 application by the county prosecuting attorney. The department shall
3 approve as comprehensive only programs which:

4 (a) Provide comprehensive services to victims and witnesses of
5 all types of crime with particular emphasis on serious crimes against
6 persons and property. It is the intent of the legislature to make
7 funds available only to programs which do not restrict services to
8 victims or witnesses of a particular type or types of crime and that
9 such funds supplement, not supplant, existing local funding levels;

10 (b) Are administered by the county prosecuting attorney either
11 directly through the prosecuting attorney's office or by contract
12 between the county and agencies providing services to victims of
13 crime;

14 (c) Make a reasonable effort to inform the known victim or his or
15 her surviving dependents of the existence of this chapter and the
16 procedure for making application for benefits;

17 (d) Assist victims in the restitution and adjudication process;
18 and

19 (e) Assist victims of violent crimes in the preparation and
20 presentation of their claims to the department of labor and
21 industries under this chapter.

22 Before a program in any county west of the Cascade mountains is
23 submitted to the department for approval, it shall be submitted for
24 review and comment to each city within the county with a population
25 of more than (~~one hundred fifty thousand~~) 150,000. The department
26 will consider if the county's proposed comprehensive plan meets the
27 needs of crime victims in cases adjudicated in municipal, district or
28 superior courts and of crime victims located within the city and
29 county.

30 (5) Upon submission to the department of a letter of intent to
31 adopt a comprehensive program, the prosecuting attorney shall retain
32 the money deposited by the county under subsection (4) of this
33 section until such time as the county prosecuting attorney has
34 obtained approval of a program from the department. Approval of the
35 comprehensive plan by the department must be obtained within one year
36 of the date of the letter of intent to adopt a comprehensive program.
37 The county prosecuting attorney shall not make any expenditures from
38 the money deposited under subsection (4) of this section until
39 approval of a comprehensive plan by the department. If a county
40 prosecuting attorney has failed to obtain approval of a program from

1 the department under subsection (4) of this section or failed to
2 obtain approval of a comprehensive program within one year after
3 submission of a letter of intent under this section, the county
4 treasurer shall monthly transmit (~~one hundred~~) 100 percent of the
5 money deposited by the county under subsection (4) of this section to
6 the state treasurer for deposit in the state general fund.

7 (6) County prosecuting attorneys are responsible to make every
8 reasonable effort to insure that the penalty assessments of this
9 chapter are imposed and collected.

10 (7) Every city and town shall transmit monthly one and seventy-
11 five one-hundredths percent of all money, other than money received
12 for parking infractions, retained under RCW 3.50.100 and 35.20.220 to
13 the county treasurer for deposit as provided in subsection (4) of
14 this section.

15 **Sec. 10.** RCW 7.68.120 and 1995 c 33 s 1 are each amended to read
16 as follows:

17 Any (~~person~~) adult who has committed a criminal act which
18 resulted in injury compensated under this chapter may be required to
19 make reimbursement to the department as provided in this section.

20 (1) Any payment of benefits to or on behalf of a victim under
21 this chapter creates a debt due and owing to the department by any
22 person found to have committed the criminal act in either a civil or
23 criminal court proceeding in which he or she is a party. If there has
24 been a superior or district court order, or an order of the
25 indeterminate sentence review board or the department of social and
26 health services, as provided in subsection (4) of this section, the
27 debt shall be limited to the amount provided for in the order. A
28 court order shall prevail over any other order. If, in a criminal
29 proceeding, a person has been found to have committed the criminal
30 act that results in the payment of benefits to a victim and the court
31 in the criminal proceeding does not enter a restitution order, the
32 department shall, within one year of imposition of the sentence,
33 petition the court for entry of a restitution order.

34 (2) (a) The department may issue a notice of debt due and owing to
35 the person found to have committed the criminal act, and shall serve
36 the notice on the person in the manner prescribed for the service of
37 a summons in a civil action or by certified mail. The department
38 shall file the notice of debt due and owing along with proof of
39 service with the superior court of the county where the criminal act

1 took place. The person served the notice shall have (~~thirty~~) 30
2 days from the date of service to respond to the notice by requesting
3 a hearing in superior court.

4 (b) If a person served a notice of debt due and owing fails to
5 respond within (~~thirty~~) 30 days, the department may seek a default
6 judgment. Upon entry of a judgment in an action brought pursuant to
7 (a) of this subsection, the clerk shall enter the order in the
8 execution docket. The filing fee shall be added to the amount of the
9 debt indicated in the judgment. The judgment shall become a lien upon
10 all real and personal property of the person named in the judgment as
11 in other civil cases. The judgment shall be subject to execution,
12 garnishment, or other procedures for collection of a judgment.

13 (3) (a) The director, or the director's designee, may issue to any
14 person or organization an order to withhold and deliver property of
15 any kind if there is reason to believe that the person or
16 organization possesses property that is due, owing, or belonging to
17 any person against whom a judgment for a debt due and owing has been
18 entered under subsection (2) of this section. For purposes of this
19 subsection, "person or organization" includes any individual, firm,
20 association, corporation, political subdivision of the state, or
21 agency of the state.

22 (b) The order to withhold and deliver must be served in the
23 manner prescribed for the service of a summons in a civil action or
24 by certified mail, return receipt requested. Any person or
25 organization upon whom service has been made shall answer the order
26 within (~~twenty~~) 20 days exclusive of the day of service, under oath
27 and in writing, and shall make true answers to the matters inquired
28 of therein.

29 (c) If there is in the possession of the person or organization
30 served with the order any property that might be subject to the claim
31 of the department, the person or organization must immediately
32 withhold such property and deliver the property to the director or
33 the director's authorized representative immediately upon demand.

34 (d) If the person or organization served the order fails to
35 timely answer the order, the court may render judgment by default
36 against the person or organization for the full amount claimed by the
37 director in the order plus costs.

38 (e) If an order to withhold and deliver is served upon an
39 employer and the property found to be subject to the notice is wages,

1 the employer may assert in the answer all exemptions to which the
2 wage earner might be entitled as provided by RCW 6.27.150.

3 (4) Upon being placed on work release pursuant to chapter 72.65
4 RCW, or upon release from custody of a state correctional facility on
5 parole, any convicted person who owes a debt to the department as a
6 consequence of a criminal act may have the schedule or amount of
7 payments therefor set as a condition of work release or parole by the
8 department of social and health services or indeterminate sentence
9 review board respectively, subject to modification based on change of
10 circumstances. Such action shall be binding on the department.

11 (5) Any requirement for payment due and owing the department by a
12 convicted person under this chapter may be waived, modified downward
13 or otherwise adjusted by the department in the interest of justice,
14 the well-being of the victim, and the rehabilitation of the
15 individual.

16 (6) The department shall not seek payment for a debt due and
17 owing if such action would deprive the victim of the crime giving
18 rise to the claim under this chapter of the benefit of any property
19 to which the victim would be entitled under RCW 26.16.030.

20 **Sec. 11.** RCW 10.01.160 and 2022 c 260 s 9 are each amended to
21 read as follows:

22 (1) Except as provided in subsection (3) of this section, the
23 court may require a defendant to pay costs. Costs may be imposed only
24 upon a convicted adult defendant, except for costs imposed upon ((a))
25 an adult defendant's entry into a deferred prosecution program, costs
26 imposed upon ((a)) an adult defendant for pretrial supervision, or
27 costs imposed upon ((a)) an adult defendant for preparing and serving
28 a warrant for failure to appear.

29 (2) Costs shall be limited to expenses specially incurred by the
30 state in prosecuting the defendant or in administering the deferred
31 prosecution program under chapter 10.05 RCW or pretrial supervision.
32 They cannot include expenses inherent in providing a constitutionally
33 guaranteed jury trial or expenditures in connection with the
34 maintenance and operation of government agencies that must be made by
35 the public irrespective of specific violations of law. Expenses
36 incurred for serving of warrants for failure to appear and jury fees
37 under RCW 10.46.190 may be included in costs the court may require a
38 defendant to pay. Costs for administering a deferred prosecution may
39 not exceed \$250. Costs for administering a pretrial supervision other

1 than a pretrial electronic alcohol monitoring program, drug
2 monitoring program, or 24/7 sobriety program may not exceed \$150.
3 Costs for preparing and serving a warrant for failure to appear may
4 not exceed \$100. Costs of incarceration imposed on a defendant
5 convicted of a misdemeanor or a gross misdemeanor may not exceed the
6 actual cost of incarceration. In no case may the court require the
7 offender to pay more than \$100 per day for the cost of incarceration.
8 Payment of other court-ordered financial obligations, including all
9 legal financial obligations and costs of supervision take precedence
10 over the payment of the cost of incarceration ordered by the court.
11 All funds received from defendants for the cost of incarceration in
12 the county or city jail must be remitted for criminal justice
13 purposes to the county or city that is responsible for the
14 defendant's jail costs. Costs imposed constitute a judgment against a
15 defendant and survive a dismissal of the underlying action against
16 the defendant. However, if the defendant is acquitted on the
17 underlying action, the costs for preparing and serving a warrant for
18 failure to appear do not survive the acquittal, and the judgment that
19 such costs would otherwise constitute shall be vacated.

20 (3) The court shall not order a defendant to pay costs if the
21 defendant at the time of sentencing is indigent. In determining the
22 amount and method of payment of costs for defendants who are not
23 indigent, the court shall take account of the financial resources of
24 the defendant and the nature of the burden that payment of costs will
25 impose. For the purposes of this section, a defendant is "indigent"
26 if the defendant: (a) Meets the criteria defined in RCW 10.101.010(3)
27 (a) through (c); (b) is homeless or mentally ill as defined in RCW
28 71.24.025; (c) has household income above 125 percent of the federal
29 poverty guidelines and has recurring basic living costs, as defined
30 in RCW 10.101.010, that render the defendant without the financial
31 ability to pay; ~~((e))~~ (d) was a minor at the time the crime
32 occurred; or (e) has other compelling circumstances that exist that
33 demonstrate an inability to pay.

34 (4) A defendant who has been ordered to pay costs and who has not
35 willfully failed to pay the obligation, as described in RCW
36 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the
37 sentencing court for remission of the payment of costs or of any
38 unpaid portion thereof. If it appears to the satisfaction of the
39 court that payment of the amount due will impose manifest hardship on
40 the defendant or the defendant's immediate family, the court may

1 remit all or part of the amount due in costs, modify the method of
2 payment under RCW 10.01.170, or convert the unpaid costs to community
3 restitution hours, if the jurisdiction operates a community
4 restitution program, at the rate of no less than the state minimum
5 wage established in RCW 49.46.020 for each hour of community
6 restitution. Manifest hardship exists where the defendant is indigent
7 as defined in subsection (3) of this section.

8 (5) Except for direct costs relating to evaluating and reporting
9 to the court, prosecutor, or defense counsel regarding a defendant's
10 competency to stand trial as provided in RCW 10.77.060, this section
11 shall not apply to costs related to medical or mental health
12 treatment or services a defendant receives while in custody of the
13 secretary of the department of social and health services or other
14 governmental units. This section shall not prevent the secretary of
15 the department of social and health services or other governmental
16 units from imposing liability and seeking reimbursement from a
17 defendant committed to an appropriate facility as provided in RCW
18 10.77.084 while criminal proceedings are stayed. This section shall
19 also not prevent governmental units from imposing liability on
20 defendants for costs related to providing medical or mental health
21 treatment while the defendant is in the governmental unit's custody.
22 Medical or mental health treatment and services a defendant receives
23 at a state hospital or other facility are not a cost of prosecution
24 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
25 43.20B RCW, and any other applicable statute.

26 **Sec. 12.** RCW 13.40.020 and 2021 c 328 s 5 and 2021 c 206 s 3 are
27 each reenacted and amended to read as follows:

28 For the purposes of this chapter:

29 (1) "Assessment" means an individualized examination of a child
30 to determine the child's psychosocial needs and problems, including
31 the type and extent of any mental health, substance abuse, or co-
32 occurring mental health and substance abuse disorders, and
33 recommendations for treatment. "Assessment" includes, but is not
34 limited to, drug and alcohol evaluations, psychological and
35 psychiatric evaluations, records review, clinical interview, and
36 administration of a formal test or instrument;

37 (2) "Community-based rehabilitation" means one or more of the
38 following: Employment; attendance of information classes; literacy
39 classes; counseling, outpatient substance abuse treatment programs,

1 outpatient mental health programs, anger management classes,
2 education or outpatient treatment programs to prevent animal cruelty,
3 or other services including, when appropriate, restorative justice
4 programs; or attendance at school or other educational programs
5 appropriate for the juvenile as determined by the school district.
6 Placement in community-based rehabilitation programs is subject to
7 available funds;

8 (3) "Community-based sanctions" may include (~~one or more of the~~
9 ~~following~~;

10 ~~(a) A fine, not to exceed \$500;~~

11 ~~(b) Community restitution))~~ community service not to exceed
12 ~~((150))~~ 120 hours (~~(of community restitution))~~;

13 (4) "Community (~~restitution~~) service" means compulsory service,
14 without compensation, performed for the benefit of the community by
15 the offender as punishment for committing an offense. Community
16 (~~restitution~~) service may be performed through public or private
17 organizations or through work crews, or by attending school, work,
18 therapy, treatment, or other prosocial activities as determined by
19 the judge in consultation with the juvenile and the victim, if any;

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

33 (a) Community-based sanctions;

34 (b) Community-based rehabilitation;

35 (c) Monitoring and reporting requirements;

36 (d) Posting of a probation bond;

37 (e) Residential treatment, where substance abuse, mental health,
38 and/or co-occurring disorders have been identified in an assessment
39 by a qualified mental health professional, psychologist,
40 psychiatrist, co-occurring disorder specialist, or substance use

1 disorder professional and a funded bed is available. If a child
2 agrees to voluntary placement in a state-funded long-term evaluation
3 and treatment facility, the case must follow the existing placement
4 procedure including consideration of less restrictive treatment
5 options and medical necessity.

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

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

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

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

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

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

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

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

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

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

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

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

35 (7) "Confinement" means physical custody by the department of
36 children, youth, and families in a facility operated by or pursuant
37 to a contract with the state, or physical custody in a detention
38 facility operated by or pursuant to a contract with any county. The
39 county may operate or contract with vendors to operate county
40 detention facilities. The department may operate or contract to

1 operate detention facilities for juveniles committed to the
2 department. Pretrial confinement or confinement of less than 31 days
3 imposed as part of a disposition or modification order may be served
4 consecutively or intermittently, in the discretion of the court;

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

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

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

14 (b) The criminal complaint was diverted by a prosecutor pursuant
15 to the provisions of this chapter on agreement of the respondent and
16 after an advisement to the respondent that the criminal complaint
17 would be considered as part of the respondent's criminal history. A
18 successfully completed deferred adjudication that was entered before
19 July 1, 1998, or a deferred disposition shall not be considered part
20 of the respondent's criminal history;

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

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

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

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

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

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

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

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

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

29 (18) "Juvenile offender" means any juvenile who has been found by
30 the juvenile court to have committed an offense, including a person
31 18 years of age or older over whom jurisdiction has been extended
32 under RCW 13.40.300;

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

36 (20) "Local sanctions" means one or more of the following: (a)
37 0-30 days of confinement; (b) 0-12 months of community supervision;
38 or (c) ~~((0-150))~~ 0-120 hours of community ~~((restitution; or (d) \$0-~~
39 ~~\$500 fine))~~ service;

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

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

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

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

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

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

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

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

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

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

3 (28) "Restitution" means (~~financial reimbursement by the~~
4 ~~offender to the victim, and shall be limited to easily ascertainable~~
5 ~~damages for injury to or loss of property, actual expenses incurred~~
6 ~~for medical treatment for physical injury to persons, lost wages~~
7 ~~resulting from physical injury, and costs of the victim's counseling~~
8 ~~reasonably related to the offense. Restitution shall not include~~
9 ~~reimbursement for damages for mental anguish, pain and suffering, or~~
10 ~~other intangible losses. Nothing in this chapter shall limit or~~
11 ~~replace civil remedies or defenses available to the victim or~~
12 ~~offender~~) the penalty described in RCW 13.40.190;

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

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

22 (a) Physical restraint; or

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

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

33 (32) "Screening" means a process that is designed to identify a
34 child who is at risk of having mental health, substance abuse, or co-
35 occurring mental health and substance abuse disorders that warrant
36 immediate attention, intervention, or more comprehensive assessment.
37 A screening may be undertaken with or without the administration of a
38 formal instrument;

39 (33) "Secretary" means the secretary of the department;

1 (34) "Services" means services which provide alternatives to
2 incarceration for those juveniles who have pleaded or been
3 adjudicated guilty of an offense or have signed a diversion agreement
4 pursuant to this chapter;

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

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

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

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

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

25 (40) "Violent offense" means a violent offense as defined in RCW
26 9.94A.030;

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

29 **Sec. 13.** RCW 13.40.020 and 2021 c 328 s 5 are each amended to
30 read as follows:

31 For the purposes of this chapter:

32 (1) "Assessment" means an individualized examination of a child
33 to determine the child's psychosocial needs and problems, including
34 the type and extent of any mental health, substance abuse, or co-
35 occurring mental health and substance abuse disorders, and
36 recommendations for treatment. "Assessment" includes, but is not
37 limited to, drug and alcohol evaluations, psychological and
38 psychiatric evaluations, records review, clinical interview, and
39 administration of a formal test or instrument;

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

11 (3) "Community-based sanctions" may include ~~((one or more of the~~
12 ~~following:~~

13 ~~(a) A fine, not to exceed \$500;~~

14 ~~(b) Community restitution))~~ community service not to exceed
15 ~~((150))~~ 120 hours ~~((of community restitution));~~

16 (4) "Community ~~((restitution))~~ service" means compulsory service,
17 without compensation, performed for the benefit of the community by
18 the offender as punishment for committing an offense. Community
19 ~~((restitution))~~ service may be performed through public or private
20 organizations or through work crews, or by attending school, work,
21 therapy, treatment, or other prosocial activities as determined by
22 the judge in consultation with the juvenile and the victim, if any;

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

36 (a) Community-based sanctions;

37 (b) Community-based rehabilitation;

38 (c) Monitoring and reporting requirements;

39 (d) Posting of a probation bond;

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

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

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

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

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

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

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

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

24 (6) "Confinement" means physical custody by the department of
25 children, youth, and families in a facility operated by or pursuant
26 to a contract with the state, or physical custody in a detention
27 facility operated by or pursuant to a contract with any county. The
28 county may operate or contract with vendors to operate county
29 detention facilities. The department may operate or contract to
30 operate detention facilities for juveniles committed to the
31 department. Pretrial confinement or confinement of less than 31 days
32 imposed as part of a disposition or modification order may be served
33 consecutively or intermittently, in the discretion of the court;

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

36 (8) "Criminal history" includes all criminal complaints against
37 the respondent for which, prior to the commission of a current
38 offense:

39 (a) The allegations were found correct by a court. If a
40 respondent is convicted of two or more charges arising out of the

1 same course of conduct, only the highest charge from among these
2 shall count as an offense for the purposes of this chapter; or

3 (b) The criminal complaint was diverted by a prosecutor pursuant
4 to the provisions of this chapter on agreement of the respondent and
5 after an advisement to the respondent that the criminal complaint
6 would be considered as part of the respondent's criminal history. A
7 successfully completed deferred adjudication that was entered before
8 July 1, 1998, or a deferred disposition shall not be considered part
9 of the respondent's criminal history;

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

15 (10) "Department" means the department of children, youth, and
16 families;

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

23 (12) "Diversion unit" means any probation counselor who enters
24 into a diversion agreement with an alleged youthful offender, or any
25 other person, community accountability board, youth court under the
26 supervision of the juvenile court, or other entity with whom the
27 juvenile court administrator has contracted to arrange and supervise
28 such agreements pursuant to RCW 13.40.080, or any person, community
29 accountability board, or other entity specially funded by the
30 legislature to arrange and supervise diversion agreements in
31 accordance with the requirements of this chapter. For purposes of
32 this subsection, "community accountability board" means a board
33 comprised of members of the local community in which the juvenile
34 offender resides. The superior court shall appoint the members. The
35 boards shall consist of at least three and not more than seven
36 members. If possible, the board should include a variety of
37 representatives from the community, such as a law enforcement
38 officer, teacher or school administrator, high school student,
39 parent, and business owner, and should represent the cultural
40 diversity of the local community;

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

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

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

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

18 (17) "Juvenile offender" means any juvenile who has been found by
19 the juvenile court to have committed an offense, including a person
20 18 years of age or older over whom jurisdiction has been extended
21 under RCW 13.40.300;

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

25 (19) "Local sanctions" means one or more of the following: (a)
26 0-30 days of confinement; (b) 0-12 months of community supervision;
27 or (c) (~~0-150~~) 0-120 hours of community (~~restitution; or (d) \$0-~~
28 ~~\$500 fine~~) service;

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

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

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

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

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

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

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

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

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

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

31 (27) "Restitution" means ~~((financial reimbursement by the~~
32 ~~offender to the victim, and shall be limited to easily ascertainable~~
33 ~~damages for injury to or loss of property, actual expenses incurred~~
34 ~~for medical treatment for physical injury to persons, lost wages~~
35 ~~resulting from physical injury, and costs of the victim's counseling~~
36 ~~reasonably related to the offense. Restitution shall not include~~
37 ~~reimbursement for damages for mental anguish, pain and suffering, or~~
38 ~~other intangible losses. Nothing in this chapter shall limit or~~
39 ~~replace civil remedies or defenses available to the victim or~~
40 ~~offender)) the penalty described in RCW 13.40.190;~~

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

8 (29) "Restraints" means anything used to control the movement of
9 a person's body or limbs and includes:

10 (a) Physical restraint; or

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

14 (30) "Screening" means a process that is designed to identify a
15 child who is at risk of having mental health, substance abuse, or co-
16 occurring mental health and substance abuse disorders that warrant
17 immediate attention, intervention, or more comprehensive assessment.
18 A screening may be undertaken with or without the administration of a
19 formal instrument;

20 (31) "Secretary" means the secretary of the department;

21 (32) "Services" means services which provide alternatives to
22 incarceration for those juveniles who have pleaded or been
23 adjudicated guilty of an offense or have signed a diversion agreement
24 pursuant to this chapter;

25 (33) "Sex offense" means an offense defined as a sex offense in
26 RCW 9.94A.030;

27 (34) "Sexual motivation" means that one of the purposes for which
28 the respondent committed the offense was for the purpose of the
29 respondent's sexual gratification;

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

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

1 youth from the institution or detention facility to a transport
2 vehicle and from the vehicle to the other location;

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

6 (38) "Violent offense" means a violent offense as defined in RCW
7 9.94A.030;

8 (39) "Youth court" means a diversion unit under the supervision
9 of the juvenile court.

10 **Sec. 14.** RCW 13.40.020 and 2021 c 328 s 5 and 2021 c 206 s 3 are
11 each reenacted and amended to read as follows:

12 For the purposes of this chapter:

13 (1) "Assessment" means an individualized examination of a child
14 to determine the child's psychosocial needs and problems, including
15 the type and extent of any mental health, substance abuse, or co-
16 occurring mental health and substance abuse disorders, and
17 recommendations for treatment. "Assessment" includes, but is not
18 limited to, drug and alcohol evaluations, psychological and
19 psychiatric evaluations, records review, clinical interview, and
20 administration of a formal test or instrument;

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

31 (3) "Community-based sanctions" may include (~~one or more of the~~
32 ~~following:~~

33 ~~(a) A fine, not to exceed \$500;~~

34 ~~(b) Community restitution))~~ community service not to exceed
35 ~~((150))~~ 120 hours ~~((of community restitution))~~;

36 (4) "Community (~~restitution~~) service" means compulsory service,
37 without compensation, performed for the benefit of the community by
38 the offender as punishment for committing an offense. Community
39 (~~restitution~~) service may be performed through public or private

1 organizations or through work crews, or by attending school, work,
2 therapy, treatment, or other prosocial activities as determined by
3 the judge in consultation with the juvenile;

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

- 17 (a) Community-based sanctions;
- 18 (b) Community-based rehabilitation;
- 19 (c) Monitoring and reporting requirements;
- 20 (d) Posting of a probation bond;

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

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

- 32 (A) The referral is necessary to rehabilitate the child;
- 33 (B) The referral is necessary to protect the public or the child;
- 34 (C) The referral is in the child's best interest;

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

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

39 (ii) In any case where a court orders a child to inpatient
40 treatment under this section, the court must hold a review hearing no

1 later than 60 days after the youth begins inpatient treatment, and
2 every 30 days thereafter, as long as the youth is in inpatient
3 treatment;

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

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

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

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

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

19 (7) "Confinement" means physical custody by the department of
20 children, youth, and families in a facility operated by or pursuant
21 to a contract with the state, or physical custody in a detention
22 facility operated by or pursuant to a contract with any county. The
23 county may operate or contract with vendors to operate county
24 detention facilities. The department may operate or contract to
25 operate detention facilities for juveniles committed to the
26 department. Pretrial confinement or confinement of less than 31 days
27 imposed as part of a disposition or modification order may be served
28 consecutively or intermittently, in the discretion of the court;

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

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

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

38 (b) The criminal complaint was diverted by a prosecutor pursuant
39 to the provisions of this chapter on agreement of the respondent and
40 after an advisement to the respondent that the criminal complaint

1 would be considered as part of the respondent's criminal history. A
2 successfully completed deferred adjudication that was entered before
3 July 1, 1998, or a deferred disposition shall not be considered part
4 of the respondent's criminal history;

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

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

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

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

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

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

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

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

13 (18) "Juvenile offender" means any juvenile who has been found by
14 the juvenile court to have committed an offense, including a person
15 18 years of age or older over whom jurisdiction has been extended
16 under RCW 13.40.300;

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

20 (20) "Local sanctions" means one or more of the following: (a)
21 0-30 days of confinement; (b) 0-12 months of community supervision;
22 or (c) ~~((0-150))~~ 0-120 hours of community ~~((restitution; or (d) \$0-~~
23 ~~\$500 fine))~~ service;

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

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

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

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

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

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

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

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

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

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

27 (28) (~~("Restitution")~~) "Community compensation" means (~~((financial~~
28 ~~reimbursement by the offender to the victim, and shall be limited to~~
29 ~~easily))~~) ascertainable damages for injury to or loss of property,
30 actual expenses incurred for medical treatment for physical injury to
31 persons, lost wages resulting from physical injury, and costs of the
32 victim's counseling reasonably related to the offense. (~~((Restitution~~
33 ~~shall))~~) "Community compensation" does not include reimbursement for
34 damages for mental anguish, pain and suffering, or other intangible
35 losses. Nothing in this chapter shall limit or replace civil remedies
36 or defenses available to the victim or offender, except that victims
37 should not receive funds from both the crime victims' compensation
38 fund and the community compensation account. All victims shall have
39 access to the community compensation program as provided in section 5
40 of this act;

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

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

10 (a) Physical restraint; or

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

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

21 (32) "Screening" means a process that is designed to identify a
22 child who is at risk of having mental health, substance abuse, or co-
23 occurring mental health and substance abuse disorders that warrant
24 immediate attention, intervention, or more comprehensive assessment.
25 A screening may be undertaken with or without the administration of a
26 formal instrument;

27 (33) "Secretary" means the secretary of the department;

28 (34) "Services" means services which provide alternatives to
29 incarceration for those juveniles who have pleaded or been
30 adjudicated guilty of an offense or have signed a diversion agreement
31 pursuant to this chapter;

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

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

37 (37) "Surety" means an entity licensed under state insurance laws
38 or by the state department of licensing, to write corporate,
39 property, or probation bonds within the state, and justified and

1 approved by the superior court of the county having jurisdiction of
2 the case;

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

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

13 (40) "Violent offense" means a violent offense as defined in RCW
14 9.94A.030;

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

17 **Sec. 15.** RCW 13.40.020 and 2021 c 328 s 5 are each amended to
18 read as follows:

19 For the purposes of this chapter:

20 (1) "Assessment" means an individualized examination of a child
21 to determine the child's psychosocial needs and problems, including
22 the type and extent of any mental health, substance abuse, or co-
23 occurring mental health and substance abuse disorders, and
24 recommendations for treatment. "Assessment" includes, but is not
25 limited to, drug and alcohol evaluations, psychological and
26 psychiatric evaluations, records review, clinical interview, and
27 administration of a formal test or instrument;

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

38 (3) "Community-based sanctions" may include ~~((one or more of the~~
39 ~~following):~~

1 ~~(a) A fine, not to exceed \$500;~~

2 ~~(b) Community restitution))~~ community service not to exceed
3 ~~((150))~~ 120 hours ~~((of community restitution))~~;

4 (4) "Community ~~((restitution))~~ service" means compulsory service,
5 without compensation, performed for the benefit of the community by
6 the offender as punishment for committing an offense. Community
7 ~~((restitution))~~ service may be performed through public or private
8 organizations or through work crews, or by attending school, work,
9 therapy, treatment, or other prosocial activities as determined by
10 the judge in consultation with the juvenile;

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

24 (a) Community-based sanctions;

25 (b) Community-based rehabilitation;

26 (c) Monitoring and reporting requirements;

27 (d) Posting of a probation bond;

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

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

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

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

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

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

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

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

11 (6) "Confinement" means physical custody by the department of
12 children, youth, and families in a facility operated by or pursuant
13 to a contract with the state, or physical custody in a detention
14 facility operated by or pursuant to a contract with any county. The
15 county may operate or contract with vendors to operate county
16 detention facilities. The department may operate or contract to
17 operate detention facilities for juveniles committed to the
18 department. Pretrial confinement or confinement of less than 31 days
19 imposed as part of a disposition or modification order may be served
20 consecutively or intermittently, in the discretion of the court;

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

23 (8) "Criminal history" includes all criminal complaints against
24 the respondent for which, prior to the commission of a current
25 offense:

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

30 (b) The criminal complaint was diverted by a prosecutor pursuant
31 to the provisions of this chapter on agreement of the respondent and
32 after an advisement to the respondent that the criminal complaint
33 would be considered as part of the respondent's criminal history. A
34 successfully completed deferred adjudication that was entered before
35 July 1, 1998, or a deferred disposition shall not be considered part
36 of the respondent's criminal history;

37 (9) "Custodial interrogation" means express questioning or other
38 actions or words by a law enforcement officer which are reasonably
39 likely to elicit an incriminating response from an individual and

1 occurs when reasonable individuals in the same circumstances would
2 consider themselves in custody;

3 (10) "Department" means the department of children, youth, and
4 families;

5 (11) "Detention facility" means a county facility, paid for by
6 the county, for the physical confinement of a juvenile alleged to
7 have 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
10 basic training camps, and electronic monitoring;

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

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

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

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

39 (16) "Juvenile," "youth," and "child" mean any individual who is
40 under the chronological age of 18 years and who has not been

1 previously transferred to adult court pursuant to RCW 13.40.110,
2 unless the individual was convicted of a lesser charge or acquitted
3 of the charge for which he or she was previously transferred pursuant
4 to RCW 13.40.110 or who is not otherwise under adult court
5 jurisdiction;

6 (17) "Juvenile offender" means any juvenile who has been found by
7 the juvenile court to have committed an offense, including a person
8 18 years of age or older over whom jurisdiction has been extended
9 under RCW 13.40.300;

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

13 (19) "Local sanctions" means one or more of the following: (a)
14 0-30 days of confinement; (b) 0-12 months of community supervision;
15 or (c) (~~0-150~~) 0-120 hours of community (~~restitution; or (d) \$0-~~
16 ~~\$500 fine~~) service;

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

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

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

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

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

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

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

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

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

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

20 (27) (~~("Restitution")~~) "Community compensation" means (~~(financial~~
21 ~~reimbursement by the offender to the victim, and shall be limited to~~
22 ~~easily~~) ascertainable damages for injury to or loss of property,
23 actual expenses incurred for medical treatment for physical injury to
24 persons, lost wages resulting from physical injury, and costs of the
25 victim's counseling reasonably related to the offense. (~~(Restitution~~
26 ~~shall)~~) "Community compensation" does not include reimbursement for
27 damages for mental anguish, pain and suffering, or other intangible
28 losses. Nothing in this chapter shall limit or replace civil remedies
29 or defenses available to the victim or offender, except that victims
30 should not receive funds from both the crime victims' compensation
31 fund and the community compensation account. All victims shall have
32 access to the community compensation program as provided in section 5
33 of this act;

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

1 (29) "Restraints" means anything used to control the movement of
2 a person's body or limbs and includes:
3 (a) Physical restraint; or
4 (b) Mechanical device including but not limited to: Metal
5 handcuffs, plastic ties, ankle restraints, leather cuffs, other
6 hospital-type restraints, tasers, or batons;
7 (30) "Screening" means a process that is designed to identify a
8 child who is at risk of having mental health, substance abuse, or co-
9 occurring mental health and substance abuse disorders that warrant
10 immediate attention, intervention, or more comprehensive assessment.
11 A screening may be undertaken with or without the administration of a
12 formal instrument;
13 (31) "Secretary" means the secretary of the department;
14 (32) "Services" means services which provide alternatives to
15 incarceration for those juveniles who have pleaded or been
16 adjudicated guilty of an offense or have signed a diversion agreement
17 pursuant to this chapter;
18 (33) "Sex offense" means an offense defined as a sex offense in
19 RCW 9.94A.030;
20 (34) "Sexual motivation" means that one of the purposes for which
21 the respondent committed the offense was for the purpose of the
22 respondent's sexual gratification;
23 (35) "Surety" means an entity licensed under state insurance laws
24 or by the state department of licensing, to write corporate,
25 property, or probation bonds within the state, and justified and
26 approved by the superior court of the county having jurisdiction of
27 the case;
28 (36) "Transportation" means the conveying, by any means, of an
29 incarcerated pregnant youth from the institution or detention
30 facility to another location from the moment she leaves the
31 institution or detention facility to the time of arrival at the other
32 location, and includes the escorting of the pregnant incarcerated
33 youth from the institution or detention facility to a transport
34 vehicle and from the vehicle to the other location;
35 (37) "Violation" means an act or omission, which if committed by
36 an adult, must be proven beyond a reasonable doubt, and is punishable
37 by sanctions which do not include incarceration;
38 (38) "Violent offense" means a violent offense as defined in RCW
39 9.94A.030;

1 (39) "Youth court" means a diversion unit under the supervision
2 of the juvenile court.

3 **Sec. 16.** RCW 13.40.060 and 2005 c 165 s 1 are each amended to
4 read as follows:

5 (1) All actions under this chapter shall be commenced and tried
6 in the county where any element of the offense was committed except
7 as otherwise specially provided by statute. In cases in which
8 diversion is provided by statute, venue is in the county in which the
9 juvenile resides or in the county in which any element of the offense
10 was committed.

11 (2) (a) The court upon motion of any party or upon its own motion
12 may, at any time, transfer a proceeding to another juvenile court
13 when there is reason to believe that an impartial proceeding cannot
14 be held in the county in which the proceeding was begun; and

15 (b) A court may transfer a proceeding to another juvenile court
16 following disposition for the purposes of supervision and enforcement
17 of the disposition order.

18 (3) If the court orders a transfer of the proceeding pursuant to
19 subsection (2) (b) of this section:

20 (a) The case and copies of only those legal and social documents
21 pertaining thereto shall be transferred to the county in which the
22 juvenile resides, without regard to whether or not his or her
23 custodial parent resides there, for supervision and enforcement of
24 the disposition order.

25 (b) If any restitution is yet to be determined, the originating
26 court shall transfer the case to the new county with the exception of
27 the restitution. Venue over restitution shall be retained by the
28 originating court for purposes of establishing a restitution order.
29 Once restitution is determined, the originating county shall then
30 transfer venue over modification and enforcement of the restitution
31 to the new county.

32 (c) The court of the receiving county may modify and enforce the
33 disposition order, including restitution.

34 (d) The clerk of the originating county shall maintain the
35 account receivable in the judicial information system and all
36 payments shall be made to the clerk of the originating county.

37 (e) Any collection of the offender restitution legal financial
38 obligation shall be managed by the juvenile probation department of
39 the new county while the offender is under juvenile probation

1 supervision, or by the clerk of the original county at the conclusion
2 of supervision by juvenile probation. The probation department of the
3 new county shall notify the clerk of the originating county when they
4 end supervision of the offender.

5 (f) In cases where a civil judgment has already been established,
6 venue may not be transferred to another county.

7 **Sec. 17.** RCW 13.40.060 and 2005 c 165 s 1 are each amended to
8 read as follows:

9 (1) All actions under this chapter shall be commenced and tried
10 in the county where any element of the offense was committed except
11 as otherwise specially provided by statute. In cases in which
12 diversion is provided by statute, venue is in the county in which the
13 juvenile resides or in the county in which any element of the offense
14 was committed.

15 (2) (a) The court upon motion of any party or upon its own motion
16 may, at any time, transfer a proceeding to another juvenile court
17 when there is reason to believe that an impartial proceeding cannot
18 be held in the county in which the proceeding was begun; and

19 (b) A court may transfer a proceeding to another juvenile court
20 following disposition for the purposes of supervision and enforcement
21 of the disposition order.

22 (3) If the court orders a transfer of the proceeding pursuant to
23 subsection (2) (b) of this section:

24 (a) The case and copies of only those legal and social documents
25 pertaining thereto shall be transferred to the county in which the
26 juvenile resides, without regard to whether or not his or her
27 custodial parent resides there, for supervision and enforcement of
28 the disposition order.

29 (b) ~~((If any restitution is yet to be determined, the originating
30 court shall transfer the case to the new county with the exception of
31 the restitution. Venue over restitution shall be retained by the
32 originating court for purposes of establishing a restitution order.
33 Once restitution is determined, the originating county shall then
34 transfer venue over modification and enforcement of the restitution
35 to the new county.~~

36 ~~(e))~~ The court of the receiving county may modify and enforce
37 the disposition order, including restitution.

1 ~~((d) The clerk of the originating county shall maintain the~~
2 ~~account receivable in the judicial information system and all~~
3 ~~payments shall be made to the clerk of the originating county.~~

4 ~~(e) Any collection of the offender legal financial obligation~~
5 ~~shall be managed by the juvenile probation department of the new~~
6 ~~county while the offender is under juvenile probation supervision, or~~
7 ~~by the clerk of the original county at the conclusion of supervision~~
8 ~~by juvenile probation. The probation department of the new county~~
9 ~~shall notify the clerk of the originating county when they end~~
10 ~~supervision of the offender.~~

11 ~~(f) In cases where a civil judgment has already been established,~~
12 ~~venue may not be transferred to another county.)~~

13 **Sec. 18.** RCW 13.40.077 and 1997 c 338 s 18 are each amended to
14 read as follows:

15 RECOMMENDED PROSECUTING STANDARDS
16 FOR CHARGING AND PLEA DISPOSITIONS

17 INTRODUCTION: These standards are intended solely for the
18 guidance of prosecutors in the state of Washington. They are not
19 intended to, do not, and may not be relied upon to create a right or
20 benefit, substantive or procedural, enforceable at law by a party in
21 litigation with the state.

22 Evidentiary sufficiency.

23 (1) Decision not to prosecute.

24 STANDARD: A prosecuting attorney may decline to prosecute, even
25 though technically sufficient evidence to prosecute exists, in
26 situations where prosecution would serve no public purpose, would
27 defeat the underlying purpose of the law in question, or would result
28 in decreased respect for the law. The decision not to prosecute or
29 divert shall not be influenced by the race, gender, religion, or
30 creed of the suspect.

31 GUIDELINES/COMMENTARY:

32 Examples

33 The following are examples of reasons not to prosecute which
34 could satisfy the standard.

35 (a) Contrary to Legislative Intent - It may be proper to decline
36 to charge where the application of criminal sanctions would be
37 clearly contrary to the intent of the legislature in enacting the
38 particular statute.

1 (b) Antiquated Statute - It may be proper to decline to charge
2 where the statute in question is antiquated in that:

3 (i) It has not been enforced for many years;

4 (ii) Most members of society act as if it were no longer in
5 existence;

6 (iii) It serves no deterrent or protective purpose in today's
7 society; and

8 (iv) The statute has not been recently reconsidered by the
9 legislature.

10 This reason is not to be construed as the basis for declining
11 cases because the law in question is unpopular or because it is
12 difficult to enforce.

13 (c) De Minimis Violation - It may be proper to decline to charge
14 where the violation of law is only technical or insubstantial and
15 where no public interest or deterrent purpose would be served by
16 prosecution.

17 (d) Confinement on Other Charges - It may be proper to decline to
18 charge because the accused has been sentenced on another charge to a
19 lengthy period of confinement; and

20 (i) Conviction of the new offense would not merit any additional
21 direct or collateral punishment;

22 (ii) The new offense is either a misdemeanor or a felony which is
23 not particularly aggravated; and

24 (iii) Conviction of the new offense would not serve any
25 significant deterrent purpose.

26 (e) Pending Conviction on Another Charge - It may be proper to
27 decline to charge because the accused is facing a pending prosecution
28 in the same or another county; and

29 (i) Conviction of the new offense would not merit any additional
30 direct or collateral punishment;

31 (ii) Conviction in the pending prosecution is imminent;

32 (iii) The new offense is either a misdemeanor or a felony which
33 is not particularly aggravated; and

34 (iv) Conviction of the new offense would not serve any
35 significant deterrent purpose.

36 (f) High Disproportionate Cost of Prosecution - It may be proper
37 to decline to charge where the cost of locating or transporting, or
38 the burden on, prosecution witnesses is highly disproportionate to
39 the importance of prosecuting the offense in question. The reason

1 should be limited to minor cases and should not be relied upon in
2 serious cases.

3 (g) Improper Motives of Complainant - It may be proper to decline
4 charges because the motives of the complainant are improper and
5 prosecution would serve no public purpose, would defeat the
6 underlying purpose of the law in question, or would result in
7 decreased respect for the law.

8 (h) Immunity - It may be proper to decline to charge where
9 immunity is to be given to an accused in order to prosecute another
10 where the accused information or testimony will reasonably lead to
11 the conviction of others who are responsible for more serious
12 criminal conduct or who represent a greater danger to the public
13 interest.

14 (i) Victim Request - It may be proper to decline to charge
15 because the victim requests that no criminal charges be filed and the
16 case involves the following crimes or situations:

17 (i) Assault cases where the victim has suffered little or no
18 injury;

19 (ii) Crimes against property, not involving violence, where no
20 major loss was suffered;

21 (iii) Where doing so would not jeopardize the safety of society.

22 Care should be taken to insure that the victim's request is
23 freely made and is not the product of threats or pressure by the
24 accused.

25 The presence of these factors may also justify the decision to
26 dismiss a prosecution which has been commenced.

27 Notification

28 The prosecutor is encouraged to notify the victim, when
29 practical, and the law enforcement personnel, of the decision not to
30 prosecute.

31 (2) Decision to prosecute.

32 STANDARD:

33 Crimes against persons will be filed if sufficient admissible
34 evidence exists, which, when considered with the most plausible,
35 reasonably foreseeable defense that could be raised under the
36 evidence, would justify conviction by a reasonable and objective fact
37 finder. With regard to offenses prohibited by RCW 9A.44.040,
38 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086,
39 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling
40 agreements or diversions intended to place the accused in a program

1 of treatment or counseling, so that treatment, if determined to be
2 beneficial, can be proved under RCW 13.40.160(4).

3 Crimes against property/other crimes will be filed if the
4 admissible evidence is of such convincing force as to make it
5 probable that a reasonable and objective fact finder would convict
6 after hearing all the admissible evidence and the most plausible
7 defense that could be raised.

8 The categorization of crimes for these charging standards shall
9 be the same as found in RCW 9.94A.411(2).

10 The decision to prosecute or use diversion shall not be
11 influenced by the race, gender, religion, or creed of the respondent.

12 (3) Selection of Charges/Degree of Charge

13 (a) The prosecutor should file charges which adequately describe
14 the nature of the respondent's conduct. Other offenses may be charged
15 only if they are necessary to ensure that the charges(~~(+~~

16 ~~(i) Will~~) will significantly enhance the strength of the state's
17 case at trial(~~(+or~~

18 ~~(ii) Will result in restitution to all victims~~)).

19 (b) The prosecutor should not overcharge to obtain a guilty plea.
20 Overcharging includes:

21 (i) Charging a higher degree;

22 (ii) Charging additional counts.

23 This standard is intended to direct prosecutors to charge those
24 crimes which demonstrate the nature and seriousness of a respondent's
25 criminal conduct, but to decline to charge crimes which are not
26 necessary to such an indication. Crimes which do not merge as a
27 matter of law, but which arise from the same course of conduct, do
28 not all have to be charged.

29 (4) Police Investigation

30 A prosecuting attorney is dependent upon law enforcement agencies
31 to conduct the necessary factual investigation which must precede the
32 decision to prosecute. The prosecuting attorney shall ensure that a
33 thorough factual investigation has been conducted before a decision
34 to prosecute is made. In ordinary circumstances the investigation
35 should include the following:

36 (a) The interviewing of all material witnesses, together with the
37 obtaining of written statements whenever possible;

38 (b) The completion of necessary laboratory tests; and

39 (c) The obtaining, in accordance with constitutional
40 requirements, of the suspect's version of the events.

1 If the initial investigation is incomplete, a prosecuting
2 attorney should insist upon further investigation before a decision
3 to prosecute is made, and specify what the investigation needs to
4 include.

5 (5) Exceptions

6 In certain situations, a prosecuting attorney may authorize
7 filing of a criminal complaint before the investigation is complete
8 if:

9 (a) Probable cause exists to believe the suspect is guilty; and

10 (b) The suspect presents a danger to the community or is likely
11 to flee if not apprehended; or

12 (c) The arrest of the suspect is necessary to complete the
13 investigation of the crime.

14 In the event that the exception to the standard is applied, the
15 prosecuting attorney shall obtain a commitment from the law
16 enforcement agency involved to complete the investigation in a timely
17 manner. If the subsequent investigation does not produce sufficient
18 evidence to meet the normal charging standard, the complaint should
19 be dismissed.

20 (6) Investigation Techniques

21 The prosecutor should be fully advised of the investigatory
22 techniques that were used in the case investigation including:

23 (a) Polygraph testing;

24 (b) Hypnosis;

25 (c) Electronic surveillance;

26 (d) Use of informants.

27 (7) Prefiling Discussions with Defendant

28 Discussions with the defendant or his or her representative
29 regarding the selection or disposition of charges may occur prior to
30 the filing of charges, and potential agreements can be reached.

31 (8) Plea dispositions:

32 STANDARD

33 (a) Except as provided in subsection (2) of this section, a
34 respondent will normally be expected to plead guilty to the charge or
35 charges which adequately describe the nature of his or her criminal
36 conduct or go to trial.

37 (b) In certain circumstances, a plea agreement with a respondent
38 in exchange for a plea of guilty to a charge or charges that may not
39 fully describe the nature of his or her criminal conduct may be

1 necessary and in the public interest. Such situations may include the
2 following:

3 (i) Evidentiary problems which make conviction of the original
4 charges doubtful;

5 (ii) The respondent's willingness to cooperate in the
6 investigation or prosecution of others whose criminal conduct is more
7 serious or represents a greater public threat;

8 (iii) A request by the victim when it is not the result of
9 pressure from the respondent;

10 (iv) The discovery of facts which mitigate the seriousness of the
11 respondent's conduct;

12 (v) The correction of errors in the initial charging decision;

13 (vi) The respondent's history with respect to criminal activity;

14 (vii) The nature and seriousness of the offense or offenses
15 charged;

16 (viii) The probable effect of witnesses.

17 (c) No plea agreement shall be influenced by the race, gender,
18 religion, or creed of the respondent. This includes but is not
19 limited to the prosecutor's decision to utilize such disposition
20 alternatives as the Special Sex Offender Disposition Alternative, the
21 Chemical Dependency Disposition Alternative, and manifest injustice.

22 (9) Disposition recommendations:

23 STANDARD

24 The prosecutor may reach an agreement regarding disposition
25 recommendations.

26 The prosecutor shall not agree to withhold relevant information
27 from the court concerning the plea agreement.

28 **Sec. 19.** RCW 13.40.080 and 2022 c 34 s 1 are each amended to
29 read as follows:

30 (1) A diversion agreement shall be a contract between a juvenile
31 accused of an offense and a diversion unit whereby the juvenile
32 agrees to fulfill certain conditions in lieu of prosecution. Such
33 agreements may be entered into only after the prosecutor, or
34 probation counselor pursuant to this chapter, has determined that
35 probable cause exists to believe that a crime has been committed and
36 that the juvenile committed it. Such agreements shall be entered into
37 as expeditiously as possible.

38 (2) A diversion agreement shall be limited to one or more of the
39 following:

1 (a) Community (~~restitution~~) service not to exceed (~~one hundred~~
2 ~~fifty~~) 120 hours, not to (~~be performed during school hours if the~~
3 ~~juvenile is attending school~~) interfere with school attendance;

4 (b) Restitution limited to the amount of actual loss incurred by
5 any victim, excluding restitution owed to any insurance provider
6 under Title 48 RCW;

7 (c) Attendance at up to (~~ten~~) 10 hours of counseling and/or up
8 to (~~twenty~~) 20 hours of positive youth development, educational or
9 informational sessions at a community agency. The educational or
10 informational sessions may include sessions relating to respect for
11 self, others, and authority; victim awareness; accountability; self-
12 worth; responsibility; work ethics; good citizenship; literacy; and
13 life skills. If an assessment identifies mental health or chemical
14 dependency needs, a youth may access up to (~~thirty~~) 30 hours of
15 counseling. The counseling sessions may include services demonstrated
16 to improve behavioral health and reduce recidivism. For purposes of
17 this section, "community agency" may also mean a community-based
18 nonprofit organization, a physician, a counselor, a school, or a
19 treatment provider, if approved by the diversion unit. The state
20 shall not be liable for costs resulting from the diversion unit
21 exercising the option to permit diversion agreements to mandate
22 attendance at up to (~~thirty~~) 30 hours of counseling and/or up to
23 (~~twenty~~) 20 hours of educational or informational sessions;

24 (d) Requirements to remain during specified hours at home,
25 school, or work, and restrictions on leaving or entering specified
26 geographical areas; and

27 (e) Upon request of any victim or witness, requirements to
28 refrain from any contact with victims or witnesses of offenses
29 committed by the juvenile.

30 (3) Notwithstanding the provisions of subsection (2) of this
31 section, youth courts are not limited to the conditions imposed by
32 subsection (2) of this section in imposing sanctions on juveniles
33 pursuant to RCW 13.40.630.

34 (4) In assessing periods of community (~~restitution~~) service to
35 be performed and restitution to be paid by a juvenile who has entered
36 into a diversion agreement, the court officer to whom this task is
37 assigned shall consult with the juvenile's custodial parent or
38 parents or guardian. To the extent possible, the court officer shall
39 advise the victims of the juvenile offender of the diversion process,
40 offer victim impact letter forms and restitution claim forms, and

1 involve members of the community. Such members of the community may
2 meet with the juvenile and may advise the court officer as to the
3 terms of the diversion agreement and may supervise the juvenile in
4 carrying out its terms.

5 (5) (a) A diversion agreement may not exceed a period of six
6 months and may include a period extending beyond the (~~eighteenth~~)
7 18th birthday of the divertee.

8 (b) If additional time is necessary for the juvenile to complete
9 the terms of the agreement or restitution to a victim, the time
10 period limitations of this subsection may be extended by an
11 additional six months at the request of the juvenile.

12 (c) If the juvenile has not paid the full amount of restitution
13 by the end of the additional six-month period, then the juvenile
14 shall be referred to the juvenile court for entry of a civil order
15 establishing the amount of restitution still owed to the victim. In
16 this order, the court shall also determine the terms and conditions
17 of the restitution, including a payment plan extending up to (~~ten~~)
18 10 years if the court determines that the juvenile does not have the
19 means to make full restitution over a shorter period. For the
20 purposes of this subsection (5) (c), the juvenile shall remain under
21 the court's jurisdiction for a maximum term of (~~ten~~) 10 years after
22 the juvenile's (~~eighteenth~~) 18th birthday. Prior to the expiration
23 of the initial (~~ten~~) 10-year period, the juvenile court may extend
24 the judgment for restitution an additional (~~ten~~) 10 years. The
25 court may relieve the juvenile of the requirement to pay full or
26 partial restitution if the juvenile reasonably satisfies the court
27 that he or she does not have the means to make full or partial
28 restitution and could not reasonably acquire the means to pay the
29 restitution over a ten-year period. If the court relieves the
30 juvenile of the requirement to pay full or partial restitution, the
31 court may order an amount of community (~~restitution~~) service that
32 the court deems appropriate. The county clerk shall make
33 disbursements to victims named in the order. The restitution to
34 victims named in the order shall be paid prior to any payment for
35 other penalties or monetary assessments. A juvenile under obligation
36 to pay restitution may petition the court for modification of the
37 restitution order.

38 (d) A diversion agreement may be completed by the juvenile any
39 time prior to an order terminating the agreement.

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

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

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

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

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

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

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

19 (d) The hearing shall be conducted by the juvenile court and
20 shall include:

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

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

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

26 (iv) Demonstration by evidence that the diverttee has
27 substantially violated the terms of his or her diversion agreement;

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

30 (i) In juvenile court if the diverttee is under (~~eighteen~~) 18
31 years of age; or

32 (ii) In superior court or the appropriate court of limited
33 jurisdiction if the diverttee is (~~eighteen~~) 18 years of age or
34 older.

35 (8) The diversion unit shall, subject to available funds, be
36 responsible for providing interpreters when juveniles need
37 interpreters to effectively communicate during diversion unit
38 hearings or negotiations.

39 (9) The diversion unit shall be responsible for advising a
40 diverttee of his or her rights as provided in this chapter.

1 (10) The diversion unit may refer a juvenile to a restorative
2 justice program, community-based counseling, or treatment programs.

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

13 The juvenile shall be advised that a diversion agreement shall
14 constitute a part of the juvenile's criminal history as defined by
15 RCW 13.40.020(8). A signed acknowledgment of such advisement shall be
16 obtained from the juvenile, and the document shall be maintained by
17 the diversion unit together with the diversion agreement, and a copy
18 of both documents shall be delivered to the prosecutor if requested
19 by the prosecutor. The supreme court shall promulgate rules setting
20 forth the content of such advisement in simple language.

21 (12) When a juvenile enters into a diversion agreement, the
22 juvenile court may receive only the following information for
23 dispositional purposes:

- 24 (a) The fact that a charge or charges were made;
- 25 (b) The fact that a diversion agreement was entered into;
- 26 (c) The juvenile's obligations under such agreement;
- 27 (d) Whether the alleged offender performed his or her obligations
28 under such agreement; and
- 29 (e) The facts of the alleged offense.

30 (13) A diversion unit may refuse to enter into a diversion
31 agreement with a juvenile. When a diversion unit refuses to enter a
32 diversion agreement with a juvenile, it shall immediately refer such
33 juvenile to the court for action and shall forward to the court the
34 criminal complaint and a detailed statement of its reasons for
35 refusing to enter into a diversion agreement. The diversion unit
36 shall also immediately refer the case to the prosecuting attorney for
37 action if such juvenile violates the terms of the diversion
38 agreement.

39 (14) A diversion unit may, in instances where it determines that
40 the act or omission of an act for which a juvenile has been referred

1 to it involved no victim, or where it determines that the juvenile
2 referred to it has no prior criminal history and is alleged to have
3 committed an illegal act involving no threat of or instance of actual
4 physical harm and involving not more than (~~(fifty dollars)~~) \$50 in
5 property loss or damage and that there is no loss outstanding to the
6 person or firm suffering such damage or loss, counsel and release or
7 release such a juvenile without entering into a diversion agreement.
8 A diversion unit's authority to counsel and release a juvenile under
9 this subsection includes the authority to refer the juvenile to
10 community-based counseling or treatment programs or a restorative
11 justice program. Any juvenile released under this subsection shall be
12 advised that the act or omission of any act for which he or she had
13 been referred shall constitute a part of the juvenile's criminal
14 history as defined by RCW 13.40.020(8). A signed acknowledgment of
15 such advisement shall be obtained from the juvenile, and the document
16 shall be maintained by the unit, and a copy of the document shall be
17 delivered to the prosecutor if requested by the prosecutor. The
18 supreme court shall promulgate rules setting forth the content of
19 such advisement in simple language. A juvenile determined to be
20 eligible by a diversion unit for release as provided in this
21 subsection shall retain the same right to counsel and right to have
22 his or her case referred to the court for formal action as any other
23 juvenile referred to the unit.

24 (15) A diversion unit may supervise the fulfillment of a
25 diversion agreement entered into before the juvenile's (~~(eighteenth)~~)
26 18th birthday and which includes a period extending beyond the
27 divertee's (~~(eighteenth)~~) 18th birthday.

28 (16) If restitution required by a diversion agreement cannot
29 reasonably be paid due to a change of circumstance, the diversion
30 agreement may be modified at the request of the divertee and with the
31 concurrence of the diversion unit to convert unpaid restitution into
32 community (~~(restitution)~~) service. The modification of the diversion
33 agreement shall be in writing and signed by the divertee and the
34 diversion unit. The number of hours of community (~~(restitution)~~)
35 service in lieu of a monetary penalty shall be converted at the rate
36 of the prevailing state minimum wage per hour.

37 **Sec. 20.** RCW 13.40.080 and 2022 c 34 s 1 are each amended to
38 read as follows:

1 (1) A diversion agreement shall be a contract between a juvenile
2 accused of an offense and a diversion unit whereby the juvenile
3 agrees to fulfill certain conditions in lieu of prosecution. Such
4 agreements may be entered into only after the prosecutor, or
5 probation counselor pursuant to this chapter, has determined that
6 probable cause exists to believe that a crime has been committed and
7 that the juvenile committed it. Such agreements shall be entered into
8 as expeditiously as possible.

9 (2) (a) A diversion agreement shall be limited to one or more of
10 the following:

11 ~~((a))~~ (i) Community ~~((restitution))~~ service not to exceed ~~((one~~
12 ~~hundred fifty))~~ 120 hours, not to ~~((be performed during school hours~~
13 ~~if the juvenile is attending school))~~ interfere with school
14 attendance;

15 ~~((b) Restitution limited to the amount of actual loss incurred~~
16 ~~by any victim, excluding restitution owed to any insurance provider~~
17 ~~under Title 48 RCW;~~

18 ~~(c))~~ (ii) Attendance at up to ~~((ten))~~ 10 hours of counseling
19 and/or up to ~~((twenty))~~ 20 hours of positive youth development,
20 educational or informational sessions at a community agency. The
21 educational or informational sessions may include sessions relating
22 to respect for self, others, and authority; victim awareness;
23 accountability; self-worth; responsibility; work ethics; good
24 citizenship; literacy; and life skills. If an assessment identifies
25 mental health or chemical dependency needs, a youth may access up to
26 ~~((thirty))~~ 30 hours of counseling. The counseling sessions may
27 include services demonstrated to improve behavioral health and reduce
28 recidivism. For purposes of this section, "community agency" may also
29 mean a community-based nonprofit organization, a physician, a
30 counselor, a school, or a treatment provider, if approved by the
31 diversion unit. The state shall ~~((not))~~ only be liable for costs
32 resulting from the diversion unit exercising the option to permit
33 diversion agreements to mandate attendance at up to ~~((thirty))~~ 30
34 hours of counseling and/or up to ~~((twenty))~~ 20 hours of educational
35 or informational sessions when there is no third-party insurance
36 coverage available. Hours spent in counseling, positive youth
37 development, or educational or informational sessions at a community
38 agency may count towards community service;

1 ~~((d))~~ (iii) Requirements to remain during specified hours at
2 home, school, or work, and restrictions on leaving or entering
3 specified geographical areas; and

4 ~~((e))~~ (iv) Upon request of any victim or witness, requirements
5 to refrain from any contact with victims or witnesses of offenses
6 committed by the juvenile.

7 (b) Victims of offenses committed by a juvenile are eligible to
8 collect compensation through the community compensation program, as
9 provided in section 5 of this act.

10 (3) Notwithstanding the provisions of subsection (2) of this
11 section, youth courts are not limited to the conditions imposed by
12 subsection (2) of this section in imposing sanctions on juveniles
13 pursuant to RCW 13.40.630.

14 (4) In assessing periods of community ~~((restitution))~~ service to
15 be performed ~~((and restitution to be paid by a juvenile who has~~
16 ~~entered into a diversion agreement))~~, the court officer to whom this
17 task is assigned shall consult with the juvenile's custodial parent
18 or parents or guardian. To the extent possible, the court officer
19 shall advise the victims of the juvenile offender of the diversion
20 process, offer victim impact letter forms and ~~((restitution claim~~
21 ~~forms))~~ instructions for collecting compensation through the
22 community compensation program as provided in section 5 of this act,
23 and involve members of the community. Such members of the community
24 may meet with the juvenile and may advise the court officer as to the
25 terms of the diversion agreement and may supervise the juvenile in
26 carrying out its terms.

27 (5)(a) A diversion agreement may not exceed a period of six
28 months and may include a period extending beyond the ~~((eighteenth))~~
29 18th birthday of the divertee.

30 (b) If additional time is necessary for the juvenile to complete
31 the terms of the agreement ~~((or restitution to a victim))~~, the time
32 period limitations of this subsection may be extended by an
33 additional six months at the request of the juvenile.

34 ~~((If the juvenile has not paid the full amount of restitution~~
35 ~~by the end of the additional six-month period, then the juvenile~~
36 ~~shall be referred to the juvenile court for entry of a civil order~~
37 ~~establishing the amount of restitution still owed to the victim. In~~
38 ~~this order, the court shall also determine the terms and conditions~~
39 ~~of the restitution, including a payment plan extending up to ten~~
40 ~~years if the court determines that the juvenile does not have the~~

1 means to make full restitution over a shorter period. For the
2 purposes of this subsection (5)(c), the juvenile shall remain under
3 the court's jurisdiction for a maximum term of ten years after the
4 juvenile's eighteenth birthday. Prior to the expiration of the
5 initial ten-year period, the juvenile court may extend the judgment
6 for restitution an additional ten years. The court may relieve the
7 juvenile of the requirement to pay full or partial restitution if the
8 juvenile reasonably satisfies the court that he or she does not have
9 the means to make full or partial restitution and could not
10 reasonably acquire the means to pay the restitution over a ten-year
11 period. If the court relieves the juvenile of the requirement to pay
12 full or partial restitution, the court may order an amount of
13 community restitution that the court deems appropriate. The county
14 clerk shall make disbursements to victims named in the order. The
15 restitution to victims named in the order shall be paid prior to any
16 payment for other penalties or monetary assessments. A juvenile under
17 obligation to pay restitution may petition the court for modification
18 of the restitution order.

19 ~~(d))~~) A diversion agreement may be completed by the juvenile any
20 time prior to an order terminating the agreement.

21 (6) The juvenile shall retain the right to be referred to the
22 court at any time prior to the signing of the diversion agreement.

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

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

30 (b) Violation of the terms of the agreement shall be the only
31 grounds for termination;

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

35 (i) Written notice of alleged violations of the conditions of the
36 diversion program; and

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

39 (d) The hearing shall be conducted by the juvenile court and
40 shall include:

- 1 (i) Opportunity to be heard in person and to present evidence;
2 (ii) The right to confront and cross-examine all adverse
3 witnesses;
4 (iii) A written statement by the court as to the evidence relied
5 on and the reasons for termination, should that be the decision; and
6 (iv) Demonstration by evidence that the divertee has
7 substantially violated the terms of his or her diversion agreement;
8 (e) The prosecutor may file an information on the offense for
9 which the divertee was diverted:

10 (i) In juvenile court if the divertee is under (~~eighteen~~) 18
11 years of age; or

12 (ii) In superior court or the appropriate court of limited
13 jurisdiction if the divertee is (~~eighteen~~) 18 years of age or
14 older.

15 (8) The diversion unit shall, subject to available funds, be
16 responsible for providing interpreters when juveniles need
17 interpreters to effectively communicate during diversion unit
18 hearings or negotiations.

19 (9) The diversion unit shall be responsible for advising a
20 divertee of his or her rights as provided in this chapter.

21 (10) The diversion unit may refer a juvenile to a restorative
22 justice program, community-based counseling, or treatment programs.

23 (11) The right to counsel shall inure prior to the initial
24 interview for purposes of advising the juvenile as to whether he or
25 she desires to participate in the diversion process or to appear in
26 the juvenile court. The juvenile may be represented by counsel at any
27 critical stage of the diversion process, including intake interviews
28 and termination hearings. The juvenile shall be fully advised at the
29 intake of his or her right to an attorney and of the relevant
30 services an attorney can provide. For the purpose of this section,
31 intake interviews mean all interviews regarding the diversion
32 agreement process.

33 The juvenile shall be advised that a diversion agreement shall
34 constitute a part of the juvenile's criminal history as defined by
35 RCW 13.40.020(8). A signed acknowledgment of such advisement shall be
36 obtained from the juvenile, and the document shall be maintained by
37 the diversion unit together with the diversion agreement, and a copy
38 of both documents shall be delivered to the prosecutor if requested
39 by the prosecutor. The supreme court shall promulgate rules setting
40 forth the content of such advisement in simple language.

1 (12) When a juvenile enters into a diversion agreement, the
2 juvenile court may receive only the following information for
3 dispositional purposes:

4 (a) The fact that a charge or charges were made;

5 (b) The fact that a diversion agreement was entered into;

6 (c) The juvenile's obligations under such agreement;

7 (d) Whether the alleged offender performed his or her obligations
8 under such agreement; and

9 (e) The facts of the alleged offense.

10 (13) A diversion unit may refuse to enter into a diversion
11 agreement with a juvenile. When a diversion unit refuses to enter a
12 diversion agreement with a juvenile, it shall immediately refer such
13 juvenile to the court for action and shall forward to the court the
14 criminal complaint and a detailed statement of its reasons for
15 refusing to enter into a diversion agreement. The diversion unit
16 shall also immediately refer the case to the prosecuting attorney for
17 action if such juvenile violates the terms of the diversion
18 agreement.

19 (14) A diversion unit may, in instances where it determines that
20 the act or omission of an act for which a juvenile has been referred
21 to it involved no victim, or where it determines that the juvenile
22 referred to it has no prior criminal history and is alleged to have
23 committed an illegal act involving no threat of or instance of actual
24 physical harm and involving not more than (~~fifty dollars~~) \$50 in
25 property loss or damage and that there is no loss outstanding to the
26 person or firm suffering such damage or loss, counsel and release or
27 release such a juvenile without entering into a diversion agreement.
28 A diversion unit's authority to counsel and release a juvenile under
29 this subsection includes the authority to refer the juvenile to
30 community-based counseling or treatment programs or a restorative
31 justice program. Any juvenile released under this subsection shall be
32 advised that the act or omission of any act for which he or she had
33 been referred shall constitute a part of the juvenile's criminal
34 history as defined by RCW 13.40.020(8). A signed acknowledgment of
35 such advisement shall be obtained from the juvenile, and the document
36 shall be maintained by the unit, and a copy of the document shall be
37 delivered to the prosecutor if requested by the prosecutor. The
38 supreme court shall promulgate rules setting forth the content of
39 such advisement in simple language. A juvenile determined to be
40 eligible by a diversion unit for release as provided in this

1 subsection shall retain the same right to counsel and right to have
2 his or her case referred to the court for formal action as any other
3 juvenile referred to the unit.

4 (15) A diversion unit may supervise the fulfillment of a
5 diversion agreement entered into before the juvenile's ((eighteenth))
6 18th birthday and which includes a period extending beyond the
7 diverttee's ((eighteenth)) 18th birthday.

8 ((If restitution required by a diversion agreement cannot
9 reasonably be paid due to a change of circumstance, the diversion
10 agreement may be modified at the request of the diverttee and with the
11 concurrence of the diversion unit to convert unpaid restitution into
12 community restitution. The modification of the diversion agreement
13 shall be in writing and signed by the diverttee and the diversion
14 unit. The number of hours of community restitution in lieu of a
15 monetary penalty shall be converted at the rate of the prevailing
16 state minimum wage per hour.)) A juvenile, or the parent, guardian,
17 or other person having custody of the juvenile shall not be required
18 to pay the cost of any program or treatment ordered under this
19 section.

20 **Sec. 21.** RCW 13.40.127 and 2016 c 136 s 3 are each amended to
21 read as follows:

22 (1) A juvenile is eligible for deferred disposition unless he or
23 she:

- 24 (a) Is charged with a sex or violent offense;
- 25 (b) Has a criminal history which includes any felony;
- 26 (c) Has a prior deferred disposition or deferred adjudication; or
- 27 (d) Has two or more adjudications.

28 (2) The juvenile court may, upon motion at least ((fourteen)) 14
29 days before commencement of trial and, after consulting the
30 juvenile's custodial parent or parents or guardian and with the
31 consent of the juvenile, continue the case for disposition for a
32 period not to exceed one year from the date the juvenile is found
33 guilty. In all cases where the juvenile is eligible for a deferred
34 disposition, there shall be a strong presumption that the deferred
35 disposition will be granted. The court may waive the ((fourteen)) 14-
36 day period anytime before the commencement of trial for good cause.

37 (3) Any juvenile who agrees to a deferral of disposition shall:

38 (a) Stipulate to the admissibility of the facts contained in the
39 written police report;

1 (b) Acknowledge that the report will be entered and used to
2 support a finding of guilt and to impose a disposition if the
3 juvenile fails to comply with terms of supervision;

4 (c) Waive the following rights to: (i) A speedy disposition; and
5 (ii) call and confront witnesses; and

6 (d) Acknowledge the direct consequences of being found guilty and
7 the direct consequences that will happen if an order of disposition
8 is entered.

9 The adjudicatory hearing shall be limited to a reading of the
10 court's record.

11 (4) Following the stipulation, acknowledgment, waiver, and entry
12 of a finding or plea of guilt, the court shall defer entry of an
13 order of disposition of the juvenile.

14 (5) Any juvenile granted a deferral of disposition under this
15 section shall be placed under community supervision. The court may
16 impose any conditions of supervision that it deems appropriate
17 including posting a probation bond. (~~Payment of restitution under~~
18 ~~RCW 13.40.190 shall be a condition of community supervision under~~
19 ~~this section.~~)

20 The court may require a juvenile offender convicted of animal
21 cruelty in the first degree to submit to a mental health evaluation
22 to determine if the offender would benefit from treatment and such
23 intervention would promote the safety of the community. After
24 consideration of the results of the evaluation, as a condition of
25 community supervision, the court may order the offender to attend
26 treatment to address issues pertinent to the offense.

27 The court may require the juvenile to undergo a mental health or
28 substance abuse assessment, or both. If the assessment identifies a
29 need for treatment, conditions of supervision may include treatment
30 for the assessed need that has been demonstrated to improve
31 behavioral health and reduce recidivism.

32 The court shall require a juvenile granted a deferral of
33 disposition for unlawful possession of a firearm in violation of RCW
34 9.41.040 to participate in a qualifying program as described in RCW
35 13.40.193(2)(b), when available, unless the court makes a written
36 finding based on the outcome of the juvenile court risk assessment
37 that participation in a qualifying program would not be appropriate.

38 (6) A parent who signed for a probation bond has the right to
39 notify the counselor if the juvenile fails to comply with the bond or
40 conditions of supervision. The counselor shall notify the court and

1 surety of any failure to comply. A surety shall notify the court of
2 the juvenile's failure to comply with the probation bond. The state
3 shall bear the burden to prove, by a preponderance of the evidence,
4 that the juvenile has failed to comply with the terms of community
5 supervision.

6 (7) (a) Anytime prior to the conclusion of the period of
7 supervision, the prosecutor or the juvenile's juvenile court
8 community supervision counselor may file a motion with the court
9 requesting the court revoke the deferred disposition based on the
10 juvenile's lack of compliance or treat the juvenile's lack of
11 compliance as a violation pursuant to RCW 13.40.200.

12 (b) If the court finds the juvenile failed to comply with the
13 terms of the deferred disposition, the court may:

14 (i) Revoke the deferred disposition and enter an order of
15 disposition; or

16 (ii) Impose sanctions for the violation pursuant to RCW
17 13.40.200.

18 (8) At any time following deferral of disposition the court may,
19 following a hearing, continue supervision for an additional one-year
20 period for good cause.

21 (9) (a) At the conclusion of the period of supervision, the court
22 shall determine whether the juvenile is entitled to dismissal of the
23 deferred disposition only when the court finds:

24 (i) The deferred disposition has not been previously revoked;

25 (ii) The juvenile has completed the terms of supervision; and

26 (iii) There are no pending motions concerning lack of compliance
27 pursuant to subsection (7) of this section (~~;~~ and

28 ~~(iv) The juvenile has either paid the full amount of restitution,~~
29 ~~or, made a good faith effort to pay the full amount of restitution~~
30 ~~during the period of supervision)).~~

31 (b) If the court finds the juvenile is entitled to dismissal of
32 the deferred disposition pursuant to (a) of this subsection, the
33 juvenile's conviction shall be vacated and the court shall dismiss
34 the case with prejudice, except that a conviction under RCW 16.52.205
35 shall not be vacated. (~~Whenever a case is dismissed with restitution~~
36 ~~still owing, the court shall enter a restitution order pursuant to~~
37 ~~RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce~~
38 ~~payment and modify terms of the restitution order shall be the same~~
39 ~~as those set forth in RCW 7.80.130.))~~

1 (c) If the court finds the juvenile is not entitled to dismissal
2 of the deferred disposition pursuant to (a) of this subsection, the
3 court shall revoke the deferred disposition and enter an order of
4 disposition. A deferred disposition shall remain a conviction unless
5 the case is dismissed and the conviction is vacated pursuant to (b)
6 of this subsection or sealed pursuant to RCW 13.50.260.

7 (10)(a)(i) Any time the court vacates a conviction pursuant to
8 subsection (9) of this section, (~~(if the juvenile is eighteen years~~
9 ~~of age or older and the full amount of restitution owing to the~~
10 ~~individual victim named in the restitution order, excluding~~
11 ~~restitution owed to any insurance provider authorized under Title 48~~
12 ~~RCW has been paid,)) the court shall enter a written order sealing
13 the case.~~

14 (ii) Any time the court vacates a conviction pursuant to
15 subsection (9) of this section, if the juvenile is not ((~~eighteen~~)
16 18 years of age or older ((~~and full restitution ordered has been~~
17 ~~paid~~)), the court shall schedule an administrative sealing hearing to
18 take place no later than ((~~thirty~~)) 30 days after the respondent's
19 ((~~eighteenth~~)) 18th birthday, at which time the court shall enter a
20 written order sealing the case. The respondent's presence at the
21 administrative sealing hearing is not required.

22 (iii) Any deferred disposition vacated prior to June 7, 2012, is
23 not subject to sealing under this subsection.

24 (b) Nothing in this subsection shall preclude a juvenile from
25 petitioning the court to have the records of his or her deferred
26 dispositions sealed under RCW 13.50.260.

27 (c) Records sealed under this provision shall have the same legal
28 status as records sealed under RCW 13.50.260.

29 **Sec. 22.** RCW 13.40.150 and 1998 c 86 s 1 are each amended to
30 read as follows:

31 (1) In disposition hearings all relevant and material evidence,
32 including oral and written reports, may be received by the court and
33 may be relied upon to the extent of its probative value, even though
34 such evidence may not be admissible in a hearing on the information.
35 The youth or the youth's counsel and the prosecuting attorney shall
36 be afforded an opportunity to examine and controvert written reports
37 so received and to cross-examine individuals making reports when such
38 individuals are reasonably available, but sources of confidential

1 information need not be disclosed. The prosecutor and counsel for the
2 juvenile may submit recommendations for disposition.

3 (2) For purposes of disposition:

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

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

7 (c) In no event may a disposition for a violation include
8 confinement.

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

12 (a) Consider the facts supporting the allegations of criminal
13 conduct by the respondent;

14 (b) Consider information and arguments offered by parties and
15 their counsel;

16 (c) Consider any predisposition reports;

17 (d) Consult with the respondent's parent, guardian, or custodian
18 on the appropriateness of dispositional options under consideration
19 and afford the respondent and the respondent's parent, guardian, or
20 custodian an opportunity to speak in the respondent's behalf;

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

23 ~~(f) ((Determine the amount of restitution owing to the victim, if
24 any, or set a hearing for a later date not to exceed one hundred
25 eighty days from the date of the disposition hearing to determine the
26 amount, except that the court may continue the hearing beyond the one
27 hundred eighty days for good cause;~~

28 ~~(g))~~ Determine the respondent's offender score;

29 ~~((h))~~ (g) Consider whether or not any of the following
30 mitigating factors exist:

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

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

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

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

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

3 ((~~i~~)) (h) Consider whether or not any of the following
4 aggravating factors exist:

5 (i) In the commission of the offense, or in flight therefrom, the
6 respondent inflicted or attempted to inflict serious bodily injury to
7 another;

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

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

11 (iv) The respondent has a recent criminal history or has failed
12 to comply with conditions of a recent dispositional order or
13 diversion agreement;

14 (v) The current offense included a finding of sexual motivation
15 pursuant to RCW 13.40.135;

16 (vi) The respondent was the leader of a criminal enterprise
17 involving several persons;

18 (vii) There are other complaints which have resulted in diversion
19 or a finding or plea of guilty but which are not included as criminal
20 history; and

21 (viii) The standard range disposition is clearly too lenient
22 considering the seriousness of the juvenile's prior adjudications.

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

25 (a) The sex of the respondent;

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

28 (c) The creed or religion of the respondent or the respondent's
29 family;

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

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

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

37 **Sec. 23.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to
38 read as follows:

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

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

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

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

14 (a) The report of the examination shall include at a minimum the
15 following:

16 (i) The respondent's version of the facts and the official
17 version of the facts;

18 (ii) The respondent's offense history;

19 (iii) An assessment of problems in addition to alleged deviant
20 behaviors;

21 (iv) The respondent's social, educational, and employment
22 situation;

23 (v) Other evaluation measures used.

24 The report shall set forth the sources of the evaluator's
25 information.

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

30 (i) The frequency and type of contact between the offender and
31 therapist;

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

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

37 (iv) Anticipated length of treatment; and

38 (v) Recommended crime-related prohibitions.

39 (c) The court on its own motion may order, or on a motion by the
40 state shall order, a second examination regarding the offender's

1 amenability to treatment. The evaluator shall be selected by the
2 party making the motion. (~~The defendant shall pay the cost of any~~
3 ~~second examination ordered unless the court finds the defendant to be~~
4 ~~indigent in which case the state shall pay the cost.~~)

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

18 (4) As a condition of the suspended disposition, the court may
19 impose the conditions of community supervision and other conditions,
20 including up to (~~thirty~~) 30 days of confinement and requirements
21 that the offender do any one or more of the following:

22 (a) Devote time to a specific education, employment, or
23 occupation;

24 (b) Undergo available outpatient sex offender treatment for up to
25 two years, or inpatient sex offender treatment not to exceed the
26 standard range of confinement for that offense. A community mental
27 health center may not be used for such treatment unless it has an
28 appropriate program designed for sex offender treatment. The
29 respondent shall not change sex offender treatment providers or
30 treatment conditions without first notifying the prosecutor, the
31 probation counselor, and the court, and shall not change providers
32 without court approval after a hearing if the prosecutor or probation
33 counselor object to the change;

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

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

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

1 (f) (~~Pay all court-ordered legal financial obligations,~~
2 ~~perform~~) Perform community (~~(restitution, or any combination~~
3 ~~thereof)~~) service;

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

6 (h) Comply with the conditions of any court-ordered probation
7 bond.

8 (5) If the court orders (~~(twenty-four)~~) 24-hour, continuous
9 monitoring of the offender while on probation, the court shall
10 include the basis for this condition in its findings.

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

14 (b) The parents or legal guardians of the offender are
15 responsible for transportation or other costs associated with the
16 offender's change of school that would otherwise be paid by the
17 school district.

18 (c) The court shall send notice of the disposition and
19 restriction on attending the same school as the victim or victim's
20 siblings to the public or approved private school the juvenile will
21 attend, if known, or if unknown, to the approved private schools and
22 the public school district board of directors of the district in
23 which the juvenile resides or intends to reside. This notice must be
24 sent at the earliest possible date but not later than (~~(ten)~~) 10
25 calendar days after entry of the disposition.

26 (7) For offenders required to register under RCW 9A.44.130, at
27 the end of the supervision ordered under this disposition
28 alternative, there is a presumption that the offender is sufficiently
29 rehabilitated to warrant removal from the central registry of sex
30 offenders. The court shall relieve the offender's duty to register
31 unless the court finds that the offender is not sufficiently
32 rehabilitated to warrant removal and may consider the following
33 factors:

34 (a) The nature of the offense committed, including the number of
35 victims and the length of the offense history;

36 (b) Any subsequent criminal history of the juvenile;

37 (c) The juvenile's compliance with supervision requirements;

38 (d) The length of time since the charged incident occurred;

1 (e) Any input from community corrections officers, juvenile
2 parole or probation officers, law enforcement, or treatment
3 providers;

4 (f) The juvenile's participation in sex offender treatment;

5 (g) The juvenile's participation in other treatment and
6 rehabilitative programs;

7 (h) The juvenile's stability in employment and housing;

8 (i) The juvenile's community and personal support system;

9 (j) Any risk assessments or evaluations prepared by a qualified
10 professional related to the juvenile;

11 (k) Any updated polygraph examination completed by the juvenile;

12 (l) Any input of the victim; and

13 (m) Any other factors the court may consider relevant.

14 (8) (a) The sex offender treatment provider shall submit quarterly
15 reports on the respondent's progress in treatment to the court and
16 the parties. The reports shall reference the treatment plan and
17 include at a minimum the following: Dates of attendance, respondent's
18 compliance with requirements, treatment activities, the respondent's
19 relative progress in treatment, and any other material specified by
20 the court at the time of the disposition.

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

23 (c) Except as provided in this subsection, examinations and
24 treatment ordered pursuant to this subsection shall be conducted by
25 qualified professionals as described under (d) of this subsection,
26 certified sex offender treatment providers, or certified affiliate
27 sex offender treatment providers under chapter 18.155 RCW.

28 (d) A sex offender therapist who examines or treats a juvenile
29 sex offender pursuant to this subsection does not have to be
30 certified by the department of health pursuant to chapter 18.155 RCW
31 if the therapist is a professional licensed under chapter 18.225 or
32 18.83 RCW and the treatment employed is evidence-based for sex
33 offender treatment, or if the court finds that: (i) The offender has
34 already moved to another state or plans to move to another state for
35 reasons other than circumventing the certification requirements; (ii)
36 no certified sex offender treatment providers or certified affiliate
37 sex offender treatment providers are available for treatment within a
38 reasonable geographical distance of the offender's home; and (iii)
39 the evaluation and treatment plan comply with this subsection and the
40 rules adopted by the department of health.

1 (9) (a) If the offender violates any condition of the disposition
2 or the court finds that the respondent is failing to make
3 satisfactory progress in treatment, the court may revoke the
4 suspension and order execution of the disposition or the court may
5 impose a penalty of up to (~~thirty~~) 30 days confinement for
6 violating conditions of the disposition.

7 (b) The court may order both execution of the disposition and up
8 to (~~thirty~~) 30 days confinement for the violation of the conditions
9 of the disposition.

10 (c) The court shall give credit for any confinement time
11 previously served if that confinement was for the offense for which
12 the suspension is being revoked.

13 (10) For purposes of this section, "victim" means any person who
14 has sustained emotional, psychological, physical, or financial injury
15 to person or property as a direct result of the crime charged.
16 "Victim" may also include a known parent or guardian of a victim who
17 is a minor child unless the parent or guardian is the perpetrator of
18 the offense.

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

23 (12) A disposition entered under this section is not appealable
24 under RCW 13.40.230.

25 **Sec. 24.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to
26 read as follows:

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

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

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

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

1 (a) The report of the examination shall include at a minimum the
2 following:

3 (i) The respondent's version of the facts and the official
4 version of the facts;

5 (ii) The respondent's offense history;

6 (iii) An assessment of problems in addition to alleged deviant
7 behaviors;

8 (iv) The respondent's social, educational, and employment
9 situation;

10 (v) Other evaluation measures used.

11 The report shall set forth the sources of the evaluator's
12 information.

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

17 (i) The frequency and type of contact between the offender and
18 therapist;

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

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

24 (iv) Anticipated length of treatment; and

25 (v) Recommended crime-related prohibitions.

26 (c) The court on its own motion may order, or on a motion by the
27 state shall order, a second examination regarding the offender's
28 amenability to treatment. The evaluator shall be selected by the
29 party making the motion. (~~The defendant shall pay the cost of any
30 second examination ordered unless the court finds the defendant to be
31 indigent in which case the state shall pay the cost.~~)

32 (3) After receipt of reports of the examination, the court shall
33 then consider whether the offender and the community will benefit
34 from use of this special sex offender disposition alternative and
35 consider the victim's opinion whether the offender should receive a
36 treatment disposition under this section. If the court determines
37 that this special sex offender disposition alternative is
38 appropriate, then the court shall impose a determinate disposition
39 within the standard range for the offense, or if the court concludes,
40 and enters reasons for its conclusions, that such disposition would

1 cause a manifest injustice, the court shall impose a disposition
2 under option D, and the court may suspend the execution of the
3 disposition and place the offender on community supervision for at
4 least two years.

5 (4) As a condition of the suspended disposition, the court may
6 impose the conditions of community supervision and other conditions,
7 including up to (~~thirty~~) 30 days of confinement and requirements
8 that the offender do any one or more of the following:

9 (a) Devote time to a specific education, employment, or
10 occupation;

11 (b) Undergo available outpatient sex offender treatment for up to
12 two years, or inpatient sex offender treatment not to exceed the
13 standard range of confinement for that offense. A community mental
14 health center may not be used for such treatment unless it has an
15 appropriate program designed for sex offender treatment. The
16 respondent shall not change sex offender treatment providers or
17 treatment conditions without first notifying the prosecutor, the
18 probation counselor, and the court, and shall not change providers
19 without court approval after a hearing if the prosecutor or probation
20 counselor object to the change;

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

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

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

28 (f) (~~(Pay all court-ordered legal financial obligations,~~
29 ~~perform)~~) Perform community (~~(restitution, or any combination~~
30 ~~thereof)~~) service; or

31 (g) (~~(Make restitution to the victim for the cost of any~~
32 ~~counseling reasonably related to the offense; or~~

33 ~~(h))~~) Comply with the conditions of any court-ordered probation
34 bond.

35 (5) If the court orders (~~twenty-four~~) 24-hour, continuous
36 monitoring of the offender while on probation, the court shall
37 include the basis for this condition in its findings.

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

1 (b) The parents or legal guardians of the offender are
2 responsible for transportation or other costs associated with the
3 offender's change of school that would otherwise be paid by the
4 school district.

5 (c) The court shall send notice of the disposition and
6 restriction on attending the same school as the victim or victim's
7 siblings to the public or approved private school the juvenile will
8 attend, if known, or if unknown, to the approved private schools and
9 the public school district board of directors of the district in
10 which the juvenile resides or intends to reside. This notice must be
11 sent at the earliest possible date but not later than (~~ten~~) 10
12 calendar days after entry of the disposition.

13 (7) For offenders required to register under RCW 9A.44.130, at
14 the end of the supervision ordered under this disposition
15 alternative, there is a presumption that the offender is sufficiently
16 rehabilitated to warrant removal from the central registry of sex
17 offenders. The court shall relieve the offender's duty to register
18 unless the court finds that the offender is not sufficiently
19 rehabilitated to warrant removal and may consider the following
20 factors:

21 (a) The nature of the offense committed, including the number of
22 victims and the length of the offense history;

23 (b) Any subsequent criminal history of the juvenile;

24 (c) The juvenile's compliance with supervision requirements;

25 (d) The length of time since the charged incident occurred;

26 (e) Any input from community corrections officers, juvenile
27 parole or probation officers, law enforcement, or treatment
28 providers;

29 (f) The juvenile's participation in sex offender treatment;

30 (g) The juvenile's participation in other treatment and
31 rehabilitative programs;

32 (h) The juvenile's stability in employment and housing;

33 (i) The juvenile's community and personal support system;

34 (j) Any risk assessments or evaluations prepared by a qualified
35 professional related to the juvenile;

36 (k) Any updated polygraph examination completed by the juvenile;

37 (l) Any input of the victim; and

38 (m) Any other factors the court may consider relevant.

39 (8) (a) The sex offender treatment provider shall submit quarterly
40 reports on the respondent's progress in treatment to the court and

1 the parties. The reports shall reference the treatment plan and
2 include at a minimum the following: Dates of attendance, respondent's
3 compliance with requirements, treatment activities, the respondent's
4 relative progress in treatment, and any other material specified by
5 the court at the time of the disposition.

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

8 (c) Except as provided in this subsection, examinations and
9 treatment ordered pursuant to this subsection shall be conducted by
10 qualified professionals as described under (d) of this subsection,
11 certified sex offender treatment providers, or certified affiliate
12 sex offender treatment providers under chapter 18.155 RCW.

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

26 (9) (a) If the offender violates any condition of the disposition
27 or the court finds that the respondent is failing to make
28 satisfactory progress in treatment, the court may revoke the
29 suspension and order execution of the disposition or the court may
30 impose a penalty of up to (~~thirty~~) 30 days confinement for
31 violating conditions of the disposition.

32 (b) The court may order both execution of the disposition and up
33 to (~~thirty~~) 30 days confinement for the violation of the conditions
34 of the disposition.

35 (c) The court shall give credit for any confinement time
36 previously served if that confinement was for the offense for which
37 the suspension is being revoked.

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

1 "Victim" may also include a known parent or guardian of a victim who
2 is a minor child unless the parent or guardian is the perpetrator of
3 the offense.

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

8 (12) A disposition entered under this section is not appealable
9 under RCW 13.40.230.

10 **Sec. 25.** RCW 13.40.165 and 2019 c 325 s 5007 are each amended to
11 read as follows:

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

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

1 treatment facility approved under chapter 70.96A RCW or a mental
2 health professional as defined in chapter 71.34 RCW to determine if
3 the youth is chemically dependent, substance abusing, or suffers from
4 significant mental health or co-occurring disorders. (~~The offender
5 shall pay the cost of any examination ordered under this subsection
6 unless the court finds that the offender is indigent and no third
7 party insurance coverage is available, in which case the state shall
8 pay the cost.~~) The state shall pay the cost of any examination
9 ordered under this subsection unless third-party insurance coverage
10 is available.

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

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

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

22 (b) Availability of appropriate treatment;

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

26 (d) Anticipated length of treatment; and

27 (e) Recommended crime-related prohibitions.

28 (5) The court on its own motion may order, or on a motion by the
29 state or the respondent shall order, a second examination. The
30 evaluator shall be selected by the party making the motion. The
31 requesting party shall pay the cost of any examination ordered under
32 this subsection unless the requesting party is the offender (~~and the
33 court finds that the offender is indigent and no third party
34 insurance coverage is available~~), in which case the state shall pay
35 the cost if no third-party insurance coverage is available.

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

1 (b) If the court determines that this disposition alternative is
2 appropriate, then the court shall impose the standard range for the
3 offense, or if the court concludes, and enters reasons for its
4 conclusion, that such disposition would effectuate a manifest
5 injustice, the court shall impose a disposition above the standard
6 range as indicated in option D of RCW 13.40.0357 if the disposition
7 is an increase from the standard range and the confinement of the
8 offender does not exceed a maximum of (~~(fifty-two)~~) 52 weeks, suspend
9 execution of the disposition, and place the offender on community
10 supervision for up to one year. As a condition of the suspended
11 disposition, the court shall require the offender to undergo
12 available outpatient drug/alcohol, mental health, or co-occurring
13 disorder treatment and/or inpatient mental health or drug/alcohol
14 treatment. The court shall only order inpatient treatment under this
15 section if a funded bed is available. If the inpatient treatment is
16 longer than (~~(ninety)~~) 90 days, the court shall hold a review hearing
17 every (~~(thirty)~~) 30 days beyond the initial (~~(ninety)~~) 90 days. The
18 respondent may appear telephonically at these review hearings if in
19 compliance with treatment. As a condition of the suspended
20 disposition, the court may impose conditions of community supervision
21 and other sanctions, including up to (~~(thirty)~~) 30 days of
22 confinement, (~~(one hundred fifty)~~) 120 hours of community
23 (~~(restitution)~~) service, and payment of (~~(legal financial obligations~~
24 ~~and)~~) restitution.

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

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

35 If the offender violates any condition of the disposition or the
36 court finds that the respondent is failing to make satisfactory
37 progress in treatment, the court may impose sanctions pursuant to RCW
38 13.40.200 or revoke the suspension and order execution of the
39 disposition. The court shall give credit for any confinement time

1 previously served if that confinement was for the offense for which
2 the suspension is being revoked.

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

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

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

16 (11) A disposition under this section is not appealable under RCW
17 13.40.230.

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

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

26 **Sec. 26.** RCW 13.40.165 and 2019 c 325 s 5007 are each amended to
27 read as follows:

28 (1) The purpose of this disposition alternative is to ensure that
29 successful treatment options to reduce recidivism are available to
30 eligible youth, pursuant to RCW 71.24.615. It is also the purpose of
31 the disposition alternative to assure that minors in need of
32 substance use disorder, mental health, and/or co-occurring disorder
33 treatment receive an appropriate continuum of culturally relevant
34 care and treatment, including prevention and early intervention,
35 self-directed care, parent-directed care, and residential treatment.
36 To facilitate the continuum of care and treatment to minors in out-
37 of-home placements, all divisions of the department that provide
38 these services to minors shall jointly plan and deliver these
39 services. It is also the purpose of the disposition alternative to

1 protect the rights of minors against needless hospitalization and
2 deprivations of liberty and to enable treatment decisions to be made
3 in response to clinical needs and in accordance with sound
4 professional judgment. The mental health, substance abuse, and co-
5 occurring disorder treatment providers shall, to the extent possible,
6 offer services that involve minors' parents, guardians, and family.

7 (2) The court must consider eligibility for the substance use
8 disorder or mental health disposition alternative when a juvenile
9 offender is subject to a standard range disposition of local
10 sanctions or 15 to 36 weeks of confinement and has not committed an
11 A- or B+ offense, other than a first time B+ offense under chapter
12 69.50 RCW. The court, on its own motion or the motion of the state or
13 the respondent if the evidence shows that the offender may be
14 chemically dependent, substance abusing, or has significant mental
15 health or co-occurring disorders may order an examination by a
16 substance use disorder counselor from a substance use disorder
17 treatment facility approved under chapter 70.96A RCW or a mental
18 health professional as defined in chapter 71.34 RCW to determine if
19 the youth is chemically dependent, substance abusing, or suffers from
20 significant mental health or co-occurring disorders. (~~The offender
21 shall pay the cost of any examination ordered under this subsection
22 unless the court finds that the offender is indigent and no third
23 party insurance coverage is available, in which case the state shall
24 pay the cost.~~) The state shall pay the cost of any examination
25 ordered under this subsection unless third-party insurance coverage
26 is available.

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

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

- 37 (a) Whether inpatient and/or outpatient treatment is recommended;
38 (b) Availability of appropriate treatment;

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

4 (d) Anticipated length of treatment; and

5 (e) Recommended crime-related prohibitions.

6 (5) The court on its own motion may order, or on a motion by the
7 state or the respondent shall order, a second examination. The
8 evaluator shall be selected by the party making the motion. The
9 requesting party shall pay the cost of any examination ordered under
10 this subsection unless the requesting party is the offender (~~and the~~
11 ~~court finds that the offender is indigent and no third party~~
12 ~~insurance coverage is available~~), in which case the state shall pay
13 the cost if no third-party insurance coverage is available.

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

19 (b) If the court determines that this disposition alternative is
20 appropriate, then the court shall impose the standard range for the
21 offense, or if the court concludes, and enters reasons for its
22 conclusion, that such disposition would effectuate a manifest
23 injustice, the court shall impose a disposition above the standard
24 range as indicated in option D of RCW 13.40.0357 if the disposition
25 is an increase from the standard range and the confinement of the
26 offender does not exceed a maximum of (~~fifty-two~~) 52 weeks, suspend
27 execution of the disposition, and place the offender on community
28 supervision for up to one year. As a condition of the suspended
29 disposition, the court shall require the offender to undergo
30 available outpatient drug/alcohol, mental health, or co-occurring
31 disorder treatment and/or inpatient mental health or drug/alcohol
32 treatment. The court shall only order inpatient treatment under this
33 section if a funded bed is available. If the inpatient treatment is
34 longer than (~~ninety~~) 90 days, the court shall hold a review hearing
35 every (~~thirty~~) 30 days beyond the initial (~~ninety~~) 90 days. The
36 respondent may appear telephonically at these review hearings if in
37 compliance with treatment. As a condition of the suspended
38 disposition, the court may impose conditions of community supervision
39 and other sanctions, including up to (~~thirty~~) 30 days of
40 confinement (~~(, one hundred fifty)~~) and 120 hours of community

1 (~~restitution, and payment of legal financial obligations and~~
2 ~~restitution~~)) service.

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

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

13 If the offender violates any condition of the disposition or the
14 court finds that the respondent is failing to make satisfactory
15 progress in treatment, the court may impose sanctions pursuant to RCW
16 13.40.200 or revoke the suspension and order execution of the
17 disposition. The court shall give credit for any confinement time
18 previously served if that confinement was for the offense for which
19 the suspension is being revoked.

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

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

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

33 (11) A disposition under this section is not appealable under RCW
34 13.40.230.

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

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

4 **Sec. 27.** RCW 13.40.180 and 2012 c 177 s 3 are each amended to
5 read as follows:

6 (1) Where a disposition in a single disposition order is imposed
7 on a youth for two or more offenses, the terms shall run
8 consecutively, subject to the following limitations:

9 (a) Where the offenses were committed through a single act or
10 omission, omission, or through an act or omission which in itself
11 constituted one of the offenses and also was an element of the other,
12 the aggregate of all the terms shall not exceed (~~one hundred fifty~~)
13 150 percent of the term imposed for the most serious offense;

14 (b) The aggregate of all consecutive terms shall not exceed three
15 hundred percent of the term imposed for the most serious offense; and

16 (c) The aggregate of all consecutive terms of community
17 supervision shall not exceed two years in length, or require any
18 payment of (~~more than two hundred dollars in~~) fines or the
19 performance of more than (~~two hundred~~) 120 hours of community
20 (~~restitution~~) service.

21 (2) Where disposition in separate disposition orders is imposed
22 on a youth, the periods of community supervision contained in
23 separate orders, if any, shall run concurrently. All other terms
24 contained in separate disposition orders shall run consecutively.

25 **Sec. 28.** RCW 13.40.190 and 2015 c 265 s 6 are each amended to
26 read as follows:

27 (1)(a) In its dispositional order, the court (~~shall~~) may
28 require the respondent to make restitution up to the actual amount of
29 loss to any natural persons who have suffered loss or damage as a
30 result of the offense committed by the respondent. In addition,
31 restitution may be ordered for loss or damage if the offender pleads
32 guilty to a lesser offense or fewer offenses and agrees with the
33 prosecutor's recommendation that the offender be required to pay
34 restitution to a victim of an offense or offenses which, pursuant to
35 a plea agreement, are not prosecuted.

36 (b) Restitution may include the costs of counseling reasonably
37 related to the offense.

1 (c) The payment of restitution shall be in addition to any
2 punishment which is imposed pursuant to the other provisions of this
3 chapter.

4 (d) The court may determine the amount, terms, and conditions of
5 the restitution including a payment plan extending up to ~~((ten))~~ five
6 years if the court determines that the respondent does not have the
7 means to make full restitution over a shorter period. ~~((If the court
8 determines that a juvenile has insufficient funds to pay and upon
9 agreement of the victim, the))~~ The court may order performance of a
10 number of hours of community ~~((restitution))~~ service in lieu of
11 monetary penalty, at the rate of the then state minimum wage per
12 hour. The court shall allow the victim to determine the nature of the
13 community ~~((restitution))~~ service to be completed when it is
14 practicable and appropriate to do so. For the purposes of this
15 section, the respondent shall remain under the court's jurisdiction
16 for a maximum term of ~~((ten))~~ five years after ~~((the respondent's
17 eighteenth birthday))~~ adjudication and, during this period, the
18 restitution portion of the dispositional order may be modified as to
19 amount, terms, and conditions at any time. Prior to the expiration of
20 the ~~((ten))~~ five-year period, the juvenile court may extend the
21 judgment for the payment of restitution for an additional ~~((ten))~~
22 five years. If the court grants a respondent's petition pursuant to
23 RCW 13.50.260, the court's jurisdiction under this subsection shall
24 terminate.

25 (e) Nothing in this section shall prevent a respondent from
26 petitioning the court pursuant to RCW 13.50.260 ~~((if))~~. If the
27 respondent has not paid the full restitution amount stated in the
28 court's order and ~~((has met the statutory criteria))~~ the court grants
29 the respondent's motion pursuant to RCW 13.50.260, the court may
30 order performance of a number of hours of community service in lieu
31 of a monetary penalty, at a rate of no less than the state minimum
32 wage per hour.

33 (f) If the respondent participated in the crime with another
34 person or other persons, the court ~~((may either order joint and
35 several restitution or may))~~ shall divide restitution ~~((equally))~~
36 among the respondents. In determining whether restitution should be
37 joint and several or equally divided, the court shall consider the
38 interest and circumstances of the victim or victims, the
39 circumstances of the respondents, and the interest of justice.

1 (g) At any time, the court may determine that the respondent is
2 not required to pay, or may relieve the respondent of the requirement
3 to pay, full or partial restitution to any insurance provider
4 authorized under Title 48 RCW if the respondent reasonably satisfies
5 the court that he or she does not have the means to make full or
6 partial restitution to the insurance provider.

7 (2) Regardless of the provisions of subsection (1) of this
8 section, the court (~~shall~~) may order restitution in all cases where
9 the victim is entitled to benefits under the crime victims'
10 compensation act, chapter 7.68 RCW. (~~If the court does not order
11 restitution and the victim of the crime has been determined to be
12 entitled to benefits under the crime victims' compensation act, the
13 department of labor and industries, as administrator of the crime
14 victims' compensation program, may petition the court within one year
15 of entry of the disposition order for entry of a restitution order.
16 Upon receipt of a petition from the department of labor and
17 industries, the court shall hold a restitution hearing and shall
18 enter a restitution order.~~)

19 (3) If an order includes restitution as one of the monetary
20 assessments, the county clerk shall make disbursements to victims
21 named in the order. The restitution to victims named in the order
22 shall be paid prior to any payment for other penalties or monetary
23 assessments. (~~The county clerk shall make restitution disbursements
24 to victims prior to payments to any insurance provider under Title 48
25 RCW.~~)

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

32 (5) A respondent under obligation to pay restitution may petition
33 the court for modification of the restitution order for good cause
34 shown, including inability to pay.

35 **Sec. 29.** RCW 13.40.190 and 2015 c 265 s 6 are each amended to
36 read as follows:

37 (1) (~~(a)~~) In its dispositional order, the court (~~shall require
38 the respondent to make restitution to any persons who have suffered
39 loss or damage as a result of the offense committed by the~~

1 respondent. In addition, restitution may be ordered for loss or
2 damage if the offender pleads guilty to a lesser offense or fewer
3 offenses and agrees with the prosecutor's recommendation that the
4 offender be required to pay restitution to a victim of an offense or
5 offenses which, pursuant to a plea agreement, are not prosecuted.

6 (b) Restitution may include the costs of counseling reasonably
7 related to the offense.

8 (c) The payment of restitution shall be in addition to any
9 punishment which is imposed pursuant to the other provisions of this
10 chapter.

11 (d) The court may determine the amount, terms, and conditions of
12 the restitution including a payment plan extending up to ten years if
13 the court determines that the respondent does not have the means to
14 make full restitution over a shorter period. If the court determines
15 that a juvenile has insufficient funds to pay and upon agreement of
16 the victim, the court)) may order performance of ((a number of)) no
17 more than 120 hours of community ((restitution in lieu of monetary
18 penalty, at the rate of the then state minimum wage per hour))
19 service. ((The court shall allow the victim to determine the nature
20 of the community restitution to be completed when it is practicable
21 and appropriate to do so. For the purposes of this section, the
22 respondent shall remain under the court's jurisdiction for a maximum
23 term of ten years after the respondent's eighteenth birthday and,
24 during this period, the restitution portion of the dispositional
25 order may be modified as to amount, terms, and conditions at any
26 time. Prior to the expiration of the ten-year period, the juvenile
27 court may extend the judgment for the payment of restitution for an
28 additional ten years. If the court grants a respondent's petition
29 pursuant to RCW 13.50.260, the court's jurisdiction under this
30 subsection shall terminate.

31 (e) Nothing in this section shall prevent a respondent from
32 petitioning the court pursuant to RCW 13.50.260 if the respondent has
33 paid the full restitution amount stated in the court's order and has
34 met the statutory criteria.

35 (f) If the respondent participated in the crime with another
36 person or other persons, the court may either order joint and several
37 restitution or may divide restitution equally among the respondents.
38 In determining whether restitution should be joint and several or
39 equally divided, the court shall consider the interest and

1 ~~circumstances of the victim or victims, the circumstances of the~~
2 ~~respondents, and the interest of justice.~~

3 ~~(g) At any time, the court may determine that the respondent is~~
4 ~~not required to pay, or may relieve the respondent of the requirement~~
5 ~~to pay, full or partial restitution to any insurance provider~~
6 ~~authorized under Title 48 RCW if the respondent reasonably satisfies~~
7 ~~the court that he or she does not have the means to make full or~~
8 ~~partial restitution to the insurance provider.))~~

9 (2) ~~((Regardless of the provisions of subsection (1) of this~~
10 ~~section, the))~~ The court shall ~~((order restitution in all cases where~~
11 ~~the victim is))~~ notify persons who have suffered loss or damage as a
12 result of the offense committed by the respondent that they may be
13 entitled to ~~((benefits under the crime victims' compensation act,~~
14 ~~chapter 7.68 RCW))~~ apply for compensation as provided in section 5 of
15 this act. ~~((If the court does not order restitution and the victim of~~
16 ~~the crime has been determined to be entitled to benefits under the~~
17 ~~crime victims' compensation act, the department of labor and~~
18 ~~industries, as administrator of the crime victims' compensation~~
19 ~~program, may petition the court within one year of entry of the~~
20 ~~disposition order for entry of a restitution order. Upon receipt of a~~
21 ~~petition from the department of labor and industries, the court shall~~
22 ~~hold a restitution hearing and shall enter a restitution order.~~

23 ~~(3) If an order includes restitution as one of the monetary~~
24 ~~assessments, the county clerk shall make disbursements to victims~~
25 ~~named in the order. The restitution to victims named in the order~~
26 ~~shall be paid prior to any payment for other penalties or monetary~~
27 ~~assessments. The county clerk shall make restitution disbursements to~~
28 ~~victims prior to payments to any insurance provider under Title 48~~
29 ~~RCW.~~

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

36 ~~(5) A respondent under obligation to pay restitution may petition~~
37 ~~the court for modification of the restitution order for good cause~~
38 ~~shown, including inability to pay.))~~

1 **Sec. 30.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to
2 read as follows:

3 (1) When a respondent fails to comply with an order of
4 restitution, community supervision, (~~penalty assessments,~~) or
5 confinement of less than (~~thirty~~) 30 days, the court upon motion of
6 the prosecutor or its own motion, may modify the order after a
7 hearing on the violation.

8 (2) The hearing shall afford the respondent the same due process
9 of law as would be afforded an adult probationer. The court may issue
10 a summons or a warrant to compel the respondent's appearance. The
11 state shall have the burden of proving by a preponderance of the
12 evidence the fact of the violation. The respondent shall have the
13 burden of showing that the violation was not a willful refusal to
14 comply with the terms of the order. If a respondent has failed to pay
15 (~~a fine, penalty assessments, or~~) restitution or to perform
16 community (~~restitution~~) service hours, as required by the court, it
17 shall be the respondent's burden to show that he or she did not have
18 the means (~~and could not reasonably have acquired the means~~) to pay
19 the (~~fine, penalty assessments, or~~) restitution or to perform
20 community (~~restitution~~) service.

21 (3) (~~If the court finds that a respondent has willfully violated~~
22 ~~the terms of an order pursuant to subsections (1) and (2) of this~~
23 ~~section, it may impose a penalty of up to thirty days' confinement.~~
24 ~~Penalties for multiple violations occurring prior to the hearing~~
25 ~~shall not be aggregated to exceed thirty days' confinement.~~
26 ~~Regardless of the number of times a respondent is brought to court~~
27 ~~for violations of the terms of a single disposition order, the~~
28 ~~combined total number of days spent by the respondent in detention~~
29 ~~shall never exceed the maximum term to which an adult could be~~
30 ~~sentenced for the underlying offense.~~

31 (4) ~~If a respondent has been ordered to pay a fine or monetary~~
32 ~~penalty and due to a change of circumstance cannot reasonably comply~~
33 ~~with the order, the court, upon motion of the respondent, may order~~
34 ~~that the unpaid fine or monetary penalty be converted to community~~
35 ~~restitution unless the monetary penalty is the crime victim penalty~~
36 ~~assessment, which cannot be converted, waived, or otherwise modified,~~
37 ~~except for schedule of payment. The number of hours of community~~
38 ~~restitution in lieu of a monetary penalty or fine shall be converted~~
39 ~~at the rate of the prevailing state minimum wage per hour. The~~
40 ~~monetary penalties or fines collected shall be deposited in the~~

1 ~~county general fund. A failure to comply with an order under this~~
2 ~~subsection shall be deemed a failure to comply with an order of~~
3 ~~community supervision and may be proceeded against as provided in~~
4 ~~this section.~~

5 ~~(5))~~ When a respondent has willfully violated the terms of a
6 probation bond, the court may modify, revoke, or retain the probation
7 bond as provided in RCW 13.40.054.

8 **Sec. 31.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to
9 read as follows:

10 (1) When a respondent fails to comply with an order of
11 ~~((restitution,))~~ community supervision~~((, penalty assessments,))~~ or
12 confinement of less than ~~((thirty))~~ 30 days, the court upon motion of
13 the prosecutor or its own motion, may modify the order after a
14 hearing on the violation.

15 (2) The hearing shall afford the respondent the same due process
16 of law as would be afforded an adult probationer. The court may issue
17 a summons or a warrant to compel the respondent's appearance. The
18 state shall have the burden of proving by a preponderance of the
19 evidence the fact of the violation. The respondent shall have the
20 burden of showing that the violation was not a willful refusal to
21 comply with the terms of the order. If a respondent has failed to
22 ~~((pay a fine, penalty assessments, or restitution or to))~~ perform
23 community ~~((restitution))~~ service hours, as required by the court, it
24 shall be the respondent's burden to show that he or she did not have
25 the means ~~((and could not reasonably have acquired the means to pay~~
26 ~~the fine, penalty assessments, or restitution or))~~ to perform
27 community ~~((restitution))~~ service.

28 (3) ~~((If the court finds that a respondent has willfully violated~~
29 ~~the terms of an order pursuant to subsections (1) and (2) of this~~
30 ~~section, it may impose a penalty of up to thirty days' confinement.~~
31 ~~Penalties for multiple violations occurring prior to the hearing~~
32 ~~shall not be aggregated to exceed thirty days' confinement.~~
33 ~~Regardless of the number of times a respondent is brought to court~~
34 ~~for violations of the terms of a single disposition order, the~~
35 ~~combined total number of days spent by the respondent in detention~~
36 ~~shall never exceed the maximum term to which an adult could be~~
37 ~~sentenced for the underlying offense.~~

38 (4) ~~If a respondent has been ordered to pay a fine or monetary~~
39 ~~penalty and due to a change of circumstance cannot reasonably comply~~

1 with the order, the court, upon motion of the respondent, may order
2 that the unpaid fine or monetary penalty be converted to community
3 restitution unless the monetary penalty is the crime victim penalty
4 assessment, which cannot be converted, waived, or otherwise modified,
5 except for schedule of payment. The number of hours of community
6 restitution in lieu of a monetary penalty or fine shall be converted
7 at the rate of the prevailing state minimum wage per hour. The
8 monetary penalties or fines collected shall be deposited in the
9 county general fund. A failure to comply with an order under this
10 subsection shall be deemed a failure to comply with an order of
11 community supervision and may be proceeded against as provided in
12 this section.

13 (5)) When a respondent has willfully violated the terms of a
14 probation bond, the court may modify, revoke, or retain the probation
15 bond as provided in RCW 13.40.054.

16 **Sec. 32.** RCW 13.40.205 and 2019 c 468 s 1 are each amended to
17 read as follows:

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

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

27 (a) ((Sixty)) 60 percent of the minimum term of confinement has
28 been served; and

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

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

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

35 (iii) To make plans for a residential placement out of the
36 juvenile's home which requires the juvenile's personal appearance in
37 the community.

38 (3) No authorized leave may exceed seven consecutive days. The
39 total of all preminimum term authorized leaves granted to a juvenile

1 prior to final discharge from confinement shall not exceed (~~thirty~~)
2 30 days.

3 (4) Prior to authorizing a leave, the secretary shall require a
4 written leave plan, which shall detail the purpose of the leave and
5 how it is to be achieved, the address at which the juvenile shall
6 reside, the identity of the person responsible for supervising the
7 juvenile during the leave, and a statement by such person
8 acknowledging familiarity with the leave plan and agreeing to
9 supervise the juvenile and to notify the secretary immediately if the
10 juvenile violates any terms or conditions of the leave. The leave
11 plan shall include such terms and conditions as the secretary deems
12 appropriate and shall be signed by the juvenile.

13 (5) Upon authorizing a leave, the secretary shall issue to the
14 juvenile an authorized leave order which shall contain the name of
15 the juvenile, the fact that the juvenile is on leave from a
16 designated facility, the time period of the leave, and the identity
17 of an appropriate official of the department to contact when
18 necessary. The authorized leave order shall be carried by the
19 juvenile at all times while on leave.

20 (6) Prior to the commencement of any authorized leave, the
21 secretary shall give notice of the leave to the appropriate law
22 enforcement agency in the jurisdiction in which the juvenile will
23 reside during the leave period. The notice shall include the identity
24 of the juvenile, the time period of the leave, the residence of the
25 juvenile during the leave, and the identity of the person responsible
26 for supervising the juvenile during the leave.

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

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

1 (9) A juvenile who violates any condition of an authorized leave
2 plan may be taken into custody and returned to the department in the
3 same manner as an adult in identical circumstances.

4 (10) Notwithstanding the provisions of this section, a juvenile
5 placed in minimum security status may participate in work,
6 educational, community (~~(restitution)~~) service, or treatment programs
7 in the community up to (~~(twelve)~~) 12 hours a day if approved by the
8 secretary. Such a release shall not be deemed a leave of absence.
9 This authorization may be increased to more than (~~(twelve)~~) 12 hours
10 a day up to (~~(sixteen)~~) 16 hours a day if approved by the secretary
11 and operated within the department's appropriations.

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

14 **Sec. 33.** RCW 13.40.205 and 2021 c 206 s 4 are each amended to
15 read as follows:

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

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

25 (a) (~~(Sixty)~~) 60 percent of the minimum term of confinement has
26 been served; and

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

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

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

33 (iii) To make plans for a residential placement out of the
34 juvenile's home which requires the juvenile's personal appearance in
35 the community.

36 (3) No authorized leave may exceed seven consecutive days. The
37 total of all preminimum term authorized leaves granted to a juvenile
38 prior to final discharge from confinement shall not exceed (~~(thirty)~~)
39 30 days.

1 (4) Prior to authorizing a leave, the secretary shall require a
2 written leave plan, which shall detail the purpose of the leave and
3 how it is to be achieved, the address at which the juvenile shall
4 reside, the identity of the person responsible for supervising the
5 juvenile during the leave, and a statement by such person
6 acknowledging familiarity with the leave plan and agreeing to
7 supervise the juvenile and to notify the secretary immediately if the
8 juvenile violates any terms or conditions of the leave. The leave
9 plan shall include such terms and conditions as the secretary deems
10 appropriate and shall be signed by the juvenile.

11 (5) Upon authorizing a leave, the secretary shall issue to the
12 juvenile an authorized leave order which shall contain the name of
13 the juvenile, the fact that the juvenile is on leave from a
14 designated facility, the time period of the leave, and the identity
15 of an appropriate official of the department to contact when
16 necessary. The authorized leave order shall be carried by the
17 juvenile at all times while on leave.

18 (6) Prior to the commencement of any authorized leave, the
19 secretary shall give notice of the leave to the appropriate law
20 enforcement agency in the jurisdiction in which the juvenile will
21 reside during the leave period. The notice shall include the identity
22 of the juvenile, the time period of the leave, the residence of the
23 juvenile during the leave, and the identity of the person responsible
24 for supervising the juvenile during the leave.

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

34 (8) If requested by the juvenile's victim or the victim's
35 immediate family, the secretary shall give notice of any leave or
36 community transition services under subsection (13) of this section
37 to the victim or the victim's immediate family.

38 (9) A juvenile who violates any condition of an authorized leave
39 plan or community transition services under subsection (13) of this

1 section may be taken into custody and returned to the department in
2 the same manner as an adult in identical circumstances.

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

5 (11) Notwithstanding the provisions of this section, a juvenile
6 placed in minimum security status or in community transition services
7 under subsection (13) of this section may participate in work,
8 educational, community (~~restitution~~) service, or treatment programs
9 in the community up to (~~twelve~~) 12 hours a day if approved by the
10 secretary. Such a release shall not be deemed a leave of absence.
11 This authorization may be increased to more than (~~twelve~~) 12 hours
12 a day up to (~~sixteen~~) 16 hours a day if approved by the secretary
13 and operated within the department's appropriations.

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

16 (13)(a) The department may require a person in its custody to
17 serve the remainder of the person's sentence in community transition
18 services if the department determines that such placement is in the
19 best interest of the person and the community using the risk
20 assessment tool and considering the availability of appropriate
21 placements, treatment, and programming. The person shall not be
22 required to pay for community transition services. The department's
23 determination described under this subsection must include
24 consideration of the person's behavior while in confinement and any
25 disciplinary considerations. The department shall establish
26 appropriate conditions the person must comply with to remain in
27 community transition services. A person must have served 60 percent
28 of their minimum term of confinement and no less than 15 weeks of
29 total confinement including time spent in detention prior to
30 sentencing or the entry of a dispositional order before becoming
31 eligible for community transition services under the authority and
32 supervision of the department.

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

- 36 (i) Behavioral health treatment;
- 37 (ii) Independent living;
- 38 (iii) Employment;
- 39 (iv) Education;
- 40 (v) Connections to family and natural supports; and

1 (vi) Community connections.

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

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

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

14 (i) Persons with pending charges or warrants;

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

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

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

22 (v) Level III sex offenders; and

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

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

31 **Sec. 34.** RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each
32 amended to read as follows:

33 (1) The secretary shall set a release date for each juvenile
34 committed to its custody. The release date shall be within the
35 prescribed range to which a juvenile has been committed under RCW
36 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
37 concerning offenders the department determines are eligible for the
38 juvenile offender basic training camp program. Such dates shall be
39 determined prior to the expiration of (~~sixty~~) 60 percent of a

1 juvenile's minimum term of confinement included within the prescribed
2 range to which the juvenile has been committed. The secretary shall
3 release any juvenile committed to the custody of the department
4 within four calendar days prior to the juvenile's release date or on
5 the release date set under this chapter. Days spent in the custody of
6 the department shall be tolled by any period of time during which a
7 juvenile has absented himself or herself from the department's
8 supervision without the prior approval of the secretary or the
9 secretary's designee.

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

31 (3) (a) Following the release of any juvenile under subsection (1)
32 of this section, the secretary may require the juvenile to comply
33 with a program of parole to be administered by the department in his
34 or her community which shall last no longer than (~~eighteen~~) 18
35 months, except that in the case of a juvenile sentenced for rape in
36 the first or second degree, rape of a child in the first or second
37 degree, child molestation in the first degree, or indecent liberties
38 with forcible compulsion, the period of parole shall be (~~twenty-~~
39 ~~four~~) 24 months and, in the discretion of the secretary, may be up
40 to (~~thirty-six~~) 36 months when the secretary finds that an

1 additional period of parole is necessary and appropriate in the
2 interests of public safety or to meet the ongoing needs of the
3 juvenile. A parole program is mandatory for offenders released under
4 subsection (2) of this section and for offenders who receive a
5 juvenile residential commitment sentence for theft of a motor
6 vehicle, possession of a stolen motor vehicle, or taking a motor
7 vehicle without permission 1. A juvenile adjudicated for unlawful
8 possession of a firearm, possession of a stolen firearm, theft of a
9 firearm, or drive-by shooting may participate in aggression
10 replacement training, functional family therapy, or functional family
11 parole aftercare if the juvenile meets eligibility requirements for
12 these services. The decision to place an offender in an evidence-
13 based parole program shall be based on an assessment by the
14 department of the offender's risk for reoffending upon release and an
15 assessment of the ongoing treatment needs of the juvenile. The
16 department shall prioritize available parole resources to provide
17 supervision and services to offenders at moderate to high risk for
18 reoffending.

19 (b) The secretary shall, for the period of parole, facilitate the
20 juvenile's reintegration into his or her community and to further
21 this goal shall require the juvenile to refrain from possessing a
22 firearm or using a deadly weapon and refrain from committing new
23 offenses and may require the juvenile to: (i) Undergo available
24 medical, psychiatric, drug and alcohol, sex offender, mental health,
25 and other offense-related treatment services; (ii) report as directed
26 to a parole officer and/or designee; (iii) pursue a course of study,
27 vocational training, or employment; (iv) notify the parole officer of
28 the current address where he or she resides; (v) be present at a
29 particular address during specified hours; (vi) remain within
30 prescribed geographical boundaries; (vii) submit to electronic
31 monitoring; (viii) refrain from using illegal drugs and alcohol, and
32 submit to random urinalysis when requested by the assigned parole
33 officer; (ix) refrain from contact with specific individuals or a
34 specified class of individuals; (x) meet other conditions determined
35 by the parole officer to further enhance the juvenile's reintegration
36 into the community; (xi) pay any court-ordered (~~fines—or~~)
37 restitution; and (xii) perform community (~~restitution~~) service.
38 Community (~~restitution~~) service for the purpose of this section
39 means compulsory service, without compensation, performed for the
40 benefit of the community by the offender. Community (~~restitution~~)

1 service may be performed through public or private organizations or
2 through work crews.

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

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

18 (4) (a) The department may also modify parole for violation
19 thereof. If, after affording a juvenile all of the due process rights
20 to which he or she would be entitled if the juvenile were an adult,
21 the secretary finds that a juvenile has violated a condition of his
22 or her parole, the secretary shall order one of the following which
23 is reasonably likely to effectuate the purpose of the parole and to
24 protect the public: (i) Continued supervision under the same
25 conditions previously imposed; (ii) intensified supervision with
26 increased reporting requirements; (iii) additional conditions of
27 supervision authorized by this chapter; (iv) except as provided in
28 (a) (v) and (vi) of this subsection, imposition of a period of
29 confinement not to exceed (~~thirty~~) 30 days in a facility operated
30 by or pursuant to a contract with the state of Washington or any city
31 or county for a portion of each day or for a certain number of days
32 each week with the balance of the days or weeks spent under
33 supervision; (v) the secretary may order any of the conditions or may
34 return the offender to confinement for the remainder of the sentence
35 range if the offense for which the offender was sentenced is rape in
36 the first or second degree, rape of a child in the first or second
37 degree, child molestation in the first degree, indecent liberties
38 with forcible compulsion, or a sex offense that is also a serious
39 violent offense as defined by RCW 9.94A.030; and (vi) the secretary
40 may order any of the conditions or may return the offender to

1 confinement for the remainder of the sentence range if the youth has
2 completed the basic training camp program as described in RCW
3 13.40.320.

4 (b) The secretary may modify parole and order any of the
5 conditions or may return the offender to confinement for up to
6 (~~twenty-four~~) 24 weeks if the offender was sentenced for a sex
7 offense as defined under RCW 9A.44.128 and is known to have violated
8 the terms of parole. Confinement beyond (~~thirty~~) 30 days is
9 intended to only be used for a small and limited number of sex
10 offenders. It shall only be used when other graduated sanctions or
11 interventions have not been effective or the behavior is so egregious
12 it warrants the use of the higher level intervention and the
13 violation: (i) Is a known pattern of behavior consistent with a
14 previous sex offense that puts the youth at high risk for reoffending
15 sexually; (ii) consists of sexual behavior that is determined to be
16 predatory as defined in RCW 71.09.020; or (iii) requires a review
17 under chapter 71.09 RCW, due to a recent overt act. The total number
18 of days of confinement for violations of parole conditions during the
19 parole period shall not exceed the number of days provided by the
20 maximum sentence imposed by the disposition for the underlying
21 offense pursuant to RCW 13.40.0357. The department shall not
22 aggregate multiple parole violations that occur prior to the parole
23 revocation hearing and impose consecutive (~~twenty-four~~) 24 week
24 periods of confinement for each parole violation. The department is
25 authorized to engage in rule making pursuant to chapter 34.05 RCW, to
26 implement this subsection, including narrowly defining the behaviors
27 that could lead to this higher level intervention.

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

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

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

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

4 **Sec. 35.** RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each
5 amended to read as follows:

6 (1) The secretary shall set a release date for each juvenile
7 committed to its custody. The release date shall be within the
8 prescribed range to which a juvenile has been committed under RCW
9 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320
10 concerning offenders the department determines are eligible for the
11 juvenile offender basic training camp program. Such dates shall be
12 determined prior to the expiration of (~~sixty~~) 60 percent of a
13 juvenile's minimum term of confinement included within the prescribed
14 range to which the juvenile has been committed. The secretary shall
15 release any juvenile committed to the custody of the department
16 within four calendar days prior to the juvenile's release date or on
17 the release date set under this chapter. Days spent in the custody of
18 the department shall be tolled by any period of time during which a
19 juvenile has absented himself or herself from the department's
20 supervision without the prior approval of the secretary or the
21 secretary's designee.

22 (2) The secretary shall monitor the average daily population of
23 the state's juvenile residential facilities. When the secretary
24 concludes that in-residence population of residential facilities
25 exceeds (~~one hundred five~~) 105 percent of the rated bed capacity
26 specified in statute, or in absence of such specification, as
27 specified by the department in rule, the secretary may recommend
28 reductions to the governor. On certification by the governor that the
29 recommended reductions are necessary, the secretary has authority to
30 administratively release a sufficient number of offenders to reduce
31 in-residence population to (~~one hundred~~) 100 percent of rated bed
32 capacity. The secretary shall release those offenders who have served
33 the greatest proportion of their sentence. However, the secretary may
34 deny release in a particular case at the request of an offender, or
35 if the secretary finds that there is no responsible custodian, as
36 determined by the department, to whom to release the offender, or if
37 the release of the offender would pose a clear danger to society. The
38 department shall notify the committing court of the release at the
39 time of release if any such early releases have occurred as a result

1 of excessive in-residence population. In no event shall an offender
2 adjudicated of a violent offense be granted release under the
3 provisions of this subsection.

4 (3)(a) Following the release of any juvenile under subsection (1)
5 of this section, the secretary may require the juvenile to comply
6 with a program of parole to be administered by the department in his
7 or her community which shall last no longer than (~~eighteen~~) 18
8 months, except that in the case of a juvenile sentenced for rape in
9 the first or second degree, rape of a child in the first or second
10 degree, child molestation in the first degree, or indecent liberties
11 with forcible compulsion, the period of parole shall be (~~twenty-~~
12 ~~four~~) 24 months and, in the discretion of the secretary, may be up
13 to (~~thirty-six~~) 36 months when the secretary finds that an
14 additional period of parole is necessary and appropriate in the
15 interests of public safety or to meet the ongoing needs of the
16 juvenile. A parole program is mandatory for offenders released under
17 subsection (2) of this section and for offenders who receive a
18 juvenile residential commitment sentence for theft of a motor
19 vehicle, possession of a stolen motor vehicle, or taking a motor
20 vehicle without permission 1. A juvenile adjudicated for unlawful
21 possession of a firearm, possession of a stolen firearm, theft of a
22 firearm, or drive-by shooting may participate in aggression
23 replacement training, functional family therapy, or functional family
24 parole aftercare if the juvenile meets eligibility requirements for
25 these services. The decision to place an offender in an evidence-
26 based parole program shall be based on an assessment by the
27 department of the offender's risk for reoffending upon release and an
28 assessment of the ongoing treatment needs of the juvenile. The
29 department shall prioritize available parole resources to provide
30 supervision and services to offenders at moderate to high risk for
31 reoffending.

32 (b) The secretary shall, for the period of parole, facilitate the
33 juvenile's reintegration into his or her community and to further
34 this goal shall require the juvenile to refrain from possessing a
35 firearm or using a deadly weapon and refrain from committing new
36 offenses and may require the juvenile to: (i) Undergo available
37 medical, psychiatric, drug and alcohol, sex offender, mental health,
38 and other offense-related treatment services; (ii) report as directed
39 to a parole officer and/or designee; (iii) pursue a course of study,
40 vocational training, or employment; (iv) notify the parole officer of

1 the current address where he or she resides; (v) be present at a
2 particular address during specified hours; (vi) remain within
3 prescribed geographical boundaries; (vii) submit to electronic
4 monitoring; (viii) refrain from using illegal drugs and alcohol, and
5 submit to random urinalysis when requested by the assigned parole
6 officer; (ix) refrain from contact with specific individuals or a
7 specified class of individuals; (x) meet other conditions determined
8 by the parole officer to further enhance the juvenile's reintegration
9 into the community; and (xi) ~~((pay any court-ordered fines or~~
10 ~~restitution; and (xii))~~) perform community ~~((restitution))~~ service.
11 Community ~~((restitution))~~ service for the purpose of this section
12 means compulsory service, without compensation, performed for the
13 benefit of the community by the offender. Community ~~((restitution))~~
14 service may be performed through public or private organizations or
15 through work crews.

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

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

31 (4) (a) The department may also modify parole for violation
32 thereof. If, after affording a juvenile all of the due process rights
33 to which he or she would be entitled if the juvenile were an adult,
34 the secretary finds that a juvenile has violated a condition of his
35 or her parole, the secretary shall order one of the following which
36 is reasonably likely to effectuate the purpose of the parole and to
37 protect the public: (i) Continued supervision under the same
38 conditions previously imposed; (ii) intensified supervision with
39 increased reporting requirements; (iii) additional conditions of
40 supervision authorized by this chapter; (iv) except as provided in

1 (a)(v) and (vi) of this subsection, imposition of a period of
2 confinement not to exceed (~~(thirty)~~) 30 days in a facility operated
3 by or pursuant to a contract with the state of Washington or any city
4 or county for a portion of each day or for a certain number of days
5 each week with the balance of the days or weeks spent under
6 supervision; (v) the secretary may order any of the conditions or may
7 return the offender to confinement for the remainder of the sentence
8 range if the offense for which the offender was sentenced is rape in
9 the first or second degree, rape of a child in the first or second
10 degree, child molestation in the first degree, indecent liberties
11 with forcible compulsion, or a sex offense that is also a serious
12 violent offense as defined by RCW 9.94A.030; and (vi) the secretary
13 may order any of the conditions or may return the offender to
14 confinement for the remainder of the sentence range if the youth has
15 completed the basic training camp program as described in RCW
16 13.40.320.

17 (b) The secretary may modify parole and order any of the
18 conditions or may return the offender to confinement for up to
19 (~~(twenty-four)~~) 24 weeks if the offender was sentenced for a sex
20 offense as defined under RCW 9A.44.128 and is known to have violated
21 the terms of parole. Confinement beyond (~~(thirty)~~) 30 days is
22 intended to only be used for a small and limited number of sex
23 offenders. It shall only be used when other graduated sanctions or
24 interventions have not been effective or the behavior is so egregious
25 it warrants the use of the higher level intervention and the
26 violation: (i) Is a known pattern of behavior consistent with a
27 previous sex offense that puts the youth at high risk for reoffending
28 sexually; (ii) consists of sexual behavior that is determined to be
29 predatory as defined in RCW 71.09.020; or (iii) requires a review
30 under chapter 71.09 RCW, due to a recent overt act. The total number
31 of days of confinement for violations of parole conditions during the
32 parole period shall not exceed the number of days provided by the
33 maximum sentence imposed by the disposition for the underlying
34 offense pursuant to RCW 13.40.0357. The department shall not
35 aggregate multiple parole violations that occur prior to the parole
36 revocation hearing and impose consecutive (~~(twenty-four)~~) 24 week
37 periods of confinement for each parole violation. The department is
38 authorized to engage in rule making pursuant to chapter 34.05 RCW, to
39 implement this subsection, including narrowly defining the behaviors
40 that could lead to this higher level intervention.

1 (c) If the department finds that any juvenile in a program of
2 parole has possessed a firearm or used a deadly weapon during the
3 program of parole, the department shall modify the parole under (a)
4 of this subsection and confine the juvenile for at least (~~thirty~~)
5 30 days. Confinement shall be in a facility operated by or pursuant
6 to a contract with the state or any county.

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

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

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

17 **Sec. 36.** RCW 13.40.250 and 2020 c 191 s 5 are each amended to
18 read as follows:

19 A traffic infraction, transit infraction, or civil infraction
20 case involving a juvenile under the age of (~~sixteen~~) 16 may be
21 diverted in accordance with the provisions of this chapter or filed
22 in juvenile court.

23 (1) If a notice of a traffic infraction, transit infraction, or
24 civil infraction is filed in juvenile court, the juvenile named in
25 the notice shall be afforded the same due process afforded to adult
26 defendants in traffic infraction cases.

27 (2) A monetary penalty imposed upon a juvenile under the age of
28 (~~sixteen~~) 16 who is found to have committed a traffic infraction,
29 transit infraction, or civil infraction may not exceed (~~one hundred~~
30 ~~dollars~~) \$100. At the juvenile's request, the court may order
31 performance of a number of hours of community (~~restitution~~) service
32 in lieu of a monetary penalty, at the rate of the prevailing state
33 minimum wage per hour.

34 (3) A diversion agreement entered into by a juvenile referred
35 pursuant to this section shall be limited to (~~thirty~~) 30 hours of
36 community (~~restitution~~) service, or educational or informational
37 sessions.

1 (4) Traffic infractions, transit infractions, or civil
2 infractions referred to a youth court pursuant to this section are
3 subject to the conditions imposed by RCW 13.40.630.

4 (5) A diversion agreement entered into by a juvenile referred
5 pursuant to this section may include a requirement that the juvenile
6 participate in a district or municipal youth court program under
7 chapter 3.72 RCW, provided the youth court program accepts the
8 referral and only subject to the following conditions:

9 (a) Upon entering the diversion agreement, the juvenile shall be
10 referred to the youth court program, the completion of which shall be
11 the only condition of the diversion agreement;

12 (b) The juvenile shall not serve more than (~~thirty~~) 30 hours of
13 participation in the youth court program;

14 (c) Other than filing a petition for termination of the diversion
15 agreement in juvenile court, nothing concerning the juvenile's
16 participation in the youth court program shall be filed in any public
17 court file concerning the juvenile's participation or presence in the
18 youth court program. The only written record of participation shall
19 be the diversion agreement entered into with the juvenile court,
20 subject to confidentiality under chapter 13.50 RCW. No court cause
21 number shall be assigned to the case against the juvenile while he or
22 she participates in the youth court program. The proceedings in the
23 youth court program shall be on open record and may be recorded if
24 necessary;

25 (d) Nothing concerning the alleged offense or the diversion shall
26 be reported to the department of licensing;

27 (e) The youth court program may refer the juvenile back to the
28 juvenile diversion unit for termination of the diversion agreement
29 due to noncompliance at any time prior to completion; and

30 (f) The juvenile court diversion unit shall maintain primary
31 jurisdiction over supervision of the juvenile during his or her
32 participation in the youth court program. The youth court shall
33 notify the diversion unit upon completion of the youth court program
34 and the diversion agreement shall be complete.

35 **Sec. 37.** RCW 13.40.308 and 2016 c 136 s 4 are each amended to
36 read as follows:

37 (1) If a respondent is adjudicated of taking a motor vehicle
38 without permission in the first degree as defined in RCW 9A.56.070,

1 the court shall impose the following minimum sentence, in addition to
2 any restitution the court may order payable to the victim:

3 (a) Juveniles with a prior criminal history score of zero to one-
4 half points shall be sentenced to a standard range sentence that
5 includes no less than three months of community supervision, (~~forty-~~
6 ~~five~~) 45 hours of community (~~restitution~~) service, and a
7 requirement that the juvenile remain at home such that the juvenile
8 is confined to a private residence for no less than five days. The
9 juvenile may be subject to electronic monitoring where available, at
10 no cost to the juvenile or the juvenile's parents or guardians. If
11 the juvenile is enrolled in school, the confinement shall be served
12 on nonschool days;

13 (b) Juveniles with a prior criminal history score of three-
14 quarters to one and one-half points shall be sentenced to a standard
15 range sentence that includes six months of community supervision, no
16 less than (~~ten~~) 10 days of detention, and (~~ninety~~) 90 hours of
17 community (~~restitution~~) service; and

18 (c) Juveniles with a prior criminal history score of two or more
19 points shall be sentenced to no less than (~~fifteen to thirty-six~~)
20 15 to 36 weeks commitment to the juvenile rehabilitation
21 administration, four months of parole supervision, and (~~ninety~~) 90
22 hours of community (~~restitution~~) service.

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

28 (a) Juveniles with a prior criminal history score of zero to one-
29 half points shall be sentenced to a standard range sentence that
30 includes no less than three months of community supervision and
31 either (~~ninety~~) 90 hours of community (~~restitution~~) service or a
32 requirement that the juvenile remain at home such that the juvenile
33 is confined in a private residence for no less than five days, or a
34 combination thereof that includes a minimum of three days home
35 confinement and a minimum of (~~forty~~) 40 hours of community
36 (~~restitution~~) service. The juvenile may be subject to electronic
37 monitoring where available, at no cost to the juvenile or the
38 juvenile's parents or guardians;

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

1 range sentence that includes no less than six months of community
2 supervision, no less than (~~ten~~) 10 days of detention, and
3 (~~ninety~~) 90 hours of community (~~restitution~~) service; and

4 (c) Juveniles with a prior criminal history score of two or more
5 points shall be sentenced to no less than (~~fifteen to thirty-six~~)
6 15 to 36 weeks commitment to the juvenile rehabilitation
7 administration, four months of parole supervision, and (~~ninety~~) 90
8 hours of community (~~restitution~~) service.

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

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

22 (b) Juveniles with a prior criminal history score of three-
23 quarters to one and one-half points shall be sentenced to a standard
24 range sentence that includes no less than one day of detention, three
25 months of community supervision, (~~thirty~~) 30 hours of community
26 (~~restitution~~) service, and a requirement that the juvenile remain
27 at home such that the juvenile is confined in a private residence for
28 no less than two days. If the juvenile is enrolled in school, the
29 confinement shall be served on nonschool days. The juvenile may be
30 subject to electronic monitoring where available, at no cost to the
31 juvenile or the juvenile's parents or guardians; and

32 (c) Juveniles with a prior criminal history score of two or more
33 points shall be sentenced to no less than three days of detention,
34 six months of community supervision, (~~forty-five~~) 45 hours of
35 community (~~restitution~~) service, and a requirement that the
36 juvenile remain at home such that the juvenile is confined in a
37 private residence for no less than seven days. If the juvenile is
38 enrolled in school, the confinement shall be served on nonschool
39 days. The juvenile may be subject to electronic monitoring where

1 available, at no cost to the juvenile or the juvenile's parents or
2 guardians.

3 **Sec. 38.** RCW 13.40.308 and 2016 c 136 s 4 are each amended to
4 read as follows:

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

9 (a) Juveniles with a prior criminal history score of zero to one-
10 half points shall be sentenced to a standard range sentence that
11 includes no less than three months of community supervision, (~~forty-~~
12 ~~five~~) 45 hours of community (~~restitution~~) service, and a
13 requirement that the juvenile remain at home such that the juvenile
14 is confined to a private residence for no less than five days. The
15 juvenile may be subject to electronic monitoring where available, at
16 no cost to the juvenile or the juvenile's parents or guardians. If
17 the juvenile is enrolled in school, the confinement shall be served
18 on nonschool days;

19 (b) Juveniles with a prior criminal history score of three-
20 quarters to one and one-half points shall be sentenced to a standard
21 range sentence that includes six months of community supervision, no
22 less than (~~ten~~) 10 days of detention, and (~~ninety~~) 90 hours of
23 community (~~restitution~~) service; and

24 (c) Juveniles with a prior criminal history score of two or more
25 points shall be sentenced to no less than (~~fifteen to thirty-six~~)
26 15 to 36 weeks commitment to the juvenile rehabilitation
27 administration, four months of parole supervision, and (~~ninety~~) 90
28 hours of community (~~restitution~~) service.

29 (2) If a respondent is adjudicated of theft of a motor vehicle as
30 defined under RCW 9A.56.065, or possession of a stolen vehicle as
31 defined under RCW 9A.56.068, the court shall impose the following
32 minimum sentence (~~(, in addition to any restitution the court may~~
33 ~~order payable to the victim)~~):

34 (a) Juveniles with a prior criminal history score of zero to one-
35 half points shall be sentenced to a standard range sentence that
36 includes no less than three months of community supervision and
37 either (~~ninety~~) 90 hours of community (~~restitution~~) service or a
38 requirement that the juvenile remain at home such that the juvenile
39 is confined in a private residence for no less than five days, or a

1 combination thereof that includes a minimum of three days home
2 confinement and a minimum of (~~forty~~) 40 hours of community
3 (~~restitution~~) service. The juvenile may be subject to electronic
4 monitoring where available, at no cost to the juvenile or the
5 juvenile's parents or guardians;

6 (b) Juveniles with a prior criminal history score of three-
7 quarters to one and one-half points shall be sentenced to a standard
8 range sentence that includes no less than six months of community
9 supervision, no less than (~~ten~~) 10 days of detention, and
10 (~~ninety~~) 90 hours of community (~~restitution~~) service; and

11 (c) Juveniles with a prior criminal history score of two or more
12 points shall be sentenced to no less than (~~fifteen to thirty-six~~)
13 15 to 36 weeks commitment to the juvenile rehabilitation
14 administration, four months of parole supervision, and (~~ninety~~) 90
15 hours of community (~~restitution~~) service.

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

19 (a) Juveniles with a prior criminal history score of zero to one-
20 half points shall be sentenced to a standard range sentence that
21 includes three months of community supervision, (~~fifteen~~) 15 hours
22 of community (~~restitution~~) service, and a requirement that the
23 juvenile remain at home such that the juvenile is confined in a
24 private residence for no less than one day. If the juvenile is
25 enrolled in school, the confinement shall be served on nonschool
26 days. The juvenile may be subject to electronic monitoring where
27 available, at no cost to the juvenile or the juvenile's parents or
28 guardians;

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

39 (c) Juveniles with a prior criminal history score of two or more
40 points shall be sentenced to no less than three days of detention,

1 six months of community supervision, (~~forty-five~~) 45 hours of
2 community (~~restitution~~) service, and a requirement that the
3 juvenile remain at home such that the juvenile is confined in a
4 private residence for no less than seven days. If the juvenile is
5 enrolled in school, the confinement shall be served on nonschool
6 days. The juvenile may be subject to electronic monitoring where
7 available, at no cost to the juvenile or the juvenile's parents or
8 guardians.

9 **Sec. 39.** RCW 13.40.510 and 2019 c 461 s 1 are each amended to
10 read as follows:

11 (1) In order to receive funds under RCW 13.40.500 through
12 13.40.540, local governments may, through their respective agencies
13 that administer funding for consolidated juvenile services, submit
14 proposals that establish community juvenile accountability programs
15 within their communities. These proposals must be submitted to the
16 department for certification.

17 (2) The proposals must:

18 (a) Demonstrate that the proposals were developed with the input
19 of the local law and justice councils established under RCW
20 72.09.300;

21 (b) Describe how local community groups or members are involved
22 in the implementation of the programs funded under RCW 13.40.500
23 through 13.40.540;

24 (c) Include a description of how the grant funds will contribute
25 to the expected outcomes of the program and the reduction of youth
26 violence and juvenile crime in their community. Data approaches are
27 not required to be replicated if the networks have information that
28 addresses risks in the community for juvenile offenders.

29 (3) A local government receiving a grant under this section shall
30 agree that any funds received must be used efficiently to encourage
31 the use of community-based programs that reduce the reliance on
32 secure confinement as the sole means of holding juvenile offenders
33 accountable for their crimes. The local government shall also agree
34 to account for the expenditure of all funds received under the grant
35 and to submit to audits for compliance with the grant criteria
36 developed under RCW 13.40.520.

37 (4) The department, in consultation with the Washington
38 association of juvenile court administrators and the state law and
39 justice advisory council, shall establish guidelines for programs

1 that may be funded under RCW 13.40.500 through 13.40.540. The
2 guidelines must:

3 (a) Target referred and diverted youth, as well as adjudicated
4 juvenile offenders;

5 (b) Include assessment methods to determine services, programs,
6 and intervention strategies most likely to change behaviors and norms
7 of juvenile offenders;

8 (c) Provide maximum structured supervision in the community.
9 Programs should use natural surveillance and community guardians such
10 as employers, relatives, teachers, clergy, and community mentors to
11 the greatest extent possible;

12 (d) Promote good work ethic values and educational skills and
13 competencies necessary for the juvenile offender to function
14 effectively and positively in the community;

15 (e) Maximize the efficient delivery of treatment services aimed
16 at reducing risk factors associated with the commission of juvenile
17 offenses;

18 (f) Maximize the reintegration of the juvenile offender into the
19 community upon release from confinement;

20 (g) Maximize the juvenile offender's opportunities to make full
21 (~~restitution to the victims and~~) amends to the community;

22 (h) Support and encourage increased court discretion in imposing
23 community-based intervention strategies;

24 (i) Be compatible with research that shows which prevention and
25 early intervention strategies work with juvenile offenders;

26 (j) Be outcome-based in that it describes what outcomes will be
27 achieved or what outcomes have already been achieved;

28 (k) Include an evaluation component; and

29 (l) Recognize the diversity of local needs.

30 (5) The state law and justice advisory council may provide
31 support and technical assistance to local governments for training
32 and education regarding community-based prevention and intervention
33 strategies.

34 (6) For purposes of this section and RCW 13.40.541 and 13.40.511,
35 "referred youth" means a youth who:

36 (a) Was contacted by a law enforcement officer and the law
37 enforcement officer has probable cause to believe that he or she has
38 committed a crime;

39 (b) Was referred to a program that allows youth to enter before
40 being diverted or charged with a juvenile offense; and

1 (c) Would have been diverted or charged with a juvenile offense,
2 if not for the program to which he or she was referred.

3 **Sec. 40.** RCW 13.50.260 and 2020 c 184 s 1 are each amended to
4 read as follows:

5 (1)(a) The court shall hold regular sealing hearings. During
6 these regular sealing hearings, the court shall administratively seal
7 an individual's juvenile record pursuant to the requirements of this
8 subsection. Although the juvenile record shall be sealed, the social
9 file may be available to any juvenile justice or care agency when an
10 investigation or case involving the juvenile subject of the records
11 is being prosecuted by the juvenile justice or care agency or when
12 the juvenile justice or care agency is assigned the responsibility of
13 supervising the juvenile. The juvenile respondent's presence is not
14 required at any administrative sealing hearing.

15 (b) At the disposition hearing of a juvenile offender, the court
16 shall schedule an administrative sealing hearing to take place during
17 the first regularly scheduled sealing hearing after the latest of the
18 following events that apply:

19 (i) The respondent's (~~eighteenth~~) 18th birthday;

20 (ii) Anticipated end date of a respondent's probation, if
21 ordered;

22 (iii) Anticipated release from confinement at the juvenile
23 rehabilitation administration, or the completion of parole, if the
24 respondent is transferred to the juvenile rehabilitation
25 administration.

26 (c) The court shall not schedule an administrative sealing
27 hearing at the disposition and no administrative sealing hearing
28 shall occur if one of the offenses for which the court has entered a
29 disposition is at the time of commission of the offense:

30 (i) A most serious offense, as defined in RCW 9.94A.030;

31 (ii) A sex offense under chapter 9A.44 RCW; or

32 (iii) A drug offense, as defined in RCW 9.94A.030.

33 (d) At the time of the scheduled administrative sealing hearing,
34 the court shall enter a written order sealing the respondent's
35 juvenile court record pursuant to this subsection if the court finds
36 by a preponderance of the evidence that the respondent is no longer
37 on supervision for the case being considered for sealing (~~and has~~
38 ~~paid the full amount of restitution owing to the individual victim~~
39 ~~named in the restitution order, excluding restitution owed to any~~

1 ~~public or private entity providing insurance coverage or health care~~
2 ~~coverage)).~~ In determining whether the respondent is on supervision
3 ~~((or owes restitution)),~~ the court shall take judicial notice of
4 court records, including records of the county clerk, and, if
5 necessary, sworn testimony from a representative of the juvenile
6 department.

7 (e) At the time of the administrative sealing hearing, if the
8 court finds the respondent remains on supervision for the case being
9 considered for sealing, then the court shall continue the
10 administrative sealing hearing to a date within ~~((thirty))~~ 30 days
11 following the anticipated end date of the respondent's supervision.
12 At the next administrative sealing hearing, the court shall again
13 determine the respondent's eligibility for sealing his or her
14 juvenile court record pursuant to (d) of this subsection, and, if
15 necessary, continue the hearing again as provided in this subsection.

16 (f) (i) ~~((During the administrative sealing hearing, if the court~~
17 ~~finds the respondent is no longer on supervision for the case being~~
18 ~~considered for sealing, but the respondent has not paid the full~~
19 ~~amount of restitution owing to the individual victim named in the~~
20 ~~restitution order, excluding any public or private entity providing~~
21 ~~insurance coverage or health care coverage, the court shall deny~~
22 ~~sealing the juvenile court record in a written order that: (A)~~
23 ~~Specifies the amount of restitution that remains unpaid to the~~
24 ~~original victim, excluding any public or private entity providing~~
25 ~~insurance coverage or health care coverage; and (B) provides~~
26 ~~direction to the respondent on how to pursue the sealing of records~~
27 ~~associated with this cause of action.~~

28 ~~((ii))~~) Within five business days of the entry of the written
29 order denying the request to seal a juvenile court record, the
30 juvenile court department staff shall notify the respondent of the
31 denial by providing a copy of the order of denial to the respondent
32 in person or in writing mailed to the respondent's last known address
33 in the department of licensing database or the respondent's address
34 provided to the court, whichever is more recent.

35 ~~((iii))~~) (ii) At any time following entry of the written order
36 denying the request to seal a juvenile court record, the respondent
37 may contact the juvenile court department, provide proof of payment
38 of the remaining unpaid restitution to the original victim, excluding
39 any public or private entity providing insurance coverage or health
40 care coverage, and request an administrative sealing hearing. Upon

1 verification of the satisfaction of the restitution payment, the
2 juvenile court department staff shall circulate for signature an
3 order sealing the file, and file the signed order with the clerk's
4 office, who shall seal the record.

5 ~~((iv))~~ (iii) The administrative office of the courts must
6 ensure that sealed juvenile records remain private in case of an
7 appeal and are either not posted or redacted from any clerks papers
8 that are posted online with the appellate record, as well as taking
9 any other prudent steps necessary to avoid exposing sealed juvenile
10 records to the public.

11 (2) Except for dismissal of a deferred disposition under RCW
12 13.40.127, the court shall enter a written order immediately sealing
13 the official juvenile court record upon the acquittal after a fact
14 finding or upon the dismissal of charges with prejudice, subject to
15 the state's right, if any, to appeal the dismissal.

16 (3) If a juvenile court record has not already been sealed
17 pursuant to this section, in any case in which information has been
18 filed pursuant to RCW 13.40.100 or a complaint has been filed with
19 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
20 the person who is the subject of the information or complaint may
21 file a motion with the court to have the court vacate its order and
22 findings, if any; resolve the status of any debts owing; and, subject
23 to RCW 13.50.050(13), order the sealing of the official juvenile
24 court record, the social file, and records of the court and of any
25 other agency in the case, with the exception of identifying
26 information under RCW 13.50.050(13).

27 (4) (a) The court shall grant any motion to seal records for class
28 A offenses made pursuant to subsection (3) of this section if:

29 (i) Since the last date of release from confinement, including
30 full-time residential treatment, if any, or entry of disposition, the
31 person has spent five consecutive years in the community without
32 committing any offense or crime that subsequently results in an
33 adjudication or conviction;

34 (ii) No proceeding is pending against the moving party seeking
35 the conviction of a juvenile offense or a criminal offense;

36 (iii) No proceeding is pending seeking the formation of a
37 diversion agreement with that person;

38 (iv) The person is no longer required to register as a sex
39 offender under RCW 9A.44.130 or has been relieved of the duty to

1 register under RCW 9A.44.143 if the person was convicted of a sex
2 offense; and

3 (v) The person has not been convicted of rape in the first
4 degree, rape in the second degree, or indecent liberties that was
5 actually committed with forcible compulsion(~~;~~~~and~~

6 ~~(vi) The person has paid the full amount of restitution owing to~~
7 ~~the individual victim named in the restitution order, excluding~~
8 ~~restitution owed to any public or private entity providing insurance~~
9 ~~coverage or health care coverage)).~~

10 (b) The court shall grant any motion to seal records for class B,
11 class C, gross misdemeanor, and misdemeanor offenses and diversions
12 made under subsection (3) of this section if:

13 (i) Since the date of last release from confinement, including
14 full-time residential treatment, if any, entry of disposition, or
15 completion of the diversion agreement, the person has spent two
16 consecutive years in the community without being convicted of any
17 offense or crime;

18 (ii) No proceeding is pending against the moving party seeking
19 the conviction of a juvenile offense or a criminal offense;

20 (iii) No proceeding is pending seeking the formation of a
21 diversion agreement with that person; and

22 (iv) The person is no longer required to register as a sex
23 offender under RCW 9A.44.130 or has been relieved of the duty to
24 register under RCW 9A.44.143 if the person was convicted of a sex
25 offense(~~;~~~~and~~

26 ~~(v) The person has paid the full amount of restitution owing to~~
27 ~~the individual victim named in the restitution order, excluding~~
28 ~~restitution owed to any insurance provider authorized under Title 48~~
29 ~~RCW)).~~

30 (c) Notwithstanding the requirements in (a) or (b) of this
31 subsection, the court shall grant any motion to seal records of any
32 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
33 2012, if restitution has been paid and the person is ((~~eighteen~~)) 18
34 years of age or older at the time of the motion.

35 (5) The person making a motion pursuant to subsection (3) of this
36 section shall give reasonable notice of the motion to the prosecution
37 and to any person or agency whose records are sought to be sealed.

38 (6) (a) If the court enters a written order sealing the juvenile
39 court record pursuant to this section, it shall, subject to RCW
40 13.50.050(13), order sealed the official juvenile court record, the

1 social file, and other records relating to the case as are named in
2 the order. Thereafter, the proceedings in the case shall be treated
3 as if they never occurred, and the subject of the records may reply
4 accordingly to any inquiry about the events, records of which are
5 sealed. Any agency shall reply to any inquiry concerning confidential
6 or sealed records that records are confidential, and no information
7 can be given about the existence or nonexistence of records
8 concerning an individual.

9 (b) In the event the subject of the juvenile records receives a
10 full and unconditional pardon, the proceedings in the matter upon
11 which the pardon has been granted shall be treated as if they never
12 occurred, and the subject of the records may reply accordingly to any
13 inquiry about the events upon which the pardon was received. Any
14 agency shall reply to any inquiry concerning the records pertaining
15 to the events for which the subject received a pardon that records
16 are confidential, and no information can be given about the existence
17 or nonexistence of records concerning an individual.

18 (c) Effective July 1, 2019, the department of licensing may
19 release information related to records the court has ordered sealed
20 only to the extent necessary to comply with federal law and
21 regulation.

22 (7) Inspection of the files and records included in the order to
23 seal may thereafter be permitted only by order of the court upon
24 motion made by the person who is the subject of the information or
25 complaint, except as otherwise provided in RCW 13.50.010(8) and
26 13.50.050(13).

27 (8)(a) Any adjudication of a juvenile offense or a crime
28 subsequent to sealing has the effect of nullifying a sealing order;
29 however, the court may order the juvenile court record resealed upon
30 disposition of the subsequent matter if the case meets the sealing
31 criteria under this section and the court record has not previously
32 been resealed.

33 (b) Any charging of an adult felony subsequent to the sealing has
34 the effect of nullifying the sealing order.

35 (c) The administrative office of the courts shall ensure that the
36 superior court judicial information system provides prosecutors
37 access to information on the existence of sealed juvenile records.

38 (d) The Washington state patrol shall ensure that the Washington
39 state identification system provides Washington state criminal
40 justice agencies access to sealed juvenile records information.

1 (9) If the juvenile court record has been sealed pursuant to this
2 section, the record of an employee is not admissible in an action for
3 liability against the employer based on the former juvenile
4 offender's conduct to show that the employer knew or should have
5 known of the juvenile record of the employee. The record may be
6 admissible, however, if a background check conducted or authorized by
7 the employer contained the information in the sealed record.

8 (10) County clerks may interact or correspond with the
9 respondent, his or her parents, restitution recipients, and any
10 holders of potential assets or wages of the respondent for the
11 purposes of collecting ((an)) outstanding ((~~legal—financial~~
12 ~~obligation~~)) restitution after juvenile court records have been
13 sealed pursuant to this section.

14 (11) Persons and agencies that obtain sealed juvenile records
15 information pursuant to this section may communicate about this
16 information with the respondent, but may not disseminate or be
17 compelled to release the information to any person or agency not
18 specifically granted access to sealed juvenile records in this
19 section.

20 (12) All criminal justice agencies must not disclose confidential
21 information or sealed records accessed through the Washington state
22 identification system or other means, and no information can be given
23 to third parties other than Washington state criminal justice
24 agencies about the existence or nonexistence of confidential or
25 sealed records concerning an individual.

26 **Sec. 41.** RCW 13.50.260 and 2020 c 184 s 1 are each amended to
27 read as follows:

28 (1)(a) The court shall hold regular sealing hearings. During
29 these regular sealing hearings, the court shall administratively seal
30 an individual's juvenile record pursuant to the requirements of this
31 subsection. Although the juvenile record shall be sealed, the social
32 file may be available to any juvenile justice or care agency when an
33 investigation or case involving the juvenile subject of the records
34 is being prosecuted by the juvenile justice or care agency or when
35 the juvenile justice or care agency is assigned the responsibility of
36 supervising the juvenile. The juvenile respondent's presence is not
37 required at any administrative sealing hearing.

38 (b) At the disposition hearing of a juvenile offender, the court
39 shall schedule an administrative sealing hearing to take place during

1 the first regularly scheduled sealing hearing after the latest of the
2 following events that apply:

3 (i) The respondent's (~~eighteenth~~) 18th birthday;

4 (ii) Anticipated end date of a respondent's probation, if
5 ordered;

6 (iii) Anticipated release from confinement at the juvenile
7 rehabilitation administration, or the completion of parole, if the
8 respondent is transferred to the juvenile rehabilitation
9 administration.

10 (c) The court shall not schedule an administrative sealing
11 hearing at the disposition and no administrative sealing hearing
12 shall occur if one of the offenses for which the court has entered a
13 disposition is at the time of commission of the offense:

14 (i) A most serious offense, as defined in RCW 9.94A.030;

15 (ii) A sex offense under chapter 9A.44 RCW; or

16 (iii) A drug offense, as defined in RCW 9.94A.030.

17 (d) At the time of the scheduled administrative sealing hearing,
18 the court shall enter a written order sealing the respondent's
19 juvenile court record pursuant to this subsection if the court finds
20 by a preponderance of the evidence that the respondent is no longer
21 on supervision for the case being considered for sealing (~~and has~~
22 ~~paid the full amount of restitution owing to the individual victim~~
23 ~~named in the restitution order, excluding restitution owed to any~~
24 ~~public or private entity providing insurance coverage or health care~~
25 ~~coverage)). In determining whether the respondent is on supervision~~
26 ~~((or owes restitution)), the court shall take judicial notice of~~
27 ~~court records, including records of the county clerk, and, if~~
28 ~~necessary, sworn testimony from a representative of the juvenile~~
29 ~~department.~~

30 (e) At the time of the administrative sealing hearing, if the
31 court finds the respondent remains on supervision for the case being
32 considered for sealing, then the court shall continue the
33 administrative sealing hearing to a date within (~~thirty~~) 30 days
34 following the anticipated end date of the respondent's supervision.
35 At the next administrative sealing hearing, the court shall again
36 determine the respondent's eligibility for sealing his or her
37 juvenile court record pursuant to (d) of this subsection, and, if
38 necessary, continue the hearing again as provided in this subsection.

39 (f) (~~(i) ((During the administrative sealing hearing, if the court~~
40 ~~finds the respondent is no longer on supervision for the case being~~

1 ~~considered for sealing, but the respondent has not paid the full~~
2 ~~amount of restitution owing to the individual victim named in the~~
3 ~~restitution order, excluding any public or private entity providing~~
4 ~~insurance coverage or health care coverage, the court shall deny~~
5 ~~sealing the juvenile court record in a written order that: (A)~~
6 ~~Specifies the amount of restitution that remains unpaid to the~~
7 ~~original victim, excluding any public or private entity providing~~
8 ~~insurance coverage or health care coverage; and (B) provides~~
9 ~~direction to the respondent on how to pursue the sealing of records~~
10 ~~associated with this cause of action.~~

11 ~~(ii))~~ Within five business days of the entry of the written
12 order denying the request to seal a juvenile court record, the
13 juvenile court department staff shall notify the respondent of the
14 denial by providing a copy of the order of denial to the respondent
15 in person or in writing mailed to the respondent's last known address
16 in the department of licensing database or the respondent's address
17 provided to the court, whichever is more recent.

18 ~~((iii))~~ (ii) At any time following entry of the written order
19 denying the request to seal a juvenile court record, the respondent
20 may contact the juvenile court department ~~(, provide proof of payment~~
21 ~~of the remaining unpaid restitution to the original victim, excluding~~
22 ~~any public or private entity providing insurance coverage or health~~
23 ~~care coverage,))~~ and request an administrative sealing hearing.
24 ~~((Upon verification of the satisfaction of the restitution payment,~~
25 ~~the juvenile court department staff shall circulate for signature an~~
26 ~~order sealing the file, and file the signed order with the clerk's~~
27 ~~office, who shall seal the record.~~

28 ~~(iv))~~ (iii) The administrative office of the courts must ensure
29 that sealed juvenile records remain private in case of an appeal and
30 are either not posted or redacted from any clerks papers that are
31 posted online with the appellate record, as well as taking any other
32 prudent steps necessary to avoid exposing sealed juvenile records to
33 the public.

34 (2) Except for dismissal of a deferred disposition under RCW
35 13.40.127, the court shall enter a written order immediately sealing
36 the official juvenile court record upon the acquittal after a fact
37 finding or upon the dismissal of charges with prejudice, subject to
38 the state's right, if any, to appeal the dismissal.

39 (3) If a juvenile court record has not already been sealed
40 pursuant to this section, in any case in which information has been

1 filed pursuant to RCW 13.40.100 or a complaint has been filed with
2 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
3 the person who is the subject of the information or complaint may
4 file a motion with the court to have the court vacate its order and
5 findings, if any; (~~resolve the status of any debts owing,~~) and,
6 subject to RCW 13.50.050(13), order the sealing of the official
7 juvenile court record, the social file, and records of the court and
8 of any other agency in the case, with the exception of identifying
9 information under RCW 13.50.050(13).

10 (4) (a) The court shall grant any motion to seal records for class
11 A offenses made pursuant to subsection (3) of this section if:

12 (i) Since the last date of release from confinement, including
13 full-time residential treatment, if any, or entry of disposition, the
14 person has spent five consecutive years in the community without
15 committing any offense or crime that subsequently results in an
16 adjudication or conviction;

17 (ii) No proceeding is pending against the moving party seeking
18 the conviction of a juvenile offense or a criminal offense;

19 (iii) No proceeding is pending seeking the formation of a
20 diversion agreement with that person;

21 (iv) The person is no longer required to register as a sex
22 offender under RCW 9A.44.130 or has been relieved of the duty to
23 register under RCW 9A.44.143 if the person was convicted of a sex
24 offense; and

25 (v) The person has not been convicted of rape in the first
26 degree, rape in the second degree, or indecent liberties that was
27 actually committed with forcible compulsion(~~;~~ ~~and~~

28 ~~(vi) The person has paid the full amount of restitution owing to~~
29 ~~the individual victim named in the restitution order, excluding~~
30 ~~restitution owed to any public or private entity providing insurance~~
31 ~~coverage or health care coverage)).~~

32 (b) The court shall grant any motion to seal records for class B,
33 class C, gross misdemeanor, and misdemeanor offenses and diversions
34 made under subsection (3) of this section if:

35 (i) Since the date of last release from confinement, including
36 full-time residential treatment, if any, entry of disposition, or
37 completion of the diversion agreement, the person has spent two
38 consecutive years in the community without being convicted of any
39 offense or crime;

1 (ii) No proceeding is pending against the moving party seeking
2 the conviction of a juvenile offense or a criminal offense;

3 (iii) No proceeding is pending seeking the formation of a
4 diversion agreement with that person; and

5 (iv) The person is no longer required to register as a sex
6 offender under RCW 9A.44.130 or has been relieved of the duty to
7 register under RCW 9A.44.143 if the person was convicted of a sex
8 offense (~~;~~ and

9 ~~(v) The person has paid the full amount of restitution owing to~~
10 ~~the individual victim named in the restitution order, excluding~~
11 ~~restitution owed to any insurance provider authorized under Title 48~~
12 ~~RCW)).~~

13 (c) Notwithstanding the requirements in (a) or (b) of this
14 subsection, the court shall grant any motion to seal records of any
15 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
16 2012, if (~~restitution has been paid and~~) the person is (~~eighteen~~)
17 18 years of age or older at the time of the motion.

18 (d) Owed restitution shall not be a barrier to record sealing.
19 Records previously deemed ineligible for sealing on the basis of owed
20 restitution shall be automatically sealed by the courts.

21 (5) The person making a motion pursuant to subsection (3) of this
22 section shall give reasonable notice of the motion to the prosecution
23 and to any person or agency whose records are sought to be sealed.

24 (6) (a) If the court enters a written order sealing the juvenile
25 court record pursuant to this section, it shall, subject to RCW
26 13.50.050(13), order sealed the official juvenile court record, the
27 social file, and other records relating to the case as are named in
28 the order. Thereafter, the proceedings in the case shall be treated
29 as if they never occurred, and the subject of the records may reply
30 accordingly to any inquiry about the events, records of which are
31 sealed. Any agency shall reply to any inquiry concerning confidential
32 or sealed records that records are confidential, and no information
33 can be given about the existence or nonexistence of records
34 concerning an individual.

35 (b) In the event the subject of the juvenile records receives a
36 full and unconditional pardon, the proceedings in the matter upon
37 which the pardon has been granted shall be treated as if they never
38 occurred, and the subject of the records may reply accordingly to any
39 inquiry about the events upon which the pardon was received. Any
40 agency shall reply to any inquiry concerning the records pertaining

1 to the events for which the subject received a pardon that records
2 are confidential, and no information can be given about the existence
3 or nonexistence of records concerning an individual.

4 (c) Effective July 1, 2019, the department of licensing may
5 release information related to records the court has ordered sealed
6 only to the extent necessary to comply with federal law and
7 regulation.

8 (7) Inspection of the files and records included in the order to
9 seal may thereafter be permitted only by order of the court upon
10 motion made by the person who is the subject of the information or
11 complaint, except as otherwise provided in RCW 13.50.010(8) and
12 13.50.050(13).

13 (8)(a) Any adjudication of a juvenile offense or a crime
14 subsequent to sealing has the effect of nullifying a sealing order;
15 however, the court may order the juvenile court record resealed upon
16 disposition of the subsequent matter if the case meets the sealing
17 criteria under this section and the court record has not previously
18 been resealed.

19 (b) Any charging of an adult felony subsequent to the sealing has
20 the effect of nullifying the sealing order.

21 (c) The administrative office of the courts shall ensure that the
22 superior court judicial information system provides prosecutors
23 access to information on the existence of sealed juvenile records.

24 (d) The Washington state patrol shall ensure that the Washington
25 state identification system provides Washington state criminal
26 justice agencies access to sealed juvenile records information.

27 (9) If the juvenile court record has been sealed pursuant to this
28 section, the record of an employee is not admissible in an action for
29 liability against the employer based on the former juvenile
30 offender's conduct to show that the employer knew or should have
31 known of the juvenile record of the employee. The record may be
32 admissible, however, if a background check conducted or authorized by
33 the employer contained the information in the sealed record.

34 ~~(10) ((County clerks may interact or correspond with the
35 respondent, his or her parents, restitution recipients, and any
36 holders of potential assets or wages of the respondent for the
37 purposes of collecting an outstanding legal financial obligation
38 after juvenile court records have been sealed pursuant to this
39 section.~~

1 ~~(11)~~) Persons and agencies that obtain sealed juvenile records
2 information pursuant to this section may communicate about this
3 information with the respondent, but may not disseminate or be
4 compelled to release the information to any person or agency not
5 specifically granted access to sealed juvenile records in this
6 section.

7 ~~((12))~~ (11) All criminal justice agencies must not disclose
8 confidential information or sealed records accessed through the
9 Washington state identification system or other means, and no
10 information can be given to third parties other than Washington state
11 criminal justice agencies about the existence or nonexistence of
12 confidential or sealed records concerning an individual.

13 **Sec. 42.** RCW 13.50.270 and 2018 c 82 s 5 are each amended to
14 read as follows:

15 (1)(a) Subject to RCW 13.50.050(13), all records maintained by
16 any court or law enforcement agency, including the juvenile court,
17 local law enforcement, the Washington state patrol, and the
18 prosecutor's office, shall be automatically destroyed within
19 ~~((ninety))~~ 90 days of becoming eligible for destruction. Juvenile
20 records are eligible for destruction when:

21 (i) The person who is the subject of the information or complaint
22 is at least ~~((eighteen))~~ 18 years of age; and

23 (ii) The records in question consist of successfully completed
24 diversion agreements and counsel and release agreements, or both,
25 which were completed on or after June 7, 2018~~((; and~~

26 ~~((iii) There is no restitution owing in the case)).~~

27 (b) Notwithstanding this subsection (1), records of successfully
28 completed diversion agreements and counsel and release agreements
29 remain subject to destruction under the terms set forth in
30 subsections (2) through (4) of this section, as well as sealing under
31 RCW 13.50.260.

32 (c) No less than quarterly, the administrative office of the
33 courts shall provide a report to the juvenile courts of those
34 individuals whose records may be eligible for destruction. The
35 juvenile court shall verify eligibility and notify the Washington
36 state patrol and the appropriate local law enforcement agency and
37 prosecutor's office of the records to be destroyed. The requirement
38 to destroy records under this subsection is not dependent on a court
39 hearing or the issuance of a court order to destroy records.

1 (d) The state and local governments and their officers and
2 employees are not liable for civil damages for the failure to destroy
3 records pursuant to this section.

4 (2) All records maintained by any court or law enforcement
5 agency, including the juvenile court, local law enforcement, the
6 Washington state patrol, and the prosecutor's office, shall be
7 automatically destroyed within (~~(thirty)~~) 30 days of being notified
8 by the governor's office that the subject of those records received a
9 full and unconditional pardon by the governor.

10 (3) (a) A person may request that the court order the records in
11 his or her case destroyed as follows:

12 (i) A person (~~(eighteen)~~) 18 years of age or older whose criminal
13 history consists entirely of one diversion agreement or counsel and
14 release entered prior to June 12, 2008. The request shall be granted
15 if the court finds that two years have elapsed since completion of
16 the agreement or counsel and release.

17 (ii) A person (~~(twenty-three)~~) 23 years of age or older whose
18 criminal history consists of only referrals for diversion. The
19 request shall be granted if the court finds that all diversion
20 agreements have been successfully completed and no proceeding is
21 pending against the person seeking the conviction of a criminal
22 offense.

23 (b) If the court grants the motion to destroy records made
24 pursuant to this subsection, it shall, subject to RCW 13.50.050(13),
25 order the official juvenile court record, the social file, and any
26 other records named in the order to be destroyed.

27 (c) The person making the motion pursuant to this subsection must
28 give reasonable notice of the motion to the prosecuting attorney and
29 to any agency whose records are sought to be destroyed.

30 (4) Any juvenile justice or care agency may, subject to the
31 limitations in RCW 13.50.050(13) and this section, develop procedures
32 for the routine destruction of records relating to juvenile offenses
33 and diversions.

34 (a) Records may be routinely destroyed only when the person the
35 subject of the information or complaint has attained (~~(twenty-three)~~)
36 23 years of age or older or pursuant to subsection (1) of this
37 section.

38 (b) The court may not routinely destroy the official juvenile
39 court record or recordings or transcripts of any proceedings.

1 **Sec. 43.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to
2 read as follows:

3 Every sentence imposed for a crime specified in RCW 43.43.754
4 must include a fee of (~~one hundred dollars~~) \$100 unless the state
5 has previously collected the offender's DNA as a result of a prior
6 conviction or the offender is under the age of 18. The fee is a
7 court-ordered legal financial obligation as defined in RCW 9.94A.030
8 and other applicable law. For a sentence imposed under chapter 9.94A
9 RCW, the fee is payable by the offender after payment of all other
10 legal financial obligations included in the sentence has been
11 completed. For all other sentences, the fee is payable by the
12 offender in the same manner as other assessments imposed. The clerk
13 of the court shall transmit (~~eighty~~) 80 percent of the fee
14 collected to the state treasurer for deposit in the state DNA
15 database account created under RCW 43.43.7532, and shall transmit
16 (~~twenty~~) 20 percent of the fee collected to the agency responsible
17 for collection of a biological sample from the offender as required
18 under RCW 43.43.754. This fee shall not be imposed on juvenile
19 offenders (~~if the state has previously collected the juvenile~~
20 ~~offender's DNA as a result of a prior conviction~~).

21 NEW SECTION. **Sec. 44.** The following acts or parts of acts are
22 each repealed:

- 23 (1) RCW 13.40.056 (Nonrefundable bail fee) and 1995 c 395 s 9;
24 (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by
25 parent or legal guardian) and 1993 c 171 s 1;
26 (3) RCW 13.40.192 (Legal financial obligations—Enforceability—
27 Treatment of obligations upon age of eighteen or conclusion of
28 juvenile court jurisdiction—Extension of judgment—Petition for
29 modification or relief) and 2015 c 265 s 7 & 1997 c 121 s 7;
30 (4) RCW 13.40.198 (Penalty assessments—Jurisdiction of court) and
31 2000 c 71 s 1;
32 (5) RCW 13.40.610 (Youth court notification of satisfaction of
33 conditions) and 2002 c 237 s 12; and
34 (6) RCW 13.40.640 (Youth court nonrefundable fee) and 2002 c 237
35 s 15.

36 NEW SECTION. **Sec. 45.** Section 5 of this act applies
37 retroactively as well as prospectively to allow individuals with

1 valid, unfulfilled restitution orders to participate in the community
2 compensation program.

3 NEW SECTION. **Sec. 46.** Nothing in this act requires the courts
4 to refund or reimburse amounts previously paid towards legal
5 financial obligations, interests on legal financial obligations, or
6 any other costs.

7 NEW SECTION. **Sec. 47.** (1) Section 12 of this act takes effect
8 when section 3, chapter 206, Laws of 2021 takes effect. Section 12 of
9 this act expires July 1, 2025.

10 (2) Section 13 of this act expires the earlier of July 1, 2025,
11 or when section 12 of this act takes effect.

12 (3) Section 14 of this act takes effect the later of July 1,
13 2025, or when section 3, chapter 206, Laws of 2021 takes effect.

14 (4) Section 15 of this act takes effect July 1, 2025. Section 15
15 of this act expires when section 14 of this act takes effect.

16 NEW SECTION. **Sec. 48.** Section 32 of this act expires when
17 section 33 of this act takes effect.

18 NEW SECTION. **Sec. 49.** Section 33 of this act takes effect when
19 section 4, chapter 206, Laws of 2021 takes effect.

20 NEW SECTION. **Sec. 50.** Sections 3, 17, 18, 20, 21, 22, 24, 26,
21 29, 31, 35, 38, 39, 41, and 42 of this act take effect July 1, 2025.

22 NEW SECTION. **Sec. 51.** Sections 2, 16, 19, 23, 25, 28, 30, 34,
23 37, and 40 of this act expire July 1, 2025.

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