
SUBSTITUTE HOUSE BILL 1740

State of Washington

66th Legislature

2019 Regular Session

By House Human Services & Early Learning (originally sponsored by Representatives Lovick, Klippert, Senn, Goodman, Frame, Eslick, Ortiz-Self, and Callan)

1 AN ACT Relating to individuals placed in minimum security status
2 by the department of children, youth, and families; and amending RCW
3 13.40.205 and 72.05.405.

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

5 **Sec. 1.** RCW 13.40.205 and 2002 c 175 s 26 are each amended to
6 read as follows:

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

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

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

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

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

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

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

7 (3) No authorized leave may exceed seven consecutive days. The
8 total of all pre-minimum term authorized leaves granted to a juvenile
9 prior to final discharge from confinement shall not exceed thirty
10 days.

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

21 (5) Upon authorizing a leave, the secretary shall issue to the
22 juvenile an authorized leave order which shall contain the name of
23 the juvenile, the fact that the juvenile is on leave from a
24 designated facility, the time period of the leave, and the identity
25 of an appropriate official of the department to contact when
26 necessary. The authorized leave order shall be carried by the
27 juvenile at all times while on leave.

28 (6) Prior to the commencement of any authorized leave, the
29 secretary shall give notice of the leave to the appropriate law
30 enforcement agency in the jurisdiction in which the juvenile will
31 reside during the leave period. The notice shall include the identity
32 of the juvenile, the time period of the leave, the residence of the
33 juvenile during the leave, and the identity of the person responsible
34 for supervising the juvenile during the leave.

35 (7) The secretary may authorize a leave, which shall not exceed
36 forty-eight hours plus travel time, to meet an emergency situation
37 such as a death or critical illness of a member of the juvenile's
38 family. The secretary may authorize a leave, which shall not exceed
39 the period of time medically necessary, to obtain medical care not
40 available in a juvenile facility maintained by the department. In

1 cases of emergency or medical leave the secretary may waive all or
2 any portions of subsections (2)(a), (3), (4), (5), and (6) of this
3 section.

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

7 (9) A juvenile who violates any condition of an authorized leave
8 plan may be taken into custody and returned to the department in the
9 same manner as an adult in identical circumstances.

10 (10) Notwithstanding the provisions of this section, a juvenile
11 placed in minimum security status may participate in work,
12 educational, community restitution, or treatment programs in the
13 community up to (~~twelve~~) sixteen hours a day if approved by the
14 secretary. Such a release shall not be deemed a leave of absence.

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

17 **Sec. 2.** RCW 72.05.405 and 1998 c 269 s 6 are each amended to
18 read as follows:

19 The department shall adopt an infraction policy for juveniles
20 placed in community facilities. The policy shall require written
21 documentation by the department and service providers of all
22 infractions and violations by juveniles of conditions set by the
23 department. Any juvenile who commits a serious infraction or a
24 serious violation of conditions set by the department (~~shall~~) must
25 be returned to an institution. The secretary shall not return a
26 juvenile to a community facility until a new risk assessment has been
27 completed and the secretary reasonably believes that the juvenile can
28 adhere to the conditions set by the department. The department
29 (~~shall~~) must define the terms "serious infraction" and "serious
30 violation" in rule (~~and shall include but not necessarily [be]~~
31 ~~limited to~~), which must include the commission of any criminal
32 offense(~~, any~~) excluding unlawful use or possession of a controlled
33 substance(~~, and any~~) or use or possession of an alcoholic beverage.
34 The department shall adopt and implement rules based on empirically
35 validated best practices to appropriately address offenses involving
36 unlawful use or possession of a controlled substance and unlawful use
37 or possession of alcohol.

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