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SENATE BILL 5695

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State of Washington

65th Legislature

2017 Regular Session

By Senators Darneille and Hunt

1 AN ACT Relating to the development of a juvenile special sex  
2 offender disposition alternative treatment court; and adding a new  
3 section to chapter 13.40 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40  
6 RCW to read as follows:

7 (1) Counties may establish and operate juvenile special sex  
8 offender disposition alternative treatment courts.

9 (2) For the purposes of this section, "juvenile treatment court"  
10 means a court that has special calendars or dockets designed to  
11 achieve a reduction in sex offenses among juvenile offenders by  
12 increasing their likelihood for successful rehabilitation through  
13 early, continuous, and judicially supervised outpatient sex offender  
14 treatment authorized under the special sex offender disposition  
15 alternative, RCW 13.40.162.

16 (3) Any county that establishes a juvenile treatment court  
17 pursuant to this section may establish local minimum requirements for  
18 the consideration, motion, entry, and participation of offenders in  
19 the program. Regardless of local requirements, a juvenile may only  
20 participate in juvenile treatment court if, in addition to any local

1 minimum requirements established by the county, all of the following  
2 apply:

3 (a) The juvenile is currently charged with a minimum of one sex  
4 offense as defined in RCW 9A.44.128, and the currently charged  
5 offense and any other offenses charged do not involve:

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

7 (ii) Promoting prostitution in the first or second degree under  
8 chapter 9A.88 RCW;

9 (b) The juvenile is age fifteen or younger at the time any  
10 currently charged sex offense is committed;

11 (c) The juvenile has not previously been convicted of a serious  
12 violent offense or sex offense as defined in RCW 9.94A.030; and

13 (d) The juvenile offender is found by the juvenile treatment  
14 court to be amenable to sex offender treatment after submitting to an  
15 examination specified under the special sex offender disposition  
16 alternative, RCW 13.40.162.

17 (4) The court, the prosecutor, and the juvenile must all agree to  
18 allow the juvenile to apply for entry into the juvenile treatment  
19 court. However, that agreement does not guarantee entry into and  
20 participation in the juvenile treatment court in the event the  
21 juvenile otherwise fails to meet the minimum requirements. Before  
22 agreeing, the court shall consider whether the offender and the  
23 community will benefit from use of the juvenile treatment court. In  
24 considering whether the community will benefit, the court shall  
25 consider the victim's opinion as well as any other factors the court  
26 finds necessary.

27 (5) Prior to being admitted into the juvenile treatment court,  
28 the juvenile must:

29 (a) Stipulate to the admissibility of the facts contained in the  
30 written police report;

31 (b) Acknowledge that the report will be entered and used to  
32 support a finding of guilt and to impose a standard range disposition  
33 under RCW 13.40.0357 if the juvenile fails to meet the minimum  
34 requirements for entry into the juvenile treatment court, or fails to  
35 comply with the requirements of the juvenile treatment court and is  
36 terminated therefrom;

37 (c) Waive the right to a speedy disposition and the right to call  
38 and confront witnesses; and

39 (d) Be found guilty by the court. The adjudicatory hearing must  
40 be limited to a reading of the court's record.

1 (6) Following the stipulation to the facts in the police report,  
2 acknowledgment, waiver, and entry of a finding or plea of guilt, the  
3 court shall defer entry of an order of disposition pending  
4 consideration for admission and participation in the juvenile  
5 treatment court and shall order any sex offender registration  
6 otherwise required by chapter 9A.44 RCW waived during the pendency of  
7 the case. In the meantime, the juvenile shall participate in and  
8 complete an examination specified under the special sex offender  
9 disposition alternative, RCW 13.40.162.

10 (7) Upon admission to juvenile treatment court, the court shall  
11 continue to defer entry of an order of disposition and shall maintain  
12 waiver of sex offender registration herein. An individualized plan  
13 shall be developed for the juvenile, identifying goals for the  
14 juvenile and a team to support the juvenile, which must include the  
15 following:

16 (a) Participation in sex offender treatment as recommended by the  
17 examination specified under the special sex offender disposition  
18 alternative, RCW 13.40.162;

19 (b) Participation in juvenile treatment court for a minimum of  
20 twenty-four months regardless of whether or not the juvenile needs to  
21 continue participation in sex offender treatment for that length of  
22 time;

23 (c) Conditions requiring the juvenile to:

24 (i) Remain within prescribed geographical boundaries and notify  
25 the court or the probation counselor prior to any change in the  
26 offender's address, educational program, or employment;

27 (ii) Not change sex offender treatment providers or treatment  
28 conditions without first notifying the prosecutor, the probation  
29 counselor, and the court, and obtaining court approval after a  
30 hearing if the prosecutor or probation counselor object to the  
31 change;

32 (iii) Participate in any mental health treatment or chemical  
33 dependency treatment, or both, deemed necessary;

34 (iv) Report as directed to the juvenile treatment court and to  
35 the probation counselor and to comply with any monitoring and  
36 reporting requirements;

37 (v) Not attend the public or approved private elementary, middle,  
38 or high school attended by the victim or the victim's siblings;

39 (vi) Have no contact with anyone prohibited by the court;

1 (vii) Pay all court-ordered legal financial obligations,  
2 including restitution. Restitution may include the cost of any victim  
3 counseling reasonably related to the offense; and

4 (viii) Comply with the conditions of any court-ordered probation  
5 bond.

6 (8) The parents or legal guardians of the offender are  
7 responsible for transportation or other costs associated with the  
8 offender's change of school that would otherwise be paid by the  
9 school district.

10 (9)(a) Upon successful completion of the requirements of the  
11 juvenile treatment court, any convictions entered by the court in the  
12 case shall be vacated and all charges in the case dismissed with  
13 prejudice.

14 (b) Upon vacating the convictions and dismissing charges, no  
15 further conditions may be required. The court shall terminate any  
16 previous orders entered in the case and shall enter any further  
17 orders necessary to waive sex offender registration requirements.

18 (c) Regardless of chapter 13.50 RCW, upon vacating the  
19 convictions and dismissing charges, the juvenile court records in the  
20 case shall remain unsealed, except that the juvenile court records in  
21 the case are entitled to administrative sealing pursuant to RCW  
22 13.50.260 within thirty days after the juvenile reaches the age of  
23 eighteen years, or at the time the case is dismissed if the juvenile  
24 has already reached the age of eighteen.

25 (10) A juvenile may only be admitted to juvenile treatment court  
26 a single time, regardless of whether he or she successfully completes  
27 the program. If the juvenile fails to complete the requirements after  
28 being admitted, or successfully completes the requirements after  
29 being admitted, the juvenile may not be admitted again.

30 (11) If the juvenile fails to enter juvenile treatment court or  
31 fails to complete juvenile treatment court requirements and is  
32 terminated from the program, any convictions in the case remain and  
33 the court shall enter an order of disposition pursuant to RCW  
34 13.40.0357. Upon entry of an order of disposition pursuant to this  
35 subsection, the court shall order the juvenile to register as a sex  
36 offender pursuant to chapter 9A.44 RCW and shall terminate any  
37 previous orders waiving sex offender registration.

38 (12) In no case shall participation in the juvenile treatment  
39 court extend beyond the juvenile's twenty-first birthday. In the  
40 event the juvenile has not completed the program before turning

1 twenty-one years of age, the juvenile is deemed to have failed  
2 completion and the superior court of the county shall enter an order  
3 of disposition pursuant to RCW 13.40.0357, except that no further  
4 sanctions, confinement, or supervision imposed may be served past the  
5 juvenile's twenty-first birthday. Upon entry of an order of  
6 disposition pursuant to this subsection, the court shall order the  
7 juvenile to register as a sex offender pursuant to chapter 9A.44 RCW  
8 and shall terminate any previous orders waiving sex offender  
9 registration.

10 (13) The superior court may retain jurisdiction for purposes of  
11 enforcing any financial obligations, including restitution, for the  
12 periods allowed in RCW 13.40.190 and 13.40.192.

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