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**ENGROSSED SENATE BILL 5429**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington                      66th Legislature                      2019 Regular Session**

**By** Senators Nguyen, Das, Saldaña, Hasegawa, Salomon, Darneille, Wilson, C., Zeiger, Randall, and Kuderer

Read first time 01/21/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1            AN ACT Relating to including referred and diverted youth in  
2 establishing community juvenile accountability program guidelines;  
3 amending RCW 13.40.510; adding a new section to chapter 13.40 RCW;  
4 creating a new section; and providing an expiration date.

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

6            **Sec. 1.** RCW 13.40.510 and 2017 3rd sp.s. c 6 s 621 are each  
7 amended to read as follows:

8            (1) In order to receive funds under RCW 13.40.500 through  
9 13.40.540, local governments may, through their respective agencies  
10 that administer funding for consolidated juvenile services, submit  
11 proposals that establish community juvenile accountability programs  
12 within their communities. These proposals must be submitted to the  
13 department for certification.

14            (2) The proposals must:

15            (a) Demonstrate that the proposals were developed with the input  
16 of the local law and justice councils established under RCW  
17 72.09.300;

18            (b) Describe how local community groups or members are involved  
19 in the implementation of the programs funded under RCW 13.40.500  
20 through 13.40.540;

1 (c) Include a description of how the grant funds will contribute  
2 to the expected outcomes of the program and the reduction of youth  
3 violence and juvenile crime in their community. Data approaches are  
4 not required to be replicated if the networks have information that  
5 addresses risks in the community for juvenile offenders.

6 (3) A local government receiving a grant under this section shall  
7 agree that any funds received must be used efficiently to encourage  
8 the use of community-based programs that reduce the reliance on  
9 secure confinement as the sole means of holding juvenile offenders  
10 accountable for their crimes. The local government shall also agree  
11 to account for the expenditure of all funds received under the grant  
12 and to submit to audits for compliance with the grant criteria  
13 developed under RCW 13.40.520.

14 (4) The department, in consultation with the Washington  
15 association of juvenile court administrators and the state law and  
16 justice advisory council, shall establish guidelines for programs  
17 that may be funded under RCW 13.40.500 through 13.40.540. The  
18 guidelines must:

19 (a) Target referred and diverted (~~and~~) youth, as well as  
20 adjudicated juvenile offenders;

21 (b) Include assessment methods to determine services, programs,  
22 and intervention strategies most likely to change behaviors and norms  
23 of juvenile offenders;

24 (c) Provide maximum structured supervision in the community.  
25 Programs should use natural surveillance and community guardians such  
26 as employers, relatives, teachers, clergy, and community mentors to  
27 the greatest extent possible;

28 (d) Promote good work ethic values and educational skills and  
29 competencies necessary for the juvenile offender to function  
30 effectively and positively in the community;

31 (e) Maximize the efficient delivery of treatment services aimed  
32 at reducing risk factors associated with the commission of juvenile  
33 offenses;

34 (f) Maximize the reintegration of the juvenile offender into the  
35 community upon release from confinement;

36 (g) Maximize the juvenile offender's opportunities to make full  
37 restitution to the victims and amends to the community;

38 (h) Support and encourage increased court discretion in imposing  
39 community-based intervention strategies;

1 (i) Be compatible with research that shows which prevention and  
2 early intervention strategies work with juvenile offenders;

3 (j) Be outcome-based in that it describes what outcomes will be  
4 achieved or what outcomes have already been achieved;

5 (k) Include an evaluation component; and

6 (l) Recognize the diversity of local needs.

7 (5) The state law and justice advisory council may provide  
8 support and technical assistance to local governments for training  
9 and education regarding community-based prevention and intervention  
10 strategies.

11 (6) For purposes of this section and sections 2 and 3 of this  
12 act, "referred youth" means a youth who:

13 (a) Was contacted by a law enforcement officer and the law  
14 enforcement officer has probable cause to believe that he or she has  
15 committed a crime;

16 (b) Was referred to a program that allows youth to enter before  
17 being diverted or charged with a juvenile offense; and

18 (c) Would have been diverted or charged with a juvenile offense,  
19 if not for the program to which he or she was referred.

20 NEW SECTION. Sec. 2. A new section is added to chapter 13.40  
21 RCW to read as follows:

22 (1) The department shall provide, in compliance with RCW  
23 43.01.036, an annual report on December 1st to the appropriate  
24 committees of the legislature that includes a county by county  
25 description of the youth served by the programs funded under RCW  
26 13.40.500 through 13.40.540 including the number of youth in each of  
27 those counties who were eligible for programs based on being a  
28 referred youth as defined by RCW 13.40.510.

29 (2) This section expires July 1, 2021.

30 NEW SECTION. Sec. 3. (1) As of the effective date of this  
31 section, the block grant oversight committee must implement a stop  
32 loss policy when allocating funding under RCW 13.40.510. The stop  
33 loss policy must limit the loss in funding for any juvenile court  
34 from one year to the next. The block grant oversight committee must  
35 establish a minimum base level of funding for juvenile courts with  
36 lower numbers of at-risk youth ten years of age and over but under  
37 eighteen years of age. The department of children, youth, and  
38 families must report, in compliance with RCW 43.01.036, to the

1 legislature by December 1, 2019, about how funding is used for  
2 referred youth and the impact of that use on overall use of funding.

3 (2) For purposes of this section, "block grant oversight  
4 committee" means a committee established by the juvenile  
5 rehabilitation division of the department of children, youth, and  
6 families and the juvenile courts that provides block grant funding  
7 formula oversight with equal representation from the juvenile  
8 rehabilitation division of the department of children, youth, and  
9 families and the juvenile courts. The purpose of this committee is to  
10 assess the ongoing implementation of the block grant funding formula,  
11 utilizing data-driven decision making and the most current available  
12 information. The committee is cochaired by the juvenile  
13 rehabilitation division of the department of children, youth, and  
14 families and the juvenile courts, who have the ability to change  
15 members of the committee as needed to achieve its purpose.

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