
SUBSTITUTE HOUSE BILL 1419

State of Washington 61st Legislature 2009 Regular Session

By House Health & Human Services Appropriations (originally sponsored by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt, and Appleton)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to sexually aggressive youth; amending RCW
2 74.13.075; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that children who
5 commit sexually aggressive acts are at risk of repeating such behavior
6 if they and their families do not receive treatment and counseling.
7 This is especially true of children under the age of twelve who are
8 referred to the department of social and health services by a
9 prosecuting attorney pursuant to RCW 26.44.160. To reduce the number
10 of future victims of sexual abuse and to reduce recidivism of children
11 who commit sexually aggressive acts the legislature finds that all such
12 children and their families, including children who are referred by
13 prosecutors pursuant to RCW 26.44.160, be eligible for treatment
14 regardless of whether they are the subject of a proceeding under
15 chapter 13.34 RCW.

16 **Sec. 2.** RCW 74.13.075 and 1994 c 169 s 1 are each amended to read
17 as follows:

1 (1) For the purposes of funds appropriated for the treatment of
2 sexually aggressive youth, the term "sexually aggressive youth" means
3 those juveniles who:

4 (a) Have been abused and have committed a sexually aggressive act
5 or other violent act that is sexual in nature; and

6 (i) Are in the care and custody of the state or a federally
7 recognized Indian tribe located within the state; or

8 (ii) Are the subject of a proceeding under chapter 13.34 RCW or a
9 child welfare proceeding held before a tribal court located within the
10 state; or

11 (b) Cannot be detained under the juvenile justice system due to
12 being under age twelve and incompetent to stand trial for acts that
13 could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the
14 juvenile was over twelve years of age, or competent to stand trial if
15 under twelve years of age.

16 (2) The department may offer appropriate available services and
17 treatment to a sexually aggressive youth and his or her parents or
18 legal guardians as provided in this section and may refer the child and
19 his or her parents to appropriate treatment and services available
20 within the community, regardless of whether the child is the subject of
21 a proceeding under chapter 13.34 RCW.

22 (3) In expending these funds, the department (~~(of social and health~~
23 ~~services)) shall establish in each region a case review committee to
24 review all cases for which the funds are used. In determining whether
25 to use these funds in a particular case, the committee shall consider:~~

26 (a) The age of the juvenile;

27 (b) The extent and type of abuse to which the juvenile has been
28 subjected;

29 (c) The juvenile's past conduct;

30 (d) The benefits that can be expected from the treatment;

31 (e) The cost of the treatment; and

32 (f) The ability of the juvenile's parent or guardian to pay for the
33 treatment.

34 (~~(+3)~~) (4) The department may provide funds, under this section,
35 for youth in the care and custody of a tribe or through a tribal court,
36 for the treatment of sexually aggressive youth only if: (a) The tribe
37 uses the same or equivalent definitions and standards for determining

1 which youth are sexually aggressive; and (b) the department seeks to
2 recover any federal funds available for the treatment of youth.

3 (5) A juvenile's status as a sexually aggressive youth, and any
4 protective plan, services, and treatment plans and progress reports
5 provided with these funds are confidential and not subject to public
6 disclosure by the department. This information shall be shared with
7 relevant juvenile care agencies, law enforcement agencies, and schools,
8 but remains confidential and not subject to public disclosure by those
9 agencies.

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