

---

HOUSE BILL 1580

---

State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Dickerson, Cole, Mason, Tokuda, Poulsen and Chopp

Read first time 01/31/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to juvenile court jurisdiction over juveniles; and  
2 amending RCW 13.04.030.

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

4            **Sec. 1.** RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to  
5 read as follows:

6            (1) Except as provided in subsection (2) of this section, the  
7 juvenile courts in the several counties of this state, shall have  
8 exclusive original jurisdiction over all proceedings:

9            (a) Under the interstate compact on placement of children as  
10 provided in chapter 26.34 RCW;

11            (b) Relating to children alleged or found to be dependent as  
12 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

13            (c) Relating to the termination of a parent and child relationship  
14 as provided in RCW 13.34.180 through 13.34.210;

15            (d) To approve or disapprove alternative residential placement as  
16 provided in RCW 13.32A.170;

17            (e) Relating to juveniles alleged or found to have committed  
18 offenses, traffic infractions, or violations as provided in RCW  
19 13.40.020 through 13.40.230, unless:

1 (i) The juvenile court transfers jurisdiction of a particular  
2 juvenile to adult criminal court pursuant to RCW 13.40.110; or  
3 (ii) The statute of limitations applicable to adult prosecution for  
4 the offense, traffic infraction, or violation has expired; or  
5 (iii) The alleged offense or infraction is a traffic, fish,  
6 boating, or game offense or traffic infraction committed by a juvenile  
7 sixteen years of age or older and would, if committed by an adult, be  
8 tried or heard in a court of limited jurisdiction, in which instance  
9 the appropriate court of limited jurisdiction shall have jurisdiction  
10 over the alleged offense or infraction: PROVIDED, That if such an  
11 alleged offense or infraction and an alleged offense or infraction  
12 subject to juvenile court jurisdiction arise out of the same event or  
13 incident, the juvenile court may have jurisdiction of both matters:  
14 PROVIDED FURTHER, That the jurisdiction under this subsection does not  
15 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)  
16 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited  
17 jurisdiction which confine juveniles for an alleged offense or  
18 infraction may place juveniles in juvenile detention facilities under  
19 an agreement with the officials responsible for the administration of  
20 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or  
21 (iv) The juvenile is sixteen or seventeen years old and the alleged  
22 offense is: (A) A serious violent offense as defined in RCW 9.94A.030  
23 committed on or after June 13, 1994; or (B) a violent offense as  
24 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the  
25 juvenile has previously been committed to the juvenile rehabilitation  
26 administration and has a criminal history consisting of: (I) One or  
27 more prior serious violent offenses; (II) two or more prior violent  
28 offenses; or (III) three or more of any combination of the following  
29 offenses: Any class A felony, any class B felony, vehicular assault,  
30 or manslaughter in the second degree, all of which must have been  
31 committed after the juvenile's thirteenth birthday and prosecuted  
32 separately. In such a case the adult criminal court shall have  
33 exclusive original jurisdiction.  
34 If the juvenile challenges the state's determination of the  
35 juvenile's criminal history, the state may establish the offender's  
36 criminal history by a preponderance of the evidence. If the criminal  
37 history consists of adjudications entered upon a plea of guilty, the  
38 state shall not bear a burden of establishing the knowing and  
39 voluntariness of the plea;

1 (f) Under the interstate compact on juveniles as provided in  
2 chapter 13.24 RCW;

3 (g) Relating to termination of a diversion agreement under RCW  
4 13.40.080, including a proceeding in which the divertee has attained  
5 eighteen years of age; and

6 (h) Relating to court validation of a voluntary consent to foster  
7 care placement under chapter 13.34 RCW, by the parent or Indian  
8 custodian of an Indian child, except if the parent or Indian custodian  
9 and child are residents of or domiciled within the boundaries of a  
10 federally recognized Indian reservation over which the tribe exercises  
11 exclusive jurisdiction.

12 (2) The family court shall have concurrent original jurisdiction  
13 with the juvenile court over all proceedings under this section if the  
14 superior court judges of a county authorize concurrent jurisdiction as  
15 provided in RCW 26.12.010.

16 (3) A juvenile subject to adult superior court jurisdiction under  
17 subsection (1)(e) (i) through (iv) of this section, who is detained  
18 pending trial, may be detained in a county detention facility as  
19 defined in RCW 13.40.020 pending sentencing or a dismissal.

--- END ---