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HOUSE BILL 2142

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State of Washington                      53rd Legislature    1994 1st Special Session

By Representatives Rayburn, Roland, Lemmon, Springer, Hansen and Morris

Read first time 01/10/94. Referred to Committee on Judiciary.

1            AN ACT Relating to jurisdiction of courts of limited jurisdiction  
2 over juvenile offenses; amending RCW 13.04.030 and 35.20.030; adding a  
3 new section to chapter 13.04 RCW; adding a new section to chapter  
4 28A.225 RCW; and providing an effective date.

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

6            **Sec. 1.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read  
7 as follows:

8            The juvenile courts in the several counties of this state, shall  
9 have exclusive original jurisdiction over all proceedings:

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

12            (2) Relating to children alleged or found to be dependent as  
13 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170(~~(~~  
14 ~~as now or hereafter amended)~~);

15            (3) Relating to the termination of a parent and child relationship  
16 as provided in RCW 13.34.180 through 13.34.210(~~(~~~~as now or hereafter~~  
17 ~~amended)~~);

18            (4) To approve or disapprove alternative residential placement as  
19 provided in RCW 13.32A.170;

1 (5) Relating to juveniles alleged or found to have committed  
2 offenses, traffic infractions, or violations as provided in RCW  
3 13.40.020 through 13.40.230, (~~as now or hereafter amended,~~) unless:

4 (a) The juvenile court transfers jurisdiction of a particular  
5 juvenile to adult criminal court pursuant to RCW 13.40.110(~~, as now or~~  
6 ~~hereafter amended~~); or

7 (b) The statute of limitations applicable to adult prosecution for  
8 the offense, traffic infraction, or violation has expired; or

9 (c) The alleged offense or infraction is a traffic, fish, boating,  
10 or game offense or traffic infraction committed by a juvenile sixteen  
11 years of age or older and would, if committed by an adult, be tried or  
12 heard in a court of limited jurisdiction, in which instance the  
13 appropriate court of limited jurisdiction shall have jurisdiction over  
14 the alleged offense or infraction: PROVIDED, That if such an alleged  
15 offense or infraction and an alleged offense or infraction subject to  
16 juvenile court jurisdiction arise out of the same event or incident,  
17 the juvenile court may have jurisdiction of both matters: PROVIDED  
18 FURTHER, That the jurisdiction under this subsection does not  
19 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)  
20 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of  
21 limited jurisdiction which confine juveniles for an alleged offense or  
22 infraction may place juveniles in juvenile detention facilities under  
23 an agreement with the officials responsible for the administration of  
24 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

25 (d) The alleged offense is a traffic infraction, a violation of  
26 compulsory school attendance provisions under chapter 28A.225 RCW, or  
27 a misdemeanor, and a court of limited jurisdiction has assumed  
28 jurisdiction over those offenses as provided in section 2 of this act;

29 (6) Under the interstate compact on juveniles as provided in  
30 chapter 13.24 RCW;

31 (7) Relating to termination of a diversion agreement under RCW  
32 13.40.080 (~~as now or hereafter amended~~), including a proceeding in  
33 which the divertee has attained eighteen years of age; and

34 (8) Relating to court validation of a voluntary consent to foster  
35 care placement under chapter 13.34 RCW, by the parent or Indian  
36 custodian of an Indian child, except if the parent or Indian custodian  
37 and child are residents of or domiciled within the boundaries of a  
38 federally recognized Indian reservation over which the tribe exercises  
39 exclusive jurisdiction.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 13.04 RCW  
2 to read as follows:

3        (1) Courts of limited jurisdiction, at local option of the county,  
4 city, or town of the court of limited jurisdiction, may exercise  
5 concurrent original jurisdiction with the juvenile court over traffic  
6 infractions, violations of compulsory school attendance provisions  
7 under chapter 28A.225 RCW, and misdemeanors when those offenses are  
8 allegedly committed by juveniles and:

9        (a)(i) The offense, which if committed by an adult, is punishable  
10 by sanctions which do not include incarceration; or

11        (ii) The prosecuting attorney's disposition recommendation does not  
12 include confinement as defined in RCW 13.40.020 as part of the  
13 disposition for the offense;

14        (b) The court of limited jurisdiction has a computer system which  
15 is linked to the state-wide criminal history information data system  
16 used by juvenile courts to track and record juvenile offenders'  
17 criminal history;

18        (c) The county legislative authority of the county in which the  
19 court of limited jurisdiction is located has authorized creation of  
20 concurrent jurisdiction between the court of limited jurisdiction and  
21 the county juvenile court; and

22        (d) The court of limited jurisdiction has an agreement with  
23 officials responsible for administering the county juvenile detention  
24 facility pursuant to RCW 13.04.035 and 13.20.060 that the court may  
25 order juveniles into the detention facility for an offense.

26        (2) The juvenile court shall retain jurisdiction over the offense  
27 if the juvenile is charged with another offense arising out of the same  
28 incident and the juvenile court has jurisdiction over the other  
29 offense.

30        (3) Jurisdiction under this section does not constitute a decline  
31 or transfer of juvenile court jurisdiction under RCW 13.40.110.

32        (4) The provisions of chapter 13.40 RCW shall apply to offenses  
33 prosecuted under this section.

34        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.225  
35 RCW to read as follows:

36        References to juvenile court in this chapter mean, in addition to  
37 the juvenile court of the superior court, courts of limited  
38 jurisdiction which have acquired jurisdiction pursuant to RCW

1 13.04.030(5)(d) and section 2 of this act over juveniles who violate  
2 the provisions of this chapter. If a court of limited jurisdiction has  
3 jurisdiction over juveniles who violate this chapter, that court also  
4 has jurisdiction over parents charged with violations of this chapter.

5 **Sec. 4.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read  
6 as follows:

7 The municipal court shall have jurisdiction to try violations of  
8 all city ordinances and all other actions brought to enforce or recover  
9 license penalties or forfeitures declared or given by any such  
10 ordinances. It is empowered to forfeit cash bail or bail bonds and  
11 issue execution thereon, to hear and determine all causes, civil or  
12 criminal, arising under such ordinances, and to pronounce judgment in  
13 accordance therewith: PROVIDED, That for a violation of the criminal  
14 provisions of an ordinance no greater punishment shall be imposed than  
15 a fine of five thousand dollars or imprisonment in the city jail not to  
16 exceed one year, or both such fine and imprisonment, but the punishment  
17 for any criminal ordinance shall be the same as the punishment provided  
18 in state law for the same crime. The municipal court shall also have  
19 jurisdiction over juvenile offenses prosecuted pursuant to chapter  
20 13.40 RCW if the court has acquired jurisdiction pursuant to RCW  
21 13.04.030(5)(d) and section 2 of this act. All civil and criminal  
22 proceedings in municipal court, and judgments rendered therein, shall  
23 be subject to review in the superior court by writ of review or on  
24 appeal: PROVIDED, That an appeal from the court's determination or  
25 order in a traffic infraction proceeding may be taken only in  
26 accordance with RCW 46.63.090(5). Costs in civil and criminal cases  
27 may be taxed as provided in district courts.

28 NEW SECTION. **Sec. 5.** This act shall take effect July 1, 1994.

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