
HOUSE BILL 2259

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Kremen, Linville, Orr, Chappell, Zellinsky, Jones, Scott, B. Thomas, Van Luven, Johanson, Campbell, Brough, Rayburn, Chandler and Shin

Read first time 01/12/94. Referred to Committee on Judiciary.

1 AN ACT Relating to mandatory declination of juvenile court
2 jurisdiction in cases involving an offender armed with a firearm; and
3 amending RCW 13.40.110.

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

5 **Sec. 1.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read
6 as follows:

7 (1) Except as provided in subsection (4) of this section, the
8 prosecutor, respondent, or the court on its own motion may, before a
9 hearing on the information on its merits, file a motion requesting the
10 court to transfer the respondent for adult criminal prosecution and the
11 matter shall be set for a hearing on the question of declining
12 jurisdiction. Unless waived by the court, the parties, and their
13 counsel, a decline hearing shall be held where:

14 (a) The respondent is fifteen, sixteen, or seventeen years of age
15 and the information alleges a class A felony or an attempt,
16 solicitation, or conspiracy to commit a class A felony; or

17 (b) The respondent is seventeen years of age and the information
18 alleges assault in the second degree, extortion in the first degree,

1 indecent liberties, child molestation in the second degree, kidnapping
2 in the second degree, or robbery in the second degree.

3 (2) The court, after a motion and decline hearing under subsection
4 (1) of this section, may order the case transferred for adult criminal
5 prosecution upon a finding that the declination would be in the best
6 interest of the juvenile or the public. The court shall consider the
7 relevant reports, facts, opinions, and arguments presented by the
8 parties and their counsel.

9 (3) When the respondent is transferred for criminal prosecution or
10 retained for prosecution in juvenile court following a motion and
11 hearing under subsection (1) of this section, the court shall set forth
12 in writing its finding which shall be supported by relevant facts and
13 opinions produced at the hearing.

14 (4) The court shall on its own motion order a case transferred for
15 adult criminal prosecution whenever:

16 (a) The respondent was fourteen years of age or older at the time
17 of the commission of the offense; and

18 (b) The information alleges a violent offense as defined in RCW
19 9.94A.030; and

20 (c) There has been a special allegation that the respondent or an
21 accomplice was armed with a firearm at the time of the commission of
22 the offense.

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