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HOUSE BILL 2427

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State of Washington

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1994 Regular Session

By Representatives Backlund, Brough, Padden, Chappell, Fuhrman, Long, Talcott, Sheahan, Brumsickle, Wood, Silver, Dyer, Tate and Mielke

Read first time 01/14/94. Referred to Committee on Judiciary.

1 AN ACT Relating to juvenile offenders; amending RCW 13.40.110;  
2 adding new sections to chapter 13.40 RCW; adding a new section to  
3 chapter 9.94A RCW; and prescribing penalties.

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 subsections (2) and (5) of this section,  
8 the prosecutor, respondent, or the court on its own motion may, before  
9 a hearing on the information on its merits, file a motion requesting  
10 the court to transfer the respondent for adult criminal prosecution and  
11 the 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,))

14 (2) A decline hearing shall be held where:

15 (a) The respondent ((is fifteen, sixteen, or seventeen)) was  
16 fourteen years of age or younger when the offense was committed and the  
17 information alleges ((a class A felony or an attempt, solicitation, or  
18 conspiracy to commit a class A felony)):

1        (i) The offender committed a violent offense as defined in RCW  
2 9.94A.030; or

3        (ii) In a special allegation, that the respondent or an accomplice  
4 was armed with a deadly weapon as defined in section 2 of this act when  
5 the offense was committed; or

6        (b) The respondent is ~~((seventeen))~~ fifteen years of age or older  
7 and the information alleges ~~((assault in the second degree, extortion~~  
8 ~~in the first degree,))~~ indecent liberties~~((,))~~ or child molestation in  
9 the second degree~~((, kidnapping in the second degree, or robbery in the~~  
10 ~~second degree))~~.

11        ~~((+2))~~ (3) The court after a decline hearing under subsection (1)  
12 or (2) of this section, may order the case transferred for adult  
13 criminal prosecution upon a finding that the declination would be in  
14 the best interest of the juvenile or the public. The court shall  
15 consider the relevant reports, facts, opinions, and arguments presented  
16 by the parties and their counsel.

17        ~~((+3))~~ (4) When the respondent is transferred for criminal  
18 prosecution or retained for prosecution in juvenile court following a  
19 hearing under subsection (1) or (2) of this section, the court shall  
20 set forth in writing its finding which shall be supported by relevant  
21 facts and opinions produced at the hearing.

22        (5) The court shall on its own motion order a case transferred for  
23 adult criminal prosecution whenever the respondent was fifteen years of  
24 age or older when the offense was committed, and:

25        (a) The information alleges the offender committed a violent  
26 offense as defined in RCW 9.94A.030; or

27        (b) The information contains a special allegation that the  
28 respondent or an accomplice was armed with a deadly weapon as defined  
29 in section 2 of this act when the offense was committed.

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

32        (1) When sufficient admissible evidence exists to support a finding  
33 that the alleged offender or an accomplice was armed with a deadly  
34 weapon when the offense was committed, the prosecutor may file a  
35 special allegation that the alleged offender or an accomplice was armed  
36 with a deadly weapon when the offense was committed.

37        (2) If the information contains a deadly weapon special allegation,  
38 the court shall make a finding of fact, upon a plea of guilty or an

1 adjudication of guilt on the underlying offense, whether the accused or  
2 an accomplice was armed with a deadly weapon when the offense was  
3 committed.

4 (3) For purposes of this section, "deadly weapon" means a deadly  
5 weapon as defined in RCW 9.94A.125 or 9A.04.110.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW  
7 to read as follows:

8 If a respondent is not transferred for adult prosecution under RCW  
9 13.40.110, the following additional times shall be added to the  
10 determinate disposition under option A, B, or C in schedule D of RCW  
11 13.40.0357, if the court enters a finding on a special allegation that  
12 the offender or an accomplice was armed with a deadly weapon as defined  
13 in section 2 of this act:

14 (1) Twenty-six weeks if the offender is adjudicated for the  
15 commission of an A+, A, or A- offense;

16 (2) Sixteen weeks if the offender is adjudicated for the commission  
17 of a B+ or B offense; and

18 (3) Twelve weeks if the offender is adjudicated for the commission  
19 of a C+ or C offense.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.94A RCW  
21 to read as follows:

22 (1) The conviction of an offender who is: (a) Transferred by the  
23 juvenile court to an adult criminal court pursuant to RCW 13.40.110;  
24 and (b) subsequently convicted of a "most serious offense" as defined  
25 in RCW 9.94A.030, shall be counted as a conviction for purposes of the  
26 definition of a "persistent offender" as defined in RCW 9.94A.030.

27 (2) This section is a clarification of the application of chapter  
28 1, Laws of 1994 and is not intended to amend chapter 1, Laws of 1994.

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