
HOUSE BILL 2563

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Lisk, Edmondson, Chandler, Schoesler, Rayburn and B. Thomas

Read first time 01/17/94. Referred to Committee on Corrections.

1 AN ACT Relating to juveniles; amending RCW 13.32A.050, 13.04.030,
2 and 35.20.030; adding a new section to chapter 13.04 RCW; adding a new
3 section to chapter 28A.225 RCW; adding a new chapter to Title 13 RCW;
4 prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the growing
7 concern in some communities over the nighttime incidences of violence
8 and other criminal activity committed in public places by and against
9 youth. The legislature finds that where a community is experiencing
10 this criminal activity, it may be an appropriate exercise of the
11 community's police powers to restrict temporarily the hours during
12 which youth may be in public places without adult supervision or
13 authorization. It is the intent of the legislature to provide local
14 communities with a model curfew ordinance.

15 (2) A county, city, or town may adopt the model curfew ordinance
16 created by section 2 of this act. Before adopting the ordinance, the
17 governing authority of the jurisdiction may establish the need for the
18 ordinance in all or part of the geographic area of the jurisdiction by
19 making the following findings:

1 (a) The incidence of criminal activity by or against minors has
2 increased within the area in question;

3 (b) The level of criminal activity represents a substantial threat
4 to the safety of minors in particular or the public in general within
5 the area in question; and

6 (c) A curfew is a necessary element of an effective plan to reduce
7 the incidence of criminal activity by or against minors within the area
8 in question.

9 (3) A governing authority that adopts a model curfew ordinance
10 under RCW 13.32A.050, 13.04.030, and sections 1, 2, and 5 through 7 of
11 this act may make the ordinance effective for a period up to one
12 hundred eighty days. Upon expiration of the initial period, the
13 governing authority may extend the curfew for additional periods up to
14 one hundred eighty days if, not more than thirty days before the
15 expiration of the initial period, the governing authority finds that:

16 (a) The imposition of the curfew has reduced the incidence of
17 criminal activity committed by or against minors; and

18 (b) Extension of the curfew is a necessary element in an effective
19 plan to reduce further the incidence of the criminal activity or to
20 prevent the incidence of the criminal activity from returning to
21 previous levels.

22 (4) Nothing in chapter . . . , Laws of 1994 (this act) limits or
23 alters the existing authority of counties, cities, or towns to enact
24 curfew ordinances.

25 NEW SECTION. **Sec. 2.** With respect to a geographic area identified
26 under section 1 of this act, a local governing authority may adopt an
27 ordinance to read as follows:

28 (1) Unless the context clearly requires otherwise, the definitions
29 in this subsection apply throughout this section:

30 (a) "Emergency situation" means, but is not limited to, a fire,
31 natural disaster, automobile accident, or the need to obtain immediate
32 medical care for the minor or a member of the minor's immediate family.

33 (b) "Minor" means a person under the age of eighteen.

34 (c) "Public place" means any sidewalk, street, alley, highway,
35 park, or other public place and includes, but is not limited to, a
36 vehicle that is in a public place.

37 (2) It is unlawful for a minor to be in a public place between the
38 hours of twelve midnight and five a.m. unless:

1 (a) The minor is accompanied by a parent, legal guardian, or a
2 person twenty-one years of age or older who is authorized by the
3 minor's parent or legal guardian to accompany the minor;

4 (b) The minor is traveling by direct route to or from a religious
5 activity, political activity, or an event sponsored by a school;

6 (c) The minor is traveling by direct route to or from his or her
7 place of lawful employment; or

8 (d) The minor is involved in an emergency situation.

9 (3) A law enforcement officer may stop and detain a person that the
10 officer reasonably believes is a minor in violation of this section in
11 order to obtain the person's name and age and the address of the
12 person's parent or legal guardian.

13 (4) A violation of subsection (2) of this section is a class 4
14 civil infraction under chapter 7.80 RCW.

15 **Sec. 3.** RCW 13.32A.050 and 1990 c 276 s 5 are each amended to read
16 as follows:

17 A law enforcement officer shall take a child into custody:

18 (1) If a law enforcement agency has been contacted by the parent of
19 the child that the child is absent from parental custody without
20 consent; or

21 (2) If a law enforcement officer reasonably believes, considering
22 the child's age, the location, and the time of day, that a child is in
23 circumstances which constitute a danger to the child's safety or that
24 a child is violating a local curfew ordinance; or

25 (3) If an agency legally charged with the supervision of a child
26 has notified a law enforcement agency that the child has run away from
27 placement; or

28 (4) If a law enforcement agency has been notified by the juvenile
29 court that the court finds probable cause exists to believe that the
30 child has violated a court placement order issued pursuant to chapter
31 13.32A RCW or that the court has issued an order for law enforcement
32 pick-up of the child under this chapter.

33 Law enforcement custody shall not extend beyond the amount of time
34 reasonably necessary to transport the child to a destination authorized
35 by law and to place the child at that destination.

36 An officer who takes a child into custody under this section and
37 places the child in a designated crisis residential center shall inform
38 the department of such placement within twenty-four hours.

1 (5) Nothing in this section affects the authority of any political
2 subdivision to make regulations concerning the conduct of minors in
3 public places by ordinance or other local law.

4 **Sec. 4.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
5 as follows:

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

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

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

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

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

18 (5) Relating to juveniles alleged or found to have committed
19 offenses, traffic infractions, or violations as provided in RCW
20 13.40.020 through 13.40.230, (~~(as now or hereafter amended,~~)) unless:

21 (a) The juvenile court transfers jurisdiction of a particular
22 juvenile to adult criminal court pursuant to RCW 13.40.110(~~(~~
23 ~~as now or hereafter amended)~~); or

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

26 (c) The alleged offense or infraction is a traffic, fish, boating,
27 or game offense or traffic infraction committed by a juvenile sixteen
28 years of age or older and would, if committed by an adult, be tried or
29 heard in a court of limited jurisdiction, in which instance the
30 appropriate court of limited jurisdiction shall have jurisdiction over
31 the alleged offense or infraction: PROVIDED, That if such an alleged
32 offense or infraction and an alleged offense or infraction subject to
33 juvenile court jurisdiction arise out of the same event or incident,
34 the juvenile court may have jurisdiction of both matters: PROVIDED
35 FURTHER, That the jurisdiction under this subsection does not
36 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
37 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
38 limited jurisdiction which confine juveniles for an alleged offense or

1 infraction may place juveniles in juvenile detention facilities under
2 an agreement with the officials responsible for the administration of
3 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

4 (d) The alleged offense is a traffic infraction, a violation of
5 compulsory school attendance provisions under chapter 28A.225 RCW, or
6 a misdemeanor, and a court of limited jurisdiction has assumed
7 jurisdiction over those offenses as provided in section 5 of this act;

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

10 (7) Relating to termination of a diversion agreement under RCW
11 13.40.080 (~~as now or hereafter amended~~), including a proceeding in
12 which the divertee has attained eighteen years of age; and

13 (8) Relating to court validation of a voluntary consent to foster
14 care placement under chapter 13.34 RCW, by the parent or Indian
15 custodian of an Indian child, except if the parent or Indian custodian
16 and child are residents of or domiciled within the boundaries of a
17 federally recognized Indian reservation over which the tribe exercises
18 exclusive jurisdiction.

19 NEW SECTION. Sec. 5. A new section is added to chapter 13.04 RCW
20 to read as follows:

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

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

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

32 (b) The court of limited jurisdiction has a computer system that is
33 linked to the state-wide criminal history information data system used
34 by juvenile courts to track and record juvenile offenders' criminal
35 history;

36 (c) The county legislative authority of the county in which the
37 court of limited jurisdiction is located has authorized creation of

1 concurrent jurisdiction between the court of limited jurisdiction and
2 the county juvenile court;

3 (d) The county legislative authority of the county in which the
4 court of limited jurisdiction is located has authorized the creation of
5 a community advisory board consisting of parents, educators, law
6 enforcement officers, and students to monitor the impacts of this
7 concurrent jurisdiction and periodically report to the county
8 legislative authority; and

9 (e) The court of limited jurisdiction has an agreement with
10 officials responsible for administering the county juvenile detention
11 facility under RCW 13.04.035 and 13.20.060 that the court may order
12 juveniles into the detention facility for an offense.

13 (2) The juvenile court shall retain jurisdiction over the offense
14 if the juvenile is charged with another offense arising out of the same
15 incident and the juvenile court has jurisdiction over the other
16 offense.

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

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

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.225
22 RCW to read as follows:

23 References to juvenile court in this chapter mean, in addition to
24 the juvenile court of the superior court, courts of limited
25 jurisdiction that have acquired jurisdiction under RCW 13.04.030(5)(d)
26 and section 5 of this act over juveniles who violate the provisions of
27 this chapter. If a court of limited jurisdiction has jurisdiction over
28 juveniles who violate this chapter, that court also has jurisdiction
29 over parents charged with violations of this chapter.

30 **Sec. 7.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read
31 as follows:

32 The municipal court shall have jurisdiction to try violations of
33 all city ordinances and all other actions brought to enforce or recover
34 license penalties or forfeitures declared or given by any such
35 ordinances. It is empowered to forfeit cash bail or bail bonds and
36 issue execution thereon, to hear and determine all causes, civil or
37 criminal, arising under such ordinances, and to pronounce judgment in

1 accordance therewith(~~(:—PROVIDED, That)~~). However, for a violation of
2 the criminal provisions of an ordinance no greater punishment shall be
3 imposed than a fine of five thousand dollars or imprisonment in the
4 city jail not to exceed one year, or both such fine and imprisonment,
5 but the punishment for any criminal ordinance shall be the same as the
6 punishment provided in state law for the same crime. The municipal
7 court shall also have jurisdiction over juvenile offenses prosecuted
8 under chapter 13.40 RCW if the court has acquired jurisdiction under
9 RCW 13.04.030(5)(d) and section 5 of this act. All civil and criminal
10 proceedings in municipal court, and judgments rendered therein, shall
11 be subject to review in the superior court by writ of review or on
12 appeal(~~(:—PROVIDED, That)~~). However, an appeal from the court's
13 determination or order in a traffic infraction proceeding may be taken
14 only in accordance with RCW 46.63.090(5). Costs in civil and criminal
15 cases may be taxed as provided in district courts.

16 NEW SECTION. Sec. 8. Sections 1 and 2 of this act shall
17 constitute a new chapter in Title 13 RCW.

18 NEW SECTION. Sec. 9. This act shall take effect July 1, 1994.

19 NEW SECTION. Sec. 10. If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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