

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1922

55th Legislature
1997 Regular Session

Passed by the House April 21, 1997
Yeas 93 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1997
Yeas 39 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1922** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1922

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By Representatives Honeyford, Lisk, Mastin and Cooke

Read first time 02/14/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to granting courts of limited jurisdiction
2 concurrent jurisdiction over certain juvenile offenses; reenacting and
3 amending RCW 13.04.030; adding a new section to chapter 13.04 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a swift and
7 certain response to a juvenile who begins engaging in acts of
8 delinquency may prevent the offender from becoming a chronic or more
9 serious offender. However, given pressing demands to address serious
10 offenders, the system does not always respond to minor offenders
11 expeditiously and effectively. Consequently, this act is adopted to
12 implement an experiment to determine whether granting courts of limited
13 jurisdiction concurrent jurisdiction over certain juvenile offenses
14 will improve the system's effectiveness in curbing delinquency. The
15 legislature may ascertain whether this approach might be successful on
16 a larger scale by conducting an experiment with local governments,
17 which are the laboratories of democracy.

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

3 (1) Any county with a population of at least two hundred thousand
4 but less than three hundred fifty thousand that is located east of the
5 crest of the Cascades may authorize a pilot project to allow courts of
6 limited jurisdiction within the county to exercise concurrent
7 jurisdiction with the juvenile court under certain circumstances.
8 District and municipal courts of limited jurisdiction at the local
9 option of the county or any city or town located within the county may
10 exercise concurrent original jurisdiction with the juvenile court over
11 traffic or civil infractions, violations of compulsory school
12 attendance provisions under chapter 28A.225 RCW, and misdemeanors, when
13 those offenses are allegedly committed by juveniles and:

14 (a)(i) The offense, if it were committed by an adult, would be
15 punishable by sanctions that do not include incarceration; or

16 (ii) The offender's standard range disposition does not include a
17 term of confinement as defined in RCW 13.40.020;

18 (b)(i) The court of limited jurisdiction has a computer system that
19 is linked to the state-wide criminal history information data system
20 used by juvenile courts to track and record juvenile offenders'
21 criminal history; and

22 (ii) All information, including but not limited to filing charges,
23 truancy petitions, and court dispositions, pertaining to offenses over
24 which district and municipal courts of limited jurisdiction are
25 exercising concurrent jurisdiction shall be transmitted without delay
26 to juvenile court for entry into the appropriate court information
27 system;

28 (c) The county legislative authority of the county has authorized
29 creation of concurrent jurisdiction between the court of limited
30 jurisdiction and the juvenile court; and

31 (d) The court of limited jurisdiction has an agreement with
32 officials responsible for administering the county juvenile detention
33 facility under RCW 13.04.035 and 13.20.060 that the court may order
34 juveniles into the detention facility for an offense in cases in which
35 the court finds that a disposition without confinement would be a
36 manifest injustice.

37 (2) The juvenile court shall retain jurisdiction over the offense
38 if the juvenile is charged with another offense arising out of the same

1 incident and the juvenile court has jurisdiction over the other
2 offense.

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

5 (4) The procedural and disposition provisions of chapter 13.40 RCW
6 apply to offenses prosecuted under this section.

7 (5) All diversions and adjudications entered by a court of limited
8 jurisdiction must be included in an offender's criminal history as
9 provided in chapter 13.40 RCW.

10 (6) This section is to be implemented as a pilot project in the
11 county and the pilot project, together with the authority to exercise
12 concurrent jurisdiction with the juvenile court, expires June 30, 2002.

13 **Sec. 3.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are
14 each reenacted and amended to read as follows:

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

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

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

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

24 (d) To approve or disapprove out-of-home placement as provided in
25 RCW 13.32A.170;

26 (e) Relating to juveniles alleged or found to have committed
27 offenses, traffic infractions, or violations as provided in RCW
28 13.40.020 through 13.40.230, unless:

29 (i) The juvenile court transfers jurisdiction of a particular
30 juvenile to adult criminal court pursuant to RCW 13.40.110; (~~(e)~~)

31 (ii) The statute of limitations applicable to adult prosecution for
32 the offense, traffic infraction, or violation has expired; (~~(e)~~)

33 (iii) The alleged offense or infraction is a traffic, fish,
34 boating, or game offense or traffic infraction committed by a juvenile
35 sixteen years of age or older and would, if committed by an adult, be
36 tried or heard in a court of limited jurisdiction, in which instance
37 the appropriate court of limited jurisdiction shall have jurisdiction
38 over the alleged offense or infraction: PROVIDED, That if such an

1 alleged offense or infraction and an alleged offense or infraction
2 subject to juvenile court jurisdiction arise out of the same event or
3 incident, the juvenile court may have jurisdiction of both matters:
4 PROVIDED FURTHER, That the jurisdiction under this subsection does not
5 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
6 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
7 jurisdiction which confine juveniles for an alleged offense or
8 infraction may place juveniles in juvenile detention facilities under
9 an agreement with the officials responsible for the administration of
10 the juvenile detention facility in RCW 13.04.035 and 13.20.060; (~~or~~)

11 (iv) The alleged offense is a traffic or civil infraction, a
12 violation of compulsory school attendance provisions under chapter
13 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has
14 assumed concurrent jurisdiction over those offenses as provided in
15 section 2 of this act; or

16 (v) The juvenile is sixteen or seventeen years old and the alleged
17 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
18 committed on or after June 13, 1994; or (B) a violent offense as
19 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
20 juvenile has a criminal history consisting of: (I) One or more prior
21 serious violent offenses; (II) two or more prior violent offenses; or
22 (III) three or more of any combination of the following offenses: Any
23 class A felony, any class B felony, vehicular assault, or manslaughter
24 in the second degree, all of which must have been committed after the
25 juvenile's thirteenth birthday and prosecuted separately. In such a
26 case the adult criminal court shall have exclusive original
27 jurisdiction.

28 If the juvenile challenges the state's determination of the
29 juvenile's criminal history, the state may establish the offender's
30 criminal history by a preponderance of the evidence. If the criminal
31 history consists of adjudications entered upon a plea of guilty, the
32 state shall not bear a burden of establishing the knowing and
33 voluntariness of the plea;

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

36 (g) Relating to termination of a diversion agreement under RCW
37 13.40.080, including a proceeding in which the divertee has attained
38 eighteen years of age;

1 (h) Relating to court validation of a voluntary consent to an out-
2 of-home placement under chapter 13.34 RCW, by the parent or Indian
3 custodian of an Indian child, except if the parent or Indian custodian
4 and child are residents of or domiciled within the boundaries of a
5 federally recognized Indian reservation over which the tribe exercises
6 exclusive jurisdiction; and

7 (i) Relating to petitions to compel disclosure of information filed
8 by the department of social and health services pursuant to RCW
9 74.13.042.

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

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

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