
SENATE BILL 5989

State of Washington

55th Legislature

1997 Regular Session

By Senators Benton, Rossi and Oke

Read first time 02/25/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to jurisdiction over juvenile tobacco violators;
2 amending RCW 70.155.080; and reenacting and amending RCW 13.04.030.

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

4 **Sec. 1.** RCW 70.155.080 and 1993 c 507 s 9 are each amended to read
5 as follows:

6 (1) A person under the age of eighteen who purchases or attempts to
7 purchase or obtains or attempts to obtain cigarettes or tobacco
8 products commits a class 3 civil infraction under chapter 7.80 RCW and
9 is subject to a fine as set out in chapter 7.80 RCW or participation in
10 a smoking cessation program, or both. This provision does not apply if
11 a person under the age of eighteen, with parental authorization, is
12 participating in a controlled purchase as part of a liquor control
13 board, law enforcement, or local health department activity.

14 (2) Juvenile court has jurisdiction over the alleged infraction if
15 committed by a juvenile under sixteen years of age. If the alleged
16 infraction is committed by a juvenile sixteen years of age or older,
17 the appropriate court of limited jurisdiction has jurisdiction over the
18 alleged infraction.

1 **Sec. 2.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are
2 each reenacted and amended to read as follows:

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

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

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

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

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

14 (e) Relating to juveniles alleged or found to have committed
15 offenses, traffic or civil infractions, or violations as provided in
16 RCW 13.40.020 through 13.40.230, unless:

17 (i) The juvenile court transfers jurisdiction of a particular
18 juvenile to adult criminal court pursuant to RCW 13.40.110; or

19 (ii) The statute of limitations applicable to adult prosecution for
20 the offense, traffic infraction, or violation has expired; or

21 (iii) The alleged offense or infraction is a traffic, fish,
22 boating, or game offense, or traffic or civil infraction committed by
23 a juvenile sixteen years of age or older and would, if committed by an
24 adult, be tried or heard in a court of limited jurisdiction, in which
25 instance the appropriate court of limited jurisdiction shall have
26 jurisdiction over the alleged offense or infraction: PROVIDED, That if
27 such an alleged offense or infraction and an alleged offense or
28 infraction subject to juvenile court jurisdiction arise out of the same
29 event or incident, the juvenile court may have jurisdiction of both
30 matters: PROVIDED FURTHER, That the jurisdiction under this subsection
31 does not constitute "transfer" or a "decline" for purposes of RCW
32 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That
33 courts of limited jurisdiction which confine juveniles for an alleged
34 offense or infraction may place juveniles in juvenile detention
35 facilities under an agreement with the officials responsible for the
36 administration of the juvenile detention facility in RCW 13.04.035 and
37 13.20.060; or

38 (iv) The juvenile is sixteen or seventeen years old and the alleged
39 offense is: (A) A serious violent offense as defined in RCW 9.94A.030

1 committed on or after June 13, 1994; or (B) a violent offense as
2 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
3 juvenile has a criminal history consisting of: (I) One or more prior
4 serious violent offenses; (II) two or more prior violent offenses; or
5 (III) three or more of any combination of the following offenses: Any
6 class A felony, any class B felony, vehicular assault, or manslaughter
7 in the second degree, all of which must have been committed after the
8 juvenile's thirteenth birthday and prosecuted separately. In such a
9 case the adult criminal court shall have exclusive original
10 jurisdiction.

11 If the juvenile challenges the state's determination of the
12 juvenile's criminal history, the state may establish the offender's
13 criminal history by a preponderance of the evidence. If the criminal
14 history consists of adjudications entered upon a plea of guilty, the
15 state shall not bear a burden of establishing the knowing and
16 voluntariness of the plea;

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

19 (g) Relating to termination of a diversion agreement under RCW
20 13.40.080, including a proceeding in which the divertee has attained
21 eighteen years of age;

22 (h) Relating to court validation of a voluntary consent to an out-
23 of-home placement under chapter 13.34 RCW, by the parent or Indian
24 custodian of an Indian child, except if the parent or Indian custodian
25 and child are residents of or domiciled within the boundaries of a
26 federally recognized Indian reservation over which the tribe exercises
27 exclusive jurisdiction; and

28 (i) Relating to petitions to compel disclosure of information filed
29 by the department of social and health services pursuant to RCW
30 74.13.042.

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

35 (3) A juvenile subject to adult superior court jurisdiction under
36 subsection (1)(e) (i) through (iv) of this section, who is detained

1 pending trial, may be detained in a county detention facility as
2 defined in RCW 13.40.020 pending sentencing or a dismissal.

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