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HOUSE BILL 2064

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Roberts, McDonald, Darneille, Moeller, Ericks,  
Lantz and McCune

Read first time 02/16/2005.      Referred to Committee on Juvenile  
Justice & Family Law.

1            AN ACT Relating to the date of the offense for the purposes of  
2 automatic transfer of jurisdiction; and amending RCW 13.04.030.

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

4            **Sec. 1.** RCW 13.04.030 and 2000 c 135 s 2 are each amended to read  
5 as follows:

6            (1) Except as provided in this section, the juvenile courts in this  
7 state shall have exclusive original jurisdiction over all proceedings:

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

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

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

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

1 (i) The juvenile court transfers jurisdiction of a particular  
2 juvenile to adult criminal court pursuant to RCW 13.40.110;

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

5 (iii) The alleged offense or infraction is a traffic, fish,  
6 boating, or game offense, or traffic or civil infraction committed by  
7 a juvenile sixteen years of age or older and would, if committed by an  
8 adult, be tried or heard in a court of limited jurisdiction, in which  
9 instance the appropriate court of limited jurisdiction shall have  
10 jurisdiction over the alleged offense or infraction, and no guardian ad  
11 litem is required in any such proceeding due to the juvenile's age:  
12 PROVIDED, That if such an alleged offense or infraction and an alleged  
13 offense or infraction subject to juvenile court jurisdiction arise out  
14 of the same event or incident, the juvenile court may have jurisdiction  
15 of both matters: PROVIDED FURTHER, That the jurisdiction under this  
16 subsection does not constitute "transfer" or a "decline" for purposes  
17 of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER,  
18 That courts of limited jurisdiction which confine juveniles for an  
19 alleged offense or infraction may place juveniles in juvenile detention  
20 facilities under an agreement with the officials responsible for the  
21 administration of the juvenile detention facility in RCW 13.04.035 and  
22 13.20.060;

23 (iv) The alleged offense is a traffic or civil infraction, a  
24 violation of compulsory school attendance provisions under chapter  
25 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has  
26 assumed concurrent jurisdiction over those offenses as provided in RCW  
27 13.04.0301; or

28 (v) The juvenile is sixteen or seventeen years old on the date the  
29 alleged offense is committed and the alleged offense is:

30 (A) A serious violent offense as defined in RCW 9.94A.030;

31 (B) A violent offense as defined in RCW 9.94A.030 and the juvenile  
32 has a criminal history consisting of: (I) One or more prior serious  
33 violent offenses; (II) two or more prior violent offenses; or (III)  
34 three or more of any combination of the following offenses: Any class  
35 A felony, any class B felony, vehicular assault, or manslaughter in the  
36 second degree, all of which must have been committed after the  
37 juvenile's thirteenth birthday and prosecuted separately;

1 (C) Robbery in the first degree, rape of a child in the first  
2 degree, or drive-by shooting, committed on or after July 1, 1997;

3 (D) Burglary in the first degree committed on or after July 1,  
4 1997, and the juvenile has a criminal history consisting of one or more  
5 prior felony or misdemeanor offenses; or

6 (E) Any violent offense as defined in RCW 9.94A.030 committed on or  
7 after July 1, 1997, and the juvenile is alleged to have been armed with  
8 a firearm.

9 In such a case the adult criminal court shall have exclusive  
10 original jurisdiction.

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

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; and

31 (j) Relating to judicial determinations and permanency planning  
32 hearings involving developmentally disabled children who have been  
33 placed in out-of-home care pursuant to a voluntary placement agreement  
34 between the child's parent, guardian, or legal custodian and the  
35 department of social and health services.

36 (2) The family court shall have concurrent original jurisdiction  
37 with the juvenile court over all proceedings under this section if the

1 superior court judges of a county authorize concurrent jurisdiction as  
2 provided in RCW 26.12.010.

3 (3) The juvenile court shall have concurrent original jurisdiction  
4 with the family court over child custody proceedings under chapter  
5 26.10 RCW as provided for in RCW 13.34.155.

6 (4) A juvenile subject to adult superior court jurisdiction under  
7 subsection (1)(e)(i) through (v) of this section, who is detained  
8 pending trial, may be detained in a detention facility as defined in  
9 RCW 13.40.020 pending sentencing or a dismissal.

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