

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2061**

59th Legislature  
2005 Regular Session

Passed by the House March 9, 2005  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 12, 2005  
Yeas 42 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2061** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2061**

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Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Darneille, Moeller and Dickerson)

READ FIRST TIME 03/04/05.

1            AN ACT Relating to requiring disposition to be held in juvenile  
2 court in certain circumstances when a case is automatically transferred  
3 to adult court; and amending RCW 13.04.030 and 13.40.300.

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

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

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

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

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

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

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

17            (e) Relating to juveniles alleged or found to have committed  
18 offenses, traffic or civil infractions, or violations as provided in  
19 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 and the alleged  
29 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 (I) In such a case the adult criminal court shall have exclusive  
10 original jurisdiction, except as provided in (e)(v)(E)(II) of this  
11 subsection.

12 (II) The juvenile court shall have exclusive jurisdiction over the  
13 disposition of any remaining charges in any case in which the juvenile  
14 is found not guilty in the adult criminal court of the charge or  
15 charges for which he or she was transferred, or is convicted in the  
16 adult criminal court of a lesser included offense that is not also an  
17 offense listed in (e)(v) of this subsection. The juvenile court shall  
18 enter an order extending juvenile court jurisdiction if the juvenile  
19 has turned eighteen years of age during the adult criminal court  
20 proceedings pursuant to RCW 13.40.300. However, once the case is  
21 returned to juvenile court, the court may hold a decline hearing  
22 pursuant to RCW 13.40.110 to determine whether to retain the case in  
23 juvenile court for the purpose of disposition or return the case to  
24 adult criminal court for sentencing.

25 If the juvenile challenges the state's determination of the  
26 juvenile's criminal history under (e)(v) of this subsection, the state  
27 may establish the offender's criminal history by a preponderance of the  
28 evidence. If the criminal history consists of adjudications entered  
29 upon a plea of guilty, the state shall not bear a burden of  
30 establishing the knowing and voluntariness of the plea;

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

33 (g) Relating to termination of a diversion agreement under RCW  
34 13.40.080, including a proceeding in which the divertee has attained  
35 eighteen years of age;

36 (h) Relating to court validation of a voluntary consent to an out-  
37 of-home placement under chapter 13.34 RCW, by the parent or Indian  
38 custodian of an Indian child, except if the parent or Indian custodian

1 and child are residents of or domiciled within the boundaries of a  
2 federally recognized Indian reservation over which the tribe exercises  
3 exclusive jurisdiction;

4 (i) Relating to petitions to compel disclosure of information filed  
5 by the department of social and health services pursuant to RCW  
6 74.13.042; and

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

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

16 (3) The juvenile court shall have concurrent original jurisdiction  
17 with the family court over child custody proceedings under chapter  
18 26.10 RCW as provided for in RCW 13.34.155.

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

23 **Sec. 2.** RCW 13.40.300 and 2000 c 71 s 2 are each amended to read  
24 as follows:

25 (1) In no case may a juvenile offender be committed by the juvenile  
26 court to the department of social and health services for placement in  
27 a juvenile correctional institution beyond the juvenile offender's  
28 twenty-first birthday. A juvenile may be under the jurisdiction of the  
29 juvenile court or the authority of the department of social and health  
30 services beyond the juvenile's eighteenth birthday only if prior to the  
31 juvenile's eighteenth birthday:

32 (a) Proceedings are pending seeking the adjudication of a juvenile  
33 offense and the court by written order setting forth its reasons  
34 extends jurisdiction of juvenile court over the juvenile beyond his or  
35 her eighteenth birthday;

36 (b) The juvenile has been found guilty after a fact finding or

1 after a plea of guilty and an automatic extension is necessary to allow  
2 for the imposition of disposition; ((~~or~~))

3 (c) Disposition has been held and an automatic extension is  
4 necessary to allow for the execution and enforcement of the court's  
5 order of disposition. If an order of disposition imposes commitment to  
6 the department, then jurisdiction is automatically extended to include  
7 a period of up to twelve months of parole, in no case extending beyond  
8 the offender's twenty-first birthday; or

9 (d) While proceedings are pending in a case in which jurisdiction  
10 has been transferred to the adult criminal court pursuant to RCW  
11 13.04.030, the juvenile turns eighteen years of age and is subsequently  
12 found not guilty of the charge for which he or she was transferred, or  
13 is convicted in the adult criminal court of a lesser included offense,  
14 and an automatic extension is necessary to impose the disposition as  
15 required by RCW 13.04.030(1)(e)(v)(E).

16 (2) If the juvenile court previously has extended jurisdiction  
17 beyond the juvenile offender's eighteenth birthday and that period of  
18 extension has not expired, the court may further extend jurisdiction by  
19 written order setting forth its reasons.

20 (3) In no event may the juvenile court have authority to extend  
21 jurisdiction over any juvenile offender beyond the juvenile offender's  
22 twenty-first birthday except for the purpose of enforcing an order of  
23 restitution or penalty assessment.

24 (4) Notwithstanding any extension of jurisdiction over a person  
25 pursuant to this section, the juvenile court has no jurisdiction over  
26 any offenses alleged to have been committed by a person eighteen years  
27 of age or older.

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