

2SHB 1289 - H AMD 886

By Representative Hope

1 On page 2, line 28, after "and the alleged offense is" strike all
2 material through "~~(C)~~" on line 37 and insert ":

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

4 (B) A violent offense as defined in RCW 9.94A.030 and the juvenile
5 has a criminal history consisting of: (I) One or more prior serious
6 violent offenses; (II) two or more prior violent offenses; or (II)
7 three or more of any combination of the following offenses: Any class
8 A felony, any class B felony, vehicular assault, or manslaughter in
9 the second degree, all of which must have been committed after the
10 juvenile's thirteenth birthday and prosecuted separately;

11 (~~(C)~~)"

12
13 On page 3, line 10, after "~~(II))~~" strike all material through
14 "(A)" on line 11 and insert "(C)"

15
16 On page 3, line 24, after "~~((III))~~" strike "(B)" and insert
17 "(D)"

18
19 On page 3, line 27, after "approval" strike all material through
20 ~~plea))~~" on line 33 and insert "."

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

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EFFECT:

(1) Provides that adult superior court has original jurisdiction over a juvenile age 16 or 17 who is charged with a violent offense and has a criminal history of a serious violent offense, violent offenses or other felonies.

(2) Reinstates provision that the state may establish a juvenile's criminal history by a preponderance of the evidence and that the state bears no burden to establish that any plea of guilty was knowing and voluntary.

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