

**SHB 2906 - H AMD 663**

By Representative Sawyer

ADOPTED 02/15/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.40.010 and 2004 c 120 s 1 are each amended to  
4 read as follows:

5 (1) This chapter shall be known and cited as the Juvenile Justice  
6 Act of 1977.

7 (2) It is the intent of the legislature that a system capable of  
8 having primary responsibility for, being accountable for, and  
9 responding to the needs of youthful offenders and their victims, as  
10 defined by this chapter, be established. It is the further intent of  
11 the legislature that youth, in turn, be held accountable for their  
12 offenses and that communities, families, and the juvenile courts  
13 carry out their functions consistent with this intent. To effectuate  
14 these policies, the legislature declares the following to be equally  
15 important purposes of this chapter:

16 (a) Protect the citizenry from criminal behavior;

17 (b) Provide for determining whether accused juveniles have  
18 committed offenses as defined by this chapter;

19 (c) Make the juvenile offender accountable for his or her  
20 criminal behavior;

21 (d) Provide for punishment commensurate with the age, crime, and  
22 criminal history of the juvenile offender;

23 (e) Provide due process for juveniles alleged to have committed  
24 an offense;

25 (f) Provide for the rehabilitation and reintegration of juvenile  
26 offenders;

27 (g) Provide necessary treatment, supervision, and custody for  
28 juvenile offenders;

29 ((~~g~~)) (h) Provide for the handling of juvenile offenders by  
30 communities whenever consistent with public safety;

31 ((~~h~~)) (i) Provide for restitution to victims of crime;

1 ((+i)) (j) Develop effective standards and goals for the  
2 operation, funding, and evaluation of all components of the juvenile  
3 justice system and related services at the state and local levels;

4 ((+j)) (k) Provide for a clear policy to determine what types of  
5 offenders shall receive punishment, treatment, or both, and to  
6 determine the jurisdictional limitations of the courts, institutions,  
7 and community services;

8 ((+k)) (l) Provide opportunities for victim participation in  
9 juvenile justice process, including court hearings on juvenile  
10 offender matters, and ensure that Article I, section 35 of the  
11 Washington state Constitution, the victim bill of rights, is fully  
12 observed; and

13 ((+l)) (m) Encourage the parents, guardian, or custodian of the  
14 juvenile to actively participate in the juvenile justice process.

15 **Sec. 2.** RCW 13.40.127 and 2015 c 265 s 26 are each amended to  
16 read as follows:

17 (1) A juvenile is eligible for deferred disposition unless he or  
18 she:

19 (a) Is charged with a sex or violent offense;

20 (b) Has a criminal history which includes any felony;

21 (c) Has a prior deferred disposition or deferred adjudication; or

22 (d) Has two or more adjudications.

23 (2) The juvenile court ((may)) shall, except as provided by  
24 subsection (3) of this section, upon motion at least fourteen days  
25 before commencement of trial and, after consulting the juvenile's  
26 custodial parent or parents or guardian and with the consent of the  
27 juvenile, continue the case for disposition for a period not to  
28 exceed one year from the date the juvenile is found guilty. ((The  
29 court shall consider whether the offender and the community will  
30 benefit from a deferred disposition before deferring the  
31 disposition.)) The court may waive the fourteen-day period anytime  
32 before the commencement of trial for good cause.

33 (3) If a juvenile offender is charged with animal cruelty in the  
34 first degree, the juvenile court may deny granting a deferred  
35 disposition to the juvenile, even if the juvenile otherwise may  
36 qualify for a deferred disposition. The judge shall consider whether  
37 the community will benefit from granting a deferred disposition to  
38 the juvenile offender.

39 (4) Any juvenile who agrees to a deferral of disposition shall:

1 (a) Stipulate to the admissibility of the facts contained in the  
2 written police report;

3 (b) Acknowledge that the report will be entered and used to  
4 support a finding of guilt and to impose a disposition if the  
5 juvenile fails to comply with terms of supervision;

6 (c) Waive the following rights to: (i) A speedy disposition; and  
7 (ii) call and confront witnesses; and

8 (d) Acknowledge the direct consequences of being found guilty and  
9 the direct consequences that will happen if an order of disposition  
10 is entered.

11 The adjudicatory hearing shall be limited to a reading of the  
12 court's record.

13 ~~((+4))~~ (5) Following the stipulation, acknowledgment, waiver,  
14 and entry of a finding or plea of guilt, the court shall defer entry  
15 of an order of disposition of the juvenile.

16 ~~((+5))~~ (6) Any juvenile granted a deferral of disposition under  
17 this section shall be placed under community supervision. The court  
18 may impose any conditions of supervision that it deems appropriate  
19 including posting a probation bond. Payment of restitution under RCW  
20 13.40.190 shall be a condition of community supervision under this  
21 section.

22 The court may require a juvenile offender convicted of animal  
23 cruelty in the first degree to submit to a mental health evaluation  
24 to determine if the offender would benefit from treatment and such  
25 intervention would promote the safety of the community. After  
26 consideration of the results of the evaluation, as a condition of  
27 community supervision, the court may order the offender to attend  
28 treatment to address issues pertinent to the offense.

29 The court may require the juvenile to undergo a mental health or  
30 substance abuse assessment, or both. If the assessment identifies a  
31 need for treatment, conditions of supervision may include treatment  
32 for the assessed need that has been demonstrated to improve  
33 behavioral health and reduce recidivism.

34 The court shall require a juvenile granted a deferral of  
35 disposition for unlawful possession of a firearm in violation of RCW  
36 9.41.040 to participate in a qualifying program as described in RCW  
37 13.40.193(2)(b), when available, unless the court makes a written  
38 finding based on the outcome of the juvenile court risk assessment  
39 that participation in a qualifying program would not be appropriate.

1       (~~(6)~~) (7) A parent who signed for a probation bond has the  
2 right to notify the counselor if the juvenile fails to comply with  
3 the bond or conditions of supervision. The counselor shall notify the  
4 court and surety of any failure to comply. A surety shall notify the  
5 court of the juvenile's failure to comply with the probation bond.  
6 The state shall bear the burden to prove, by a preponderance of the  
7 evidence, that the juvenile has failed to comply with the terms of  
8 community supervision.

9       (~~(7)~~) (8)(a) Anytime prior to the conclusion of the period of  
10 supervision, the prosecutor or the juvenile's juvenile court  
11 community supervision counselor may file a motion with the court  
12 requesting the court revoke the deferred disposition based on the  
13 juvenile's lack of compliance or treat the juvenile's lack of  
14 compliance as a violation pursuant to RCW 13.40.200.

15       (b) If the court finds the juvenile failed to comply with the  
16 terms of the deferred disposition, the court may:

17       (i) Revoke the deferred disposition and enter an order of  
18 disposition; or

19       (ii) Impose sanctions for the violation pursuant to RCW  
20 13.40.200.

21       (~~(8)~~) (9) At any time following deferral of disposition the  
22 court may, following a hearing, continue supervision for an  
23 additional one-year period for good cause.

24       (~~(9)~~) (10)(a) At the conclusion of the period of supervision,  
25 the court shall determine whether the juvenile is entitled to  
26 dismissal of the deferred disposition only when the court finds:

27       (i) The deferred disposition has not been previously revoked;

28       (ii) The juvenile has completed the terms of supervision;

29       (iii) There are no pending motions concerning lack of compliance  
30 pursuant to subsection (~~(7)~~) (8) of this section; and

31       (iv) The juvenile has either paid the full amount of restitution,  
32 or, made a good faith effort to pay the full amount of restitution  
33 during the period of supervision.

34       (b) If the court finds the juvenile is entitled to dismissal of  
35 the deferred disposition pursuant to (a) of this subsection, the  
36 juvenile's conviction shall be vacated and the court shall dismiss  
37 the case with prejudice, except that a conviction under RCW 16.52.205  
38 shall not be vacated. Whenever a case is dismissed with restitution  
39 still owing, the court shall enter a restitution order pursuant to  
40 RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce

1 payment and modify terms of the restitution order shall be the same  
2 as those set forth in RCW 7.80.130.

3 (c) If the court finds the juvenile is not entitled to dismissal  
4 of the deferred disposition pursuant to (a) of this subsection, the  
5 court shall revoke the deferred disposition and enter an order of  
6 disposition. A deferred disposition shall remain a conviction unless  
7 the case is dismissed and the conviction is vacated pursuant to (b)  
8 of this subsection or sealed pursuant to RCW 13.50.260.

9 (~~((+10+))~~) (11)(a)(i) Any time the court vacates a conviction  
10 pursuant to subsection (~~((+9+))~~) (10) of this section, if the juvenile  
11 is eighteen years of age or older and the full amount of restitution  
12 owing to the individual victim named in the restitution order,  
13 excluding restitution owed to any insurance provider authorized under  
14 Title 48 RCW has been paid, the court shall enter a written order  
15 sealing the case.

16 (ii) Any time the court vacates a conviction pursuant to  
17 subsection (~~((+9+))~~) (10) of this section, if the juvenile is not  
18 eighteen years of age or older and full restitution ordered has been  
19 paid, the court shall schedule an administrative sealing hearing to  
20 take place no later than thirty days after the respondent's  
21 eighteenth birthday, at which time the court shall enter a written  
22 order sealing the case. The respondent's presence at the  
23 administrative sealing hearing is not required.

24 (iii) Any deferred disposition vacated prior to June 7, 2012, is  
25 not subject to sealing under this subsection.

26 (b) Nothing in this subsection shall preclude a juvenile from  
27 petitioning the court to have the records of his or her deferred  
28 dispositions sealed under RCW 13.50.260.

29 (c) Records sealed under this provision shall have the same legal  
30 status as records sealed under RCW 13.50.260.

31 **Sec. 3.** RCW 13.40.308 and 2009 c 454 s 4 are each amended to  
32 read as follows:

33 (1) If a respondent is adjudicated of taking a motor vehicle  
34 without permission in the first degree as defined in RCW 9A.56.070,  
35 the court shall impose the following minimum sentence, in addition to  
36 any restitution the court may order payable to the victim:

37 (a) Juveniles with a prior criminal history score of zero to one-  
38 half points shall be sentenced to a standard range sentence that  
39 includes no less than three months of community supervision,

1 forty-five hours of community restitution, (~~a two hundred dollar~~  
2 ~~fine,~~) and a requirement that the juvenile remain at home such that  
3 the juvenile is confined to a private residence for no less than five  
4 days. The juvenile may be subject to electronic monitoring where  
5 available. If the juvenile is enrolled in school, the confinement  
6 shall be served on nonschool days;

7 (b) Juveniles with a prior criminal history score of three-  
8 quarters to one and one-half points shall be sentenced to a standard  
9 range sentence that includes six months of community supervision, no  
10 less than ten days of detention, and ninety hours of community  
11 restitution(~~, and a four hundred dollar fine~~); and

12 (c) Juveniles with a prior criminal history score of two or more  
13 points shall be sentenced to no less than fifteen to thirty-six weeks  
14 commitment to the juvenile rehabilitation administration, four months  
15 of parole supervision, and ninety hours of community restitution(~~, and a four hundred dollar fine~~)).

17 (2) If a respondent is adjudicated of theft of a motor vehicle as  
18 defined under RCW 9A.56.065, or possession of a stolen vehicle as  
19 defined under RCW 9A.56.068, the court shall impose the following  
20 minimum sentence, in addition to any restitution the court may order  
21 payable to the victim:

22 (a) Juveniles with a prior criminal history score of zero to one-  
23 half points shall be sentenced to a standard range sentence that  
24 includes no less than three months of community supervision(~~, forty-~~  
25 ~~five hours of community restitution, a two hundred dollar fine,~~) and  
26 either ninety hours of community restitution or a requirement that  
27 the juvenile remain at home such that the juvenile is confined in a  
28 private residence for no less than five days. The juvenile may be  
29 subject to electronic monitoring where available, or a combination  
30 thereof that includes a minimum of three days home confinement and a  
31 minimum of forty hours of community restitution;

32 (b) Juveniles with a prior criminal history score of three-  
33 quarters to one and one-half points shall be sentenced to a standard  
34 range sentence that includes no less than six months of community  
35 supervision, no less than ten days of detention, and ninety hours of  
36 community restitution(~~, and a four hundred dollar fine~~); and

37 (c) Juveniles with a prior criminal history score of two or more  
38 points shall be sentenced to no less than fifteen to thirty-six weeks  
39 commitment to the juvenile rehabilitation administration, four months

1 of parole supervision, and ninety hours of community restitution(~~(7~~  
2 ~~and a four hundred dollar fine)~~)).

3 (3) If a respondent is adjudicated of taking a motor vehicle  
4 without permission in the second degree as defined in RCW 9A.56.075,  
5 the court shall impose a standard range as follows:

6 (a) Juveniles with a prior criminal history score of zero to one-  
7 half points shall be sentenced to a standard range sentence that  
8 includes three months of community supervision, fifteen hours of  
9 community restitution, and a requirement that the juvenile remain at  
10 home such that the juvenile is confined in a private residence for no  
11 less than one day. If the juvenile is enrolled in school, the  
12 confinement shall be served on nonschool days. The juvenile may be  
13 subject to electronic monitoring where available;

14 (b) Juveniles with a prior criminal history score of three-  
15 quarters to one and one-half points shall be sentenced to a standard  
16 range sentence that includes no less than one day of detention, three  
17 months of community supervision, thirty hours of community  
18 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
19 that the juvenile remain at home such that the juvenile is confined  
20 in a private residence for no less than two days. If the juvenile is  
21 enrolled in school, the confinement shall be served on nonschool  
22 days. The juvenile may be subject to electronic monitoring where  
23 available; and

24 (c) Juveniles with a prior criminal history score of two or more  
25 points shall be sentenced to no less than three days of detention,  
26 six months of community supervision, forty-five hours of community  
27 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
28 that the juvenile remain at home such that the juvenile is confined  
29 in a private residence for no less than seven days. If the juvenile  
30 is enrolled in school, the confinement shall be served on nonschool  
31 days. The juvenile may be subject to electronic monitoring where  
32 available.

33 **Sec. 4.** RCW 10.99.030 and 1996 c 248 s 6 are each amended to  
34 read as follows:

35 (1) All training relating to the handling of domestic violence  
36 complaints by law enforcement officers shall stress enforcement of  
37 criminal laws in domestic situations, availability of community  
38 resources, and protection of the victim. Law enforcement agencies and

1 community organizations with expertise in the issue of domestic  
2 violence shall cooperate in all aspects of such training.

3 (2) The criminal justice training commission shall implement by  
4 January 1, 1997, a course of instruction for the training of law  
5 enforcement officers in Washington in the handling of domestic  
6 violence complaints. The basic law enforcement curriculum of the  
7 criminal justice training commission shall include at least twenty  
8 hours of basic training instruction on the law enforcement response  
9 to domestic violence. The course of instruction, the learning and  
10 performance objectives, and the standards for the training shall be  
11 developed by the commission and focus on enforcing the criminal laws,  
12 safety of the victim, and holding the perpetrator accountable for the  
13 violence. The curriculum shall include training on the extent and  
14 prevalence of domestic violence, the importance of criminal justice  
15 intervention, techniques for responding to incidents that minimize  
16 the likelihood of officer injury and that promote victim safety,  
17 investigation and interviewing skills, evidence gathering and report  
18 writing, assistance to and services for victims and children,  
19 verification and enforcement of court orders, liability, and any  
20 additional provisions that are necessary to carry out the intention  
21 of this subsection.

22 (3) The criminal justice training commission shall develop and  
23 update annually an in-service training program to familiarize law  
24 enforcement officers with the domestic violence laws. The program  
25 shall include techniques for handling incidents of domestic violence  
26 that minimize the likelihood of injury to the officer and that  
27 promote the safety of all parties. The commission shall make the  
28 training program available to all law enforcement agencies in the  
29 state.

30 (4) Development of the training in subsections (2) and (3) of  
31 this section shall be conducted in conjunction with agencies having a  
32 primary responsibility for serving victims of domestic violence with  
33 emergency shelter and other services, and representatives to the  
34 statewide organization providing training and education to these  
35 organizations and to the general public.

36 (5) The primary duty of peace officers, when responding to a  
37 domestic violence situation, is to enforce the laws allegedly  
38 violated and to protect the complaining party.

39 (6)(a) When a peace officer responds to a domestic violence call  
40 and has probable cause to believe that a crime has been committed,



1 the peace officer shall exercise arrest powers with reference to the  
2 criteria in RCW 10.31.100. The officer shall notify the victim of the  
3 victim's right to initiate a criminal proceeding in all cases where  
4 the officer has not exercised arrest powers or decided to initiate  
5 criminal proceedings by citation or otherwise. The parties in such  
6 cases shall also be advised of the importance of preserving evidence.

7 (b) A peace officer responding to a domestic violence call shall  
8 take a complete offense report including the officer's disposition of  
9 the case.

10 (7) When a peace officer responds to a domestic violence call,  
11 the officer shall advise victims of all reasonable means to prevent  
12 further abuse, including advising each person of the availability of  
13 a shelter or other services in the community, and giving each person  
14 immediate notice of the legal rights and remedies available. The  
15 notice shall include handing each person a copy of the following  
16 statement:

17 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
18 city or county prosecuting attorney to file a criminal  
19 complaint. You also have the right to file a petition in  
20 superior, district, or municipal court requesting an order  
21 for protection from domestic abuse which could include any of  
22 the following: (a) An order restraining your abuser from  
23 further acts of abuse; (b) an order directing your abuser to  
24 leave your household; (c) an order preventing your abuser  
25 from entering your residence, school, business, or place of  
26 employment; (d) an order awarding you or the other parent  
27 custody of or visitation with your minor child or children;  
28 and (e) an order restraining your abuser from molesting or  
29 interfering with minor children in your custody. The forms  
30 you need to obtain a protection order are available in any  
31 municipal, district, or superior court.

32 Information about shelters and alternatives to domestic  
33 violence is available from a statewide twenty-four-hour toll-  
34 free hot line at (include appropriate phone number). The  
35 battered women's shelter and other resources in your area  
36 are . . . . (include local information)"

37 (8) The peace officer may offer, arrange, or facilitate  
38 transportation for the victim to a hospital for treatment of injuries  
39 or to a place of safety or shelter.

1 (9) The law enforcement agency shall forward the offense report  
2 to the appropriate prosecutor within ten days of making such report  
3 if there is probable cause to believe that an offense has been  
4 committed, unless the case is under active investigation. Upon  
5 receiving the offense report, the prosecuting agency may, in its  
6 discretion, choose not to file the information as a domestic violence  
7 offense, if the offense was committed against a sibling, parent,  
8 stepparent, or grandparent.

9 (10) Each law enforcement agency shall make as soon as  
10 practicable a written record and shall maintain records of all  
11 incidents of domestic violence reported to it.

12 (11) Records kept pursuant to subsections (6) and (10) of this  
13 section shall be made identifiable by means of a departmental code  
14 for domestic violence.

15 (12) Commencing January 1, 1994, records of incidents of domestic  
16 violence shall be submitted, in accordance with procedures described  
17 in this subsection, to the Washington association of sheriffs and  
18 police chiefs by all law enforcement agencies. The Washington  
19 criminal justice training commission shall amend its contract for  
20 collection of statewide crime data with the Washington association of  
21 sheriffs and police chiefs:

22 (a) To include a table, in the annual report of crime in  
23 Washington produced by the Washington association of sheriffs and  
24 police chiefs pursuant to the contract, showing the total number of  
25 actual offenses and the number and percent of the offenses that are  
26 domestic violence incidents for the following crimes: (i) Criminal  
27 homicide, with subtotals for murder and nonnegligent homicide and  
28 manslaughter by negligence; (ii) forcible rape, with subtotals for  
29 rape by force and attempted forcible rape; (iii) robbery, with  
30 subtotals for firearm, knife or cutting instrument, or other  
31 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals  
32 for firearm, knife or cutting instrument, other dangerous weapon,  
33 hands, feet, aggravated, and other nonaggravated assaults; (v)  
34 burglary, with subtotals for forcible entry, nonforcible unlawful  
35 entry, and attempted forcible entry; (vi) larceny theft, except motor  
36 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,  
37 trucks and buses, and other vehicles; (viii) arson; and (ix)  
38 violations of the provisions of a protection order or no-contact  
39 order restraining the person from going onto the grounds of or  
40 entering a residence, workplace, school, or day care, provided that

1 specific appropriations are subsequently made for the collection and  
2 compilation of data regarding violations of protection orders or no-  
3 contact orders;

4 (b) To require that the table shall continue to be prepared and  
5 contained in the annual report of crime in Washington until that time  
6 as comparable or more detailed information about domestic violence  
7 incidents is available through the Washington state incident based  
8 reporting system and the information is prepared and contained in the  
9 annual report of crime in Washington; and

10 (c) To require that, in consultation with interested persons, the  
11 Washington association of sheriffs and police chiefs prepare and  
12 disseminate procedures to all law enforcement agencies in the state  
13 as to how the agencies shall code and report domestic violence  
14 incidents to the Washington association of sheriffs and police  
15 chiefs.

16 **Sec. 5.** RCW 13.40.265 and 2003 c 53 s 101 are each amended to  
17 read as follows:

18 (1)~~((a))~~ If a juvenile thirteen years of age or older is found  
19 by juvenile court to have committed an offense while armed with a  
20 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
21 ~~((iii))~~ (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
22 court shall notify the department of licensing within twenty-four  
23 hours after entry of the judgment, unless the offense is the  
24 juvenile's first offense while armed with a firearm, first unlawful  
25 possession of a firearm offense, or first offense in violation of  
26 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

27 ~~((b))~~ (2) Except as otherwise provided in ~~((c) of this)~~  
28 subsection (3) of this section, upon petition of a juvenile who has  
29 been found by the court to have committed an offense that is a  
30 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may  
31 at any time the court deems appropriate notify the department of  
32 licensing that the juvenile's driving privileges should be  
33 reinstated.

34 ~~((c) If the offense is the juvenile's first violation of chapter~~  
35 ~~66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the~~  
36 ~~court for reinstatement of the juvenile's privilege to drive revoked~~  
37 ~~pursuant to RCW 46.20.265 until ninety days after the date the~~  
38 ~~juvenile turns sixteen or ninety days after the judgment was entered,~~  
39 ~~whichever is later.)) (3) If the offense is the juvenile's second or~~

1 subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW,  
2 the juvenile may not petition the court for reinstatement of the  
3 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until  
4 the date the juvenile turns seventeen or one year after the date  
5 judgment was entered, whichever is later.

6 ~~((2)(a) If a juvenile enters into a diversion agreement with a  
7 diversion unit pursuant to RCW 13.40.080 concerning an offense that  
8 is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
9 diversion unit shall notify the department of licensing within  
10 twenty-four hours after the diversion agreement is signed.~~

11 ~~(b) If a diversion unit has notified the department pursuant to  
12 (a) of this subsection, the diversion unit shall notify the  
13 department of licensing when the juvenile has completed the  
14 agreement.))~~

15 **Sec. 6.** RCW 9.41.040 and 2014 c 111 s 1 are each amended to read  
16 as follows:

17 (1)(a) A person, whether an adult or juvenile, is guilty of the  
18 crime of unlawful possession of a firearm in the first degree, if the  
19 person owns, has in his or her possession, or has in his or her  
20 control any firearm after having previously been convicted or found  
21 not guilty by reason of insanity in this state or elsewhere of any  
22 serious offense as defined in this chapter.

23 (b) Unlawful possession of a firearm in the first degree is a  
24 class B felony punishable according to chapter 9A.20 RCW.

25 (2)(a) A person, whether an adult or juvenile, is guilty of the  
26 crime of unlawful possession of a firearm in the second degree, if  
27 the person does not qualify under subsection (1) of this section for  
28 the crime of unlawful possession of a firearm in the first degree and  
29 the person owns, has in his or her possession, or has in his or her  
30 control any firearm:

31 (i) After having previously been convicted or found not guilty by  
32 reason of insanity in this state or elsewhere of any felony not  
33 specifically listed as prohibiting firearm possession under  
34 subsection (1) of this section, or any of the following crimes when  
35 committed by one family or household member against another,  
36 committed on or after July 1, 1993: Assault in the fourth degree,  
37 coercion, stalking, reckless endangerment, criminal trespass in the  
38 first degree, or violation of the provisions of a protection order or

1 no-contact order restraining the person or excluding the person from  
2 a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

3 (ii) During any period of time that the person is subject to a  
4 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,  
5 26.09, 26.10, 26.26, or 26.50 RCW that:

6 (A) Was issued after a hearing of which the person received  
7 actual notice, and at which the person had an opportunity to  
8 participate;

9 (B) Restrains the person from harassing, stalking, or threatening  
10 an intimate partner of the person or child of the intimate partner or  
11 person, or engaging in other conduct that would place an intimate  
12 partner in reasonable fear of bodily injury to the partner or child;  
13 and

14 (C)(I) Includes a finding that the person represents a credible  
15 threat to the physical safety of the intimate partner or child; and

16 (II) By its terms, explicitly prohibits the use, attempted use,  
17 or threatened use of physical force against the intimate partner or  
18 child that would reasonably be expected to cause bodily injury;

19 (iii) After having previously been involuntarily committed for  
20 mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740,  
21 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
22 jurisdiction, unless his or her right to possess a firearm has been  
23 restored as provided in RCW 9.41.047;

24 (iv) If the person is under eighteen years of age, except as  
25 provided in RCW 9.41.042; and/or

26 (v) If the person is free on bond or personal recognizance  
27 pending trial, appeal, or sentencing for a serious offense as defined  
28 in RCW 9.41.010.

29 (b) Unlawful possession of a firearm in the second degree is a  
30 class C felony punishable according to chapter 9A.20 RCW.

31 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
32 as used in this chapter, a person has been "convicted", whether in an  
33 adult court or adjudicated in a juvenile court, at such time as a  
34 plea of guilty has been accepted, or a verdict of guilty has been  
35 filed, notwithstanding the pendency of any future proceedings  
36 including but not limited to sentencing or disposition, post-trial or  
37 post-fact-finding motions, and appeals. Conviction includes a  
38 dismissal entered after a period of probation, suspension or deferral  
39 of sentence, and also includes equivalent dispositions by courts in  
40 jurisdictions other than Washington state. A person shall not be

1 precluded from possession of a firearm if the conviction has been the  
2 subject of a pardon, annulment, certificate of rehabilitation, or  
3 other equivalent procedure based on a finding of the rehabilitation  
4 of the person convicted or the conviction or disposition has been the  
5 subject of a pardon, annulment, or other equivalent procedure based  
6 on a finding of innocence. Where no record of the court's disposition  
7 of the charges can be found, there shall be a rebuttable presumption  
8 that the person was not convicted of the charge.

9 (4)(a) Notwithstanding subsection (1) or (2) of this section, a  
10 person convicted or found not guilty by reason of insanity of an  
11 offense prohibiting the possession of a firearm under this section  
12 other than murder, manslaughter, robbery, rape, indecent liberties,  
13 arson, assault, kidnapping, extortion, burglary, or violations with  
14 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
15 who received a probationary sentence under RCW 9.95.200, and who  
16 received a dismissal of the charge under RCW 9.95.240, shall not be  
17 precluded from possession of a firearm as a result of the conviction  
18 or finding of not guilty by reason of insanity. Notwithstanding any  
19 other provisions of this section, if a person is prohibited from  
20 possession of a firearm under subsection (1) or (2) of this section  
21 and has not previously been convicted or found not guilty by reason  
22 of insanity of a sex offense prohibiting firearm ownership under  
23 subsection (1) or (2) of this section and/or any felony defined under  
24 any law as a class A felony or with a maximum sentence of at least  
25 twenty years, or both, the individual may petition a court of record  
26 to have his or her right to possess a firearm restored:

27 (i) Under RCW 9.41.047; and/or

28 (ii)(A) If the conviction or finding of not guilty by reason of  
29 insanity was for a felony offense, after five or more consecutive  
30 years in the community without being convicted or found not guilty by  
31 reason of insanity or currently charged with any felony, gross  
32 misdemeanor, or misdemeanor crimes, if the individual has no prior  
33 felony convictions that prohibit the possession of a firearm counted  
34 as part of the offender score under RCW 9.94A.525; or

35 (B) If the conviction or finding of not guilty by reason of  
36 insanity was for a nonfelony offense, after three or more consecutive  
37 years in the community without being convicted or found not guilty by  
38 reason of insanity or currently charged with any felony, gross  
39 misdemeanor, or misdemeanor crimes, if the individual has no prior  
40 felony convictions that prohibit the possession of a firearm counted

1 as part of the offender score under RCW 9.94A.525 and the individual  
2 has completed all conditions of the sentence.

3 (b) An individual may petition a court of record to have his or  
4 her right to possess a firearm restored under (a) of this subsection  
5 (4) only at:

6 (i) The court of record that ordered the petitioner's prohibition  
7 on possession of a firearm; or

8 (ii) The superior court in the county in which the petitioner  
9 resides.

10 (5) In addition to any other penalty provided for by law, if a  
11 person under the age of eighteen years is found by a court to have  
12 possessed a firearm in a vehicle in violation of subsection (1) or  
13 (2) of this section or to have committed an offense while armed with  
14 a firearm during which offense a motor vehicle served an integral  
15 function, the court shall notify the department of licensing within  
16 twenty-four hours and the person's privilege to drive shall be  
17 revoked under RCW 46.20.265, unless the offense is the juvenile's  
18 first offense in violation of this section and has not committed an  
19 offense while armed with a firearm, an unlawful possession of a  
20 firearm offense, or an offense in violation of chapter 66.44, 69.52,  
21 69.41, or 69.50 RCW.

22 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
23 or interpreted as preventing an offender from being charged and  
24 subsequently convicted for the separate felony crimes of theft of a  
25 firearm or possession of a stolen firearm, or both, in addition to  
26 being charged and subsequently convicted under this section for  
27 unlawful possession of a firearm in the first or second degree.  
28 Notwithstanding any other law, if the offender is convicted under  
29 this section for unlawful possession of a firearm in the first or  
30 second degree and for the felony crimes of theft of a firearm or  
31 possession of a stolen firearm, or both, then the offender shall  
32 serve consecutive sentences for each of the felony crimes of  
33 conviction listed in this subsection.

34 (7) Each firearm unlawfully possessed under this section shall be  
35 a separate offense.

36 (8) For purposes of this section, "intimate partner" includes: A  
37 spouse, a domestic partner, a former spouse, a former domestic  
38 partner, a person with whom the restrained person has a child in  
39 common, or a person with whom the restrained person has cohabitated  
40 or is cohabitating as part of a dating relationship.

1       **Sec. 7.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to  
2 read as follows:

3       (1) In addition to any other authority to revoke driving  
4 privileges under this chapter, the department shall revoke all  
5 driving privileges of a juvenile when the department receives notice  
6 from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365,  
7 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal  
8 ordinance adopted by a local legislative authority, or from a  
9 diversion unit pursuant to RCW 13.40.265.

10       (2) The driving privileges of the juvenile revoked under  
11 subsection (1) of this section shall be revoked in the following  
12 manner:

13       (a) Upon receipt of the first notice, the department shall impose  
14 a revocation for one year, or until the juvenile reaches seventeen  
15 years of age, whichever is longer.

16       (b) Upon receipt of a second or subsequent notice, the department  
17 shall impose a revocation for two years or until the juvenile reaches  
18 eighteen years of age, whichever is longer.

19       (c) Each offense for which the department receives notice shall  
20 result in a separate period of revocation. All periods of revocation  
21 imposed under this section that could otherwise overlap shall run  
22 consecutively up to the juvenile's twenty-first birthday, and no  
23 period of revocation imposed under this section shall begin before  
24 the expiration of all other periods of revocation imposed under this  
25 section or other law. Periods of revocation imposed consecutively  
26 under this section shall not extend beyond the juvenile's twenty-  
27 first birthday.

28       (3)(a) If the department receives notice from a court that the  
29 juvenile's privilege to drive should be reinstated, the department  
30 shall immediately reinstate any driving privileges that have been  
31 revoked under this section if the minimum term of revocation as  
32 specified in RCW 13.40.265(~~((1)(e))~~) (3), 66.44.365(3), 69.41.065(3),  
33 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
34 subject to subsection (2)(c) of this section.

35       (b) The juvenile may seek reinstatement of his or her driving  
36 privileges from the department when the juvenile reaches the age of  
37 twenty-one. A notice from the court reinstating the juvenile's  
38 driving privilege shall not be required if reinstatement is pursuant  
39 to this subsection.



1       ~~((4)(a) If the department receives notice pursuant to RCW~~  
2 ~~13.40.265(2)(b) from a diversion unit that a juvenile has completed a~~  
3 ~~diversion agreement for which the juvenile's driving privileges were~~  
4 ~~revoked, the department shall reinstate any driving privileges~~  
5 ~~revoked under this section as provided in (b) of this subsection,~~  
6 ~~subject to subsection (2)(c) of this section.~~

7       ~~(b) If the diversion agreement was for the juvenile's first~~  
8 ~~violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the~~  
9 ~~department shall not reinstate the juvenile's privilege to drive~~  
10 ~~until the later of ninety days after the date the juvenile turns~~  
11 ~~sixteen or ninety days after the juvenile entered into a diversion~~  
12 ~~agreement for the offense. If the diversion agreement was for the~~  
13 ~~juvenile's second or subsequent violation of chapter 66.44, 69.41,~~  
14 ~~69.50, or 69.52 RCW, the department shall not reinstate the~~  
15 ~~juvenile's privilege to drive until the later of the date the~~  
16 ~~juvenile turns seventeen or one year after the juvenile entered into~~  
17 ~~the second or subsequent diversion agreement.))~~

18       **Sec. 8.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to  
19 read as follows:

20       (1) If a juvenile thirteen years of age or older and under the  
21 age of eighteen is found by a court to have committed any offense  
22 that is a violation of this chapter, the court shall notify the  
23 department of licensing within twenty-four hours after entry of the  
24 judgment, unless the offense is the juvenile's first offense in  
25 violation of this chapter and has not committed an offense while  
26 armed with a firearm, an unlawful possession of a firearm offense, or  
27 an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

28       (2) Except as otherwise provided in subsection (3) of this  
29 section, upon petition of a juvenile whose privilege to drive has  
30 been revoked pursuant to RCW 46.20.265, the court may notify the  
31 department of licensing that the juvenile's privilege to drive should  
32 be reinstated.

33       (3) If the conviction is for the juvenile's first violation of  
34 this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may  
35 not petition the court for reinstatement of the juvenile's privilege  
36 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
37 days after the date the juvenile turns sixteen or ninety days after  
38 the judgment was entered. If the conviction was for the juvenile's  
39 second or subsequent violation of this chapter or chapter 69.41,

1 69.50, or 69.52 RCW, the juvenile may not petition the court for  
2 reinstatement of the juvenile's privilege to drive revoked pursuant  
3 to RCW 46.20.265 until the later of the date the juvenile turns  
4 seventeen or one year after the date judgment was entered.

5 **Sec. 9.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to  
6 read as follows:

7 (1) If a juvenile thirteen years of age or older and under the  
8 age of twenty-one is found by a court to have committed any offense  
9 that is a violation of this chapter, the court shall notify the  
10 department of licensing within twenty-four hours after entry of the  
11 judgment, unless the offense is the juvenile's first offense in  
12 violation of this chapter and has not committed an offense while  
13 armed with a firearm, an unlawful possession of a firearm offense, or  
14 an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

15 (2) Except as otherwise provided in subsection (3) of this  
16 section, upon petition of a juvenile whose privilege to drive has  
17 been revoked pursuant to RCW 46.20.265, the court may notify the  
18 department of licensing that the juvenile's privilege to drive should  
19 be reinstated.

20 (3) If the conviction is for the juvenile's first violation of  
21 this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may  
22 not petition the court for reinstatement of the juvenile's privilege  
23 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
24 days after the date the juvenile turns sixteen or ninety days after  
25 the judgment was entered. If the conviction was for the juvenile's  
26 second or subsequent violation of this chapter or chapter 66.44,  
27 69.50, or 69.52 RCW, the juvenile may not petition the court for  
28 reinstatement of the juvenile's privilege to drive revoked pursuant  
29 to RCW 46.20.265 until the later of the date the juvenile turns  
30 seventeen or one year after the date judgment was entered.

31 **Sec. 10.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to  
32 read as follows:

33 (1) If a juvenile thirteen years of age or older and under the  
34 age of twenty-one is found by a court to have committed any offense  
35 that is a violation of this chapter, the court shall notify the  
36 department of licensing within twenty-four hours after entry of the  
37 judgment, unless the offense is the juvenile's first offense in  
38 violation of this chapter and has not committed an offense while

1 armed with a firearm, an unlawful possession of a firearm offense, or  
2 an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

3 (2) Except as otherwise provided in subsection (3) of this  
4 section, upon petition of a juvenile whose privilege to drive has  
5 been revoked pursuant to RCW 46.20.265, the court may at any time the  
6 court deems appropriate notify the department of licensing to  
7 reinstate the juvenile's privilege to drive.

8 (3) If the conviction is for the juvenile's first violation of  
9 this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may  
10 not petition the court for reinstatement of the juvenile's privilege  
11 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
12 days after the date the juvenile turns sixteen or ninety days after  
13 the judgment was entered. If the conviction was for the juvenile's  
14 second or subsequent violation of this chapter or chapter 66.44,  
15 69.41, or 69.52 RCW, the juvenile may not petition the court for  
16 reinstatement of the juvenile's privilege to drive revoked pursuant  
17 to RCW 46.20.265 until the later of the date the juvenile turns  
18 seventeen or one year after the date judgment was entered.

19 **Sec. 11.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to  
20 read as follows:

21 (1) If a juvenile thirteen years of age or older and under the  
22 age of twenty-one is found by a court to have committed any offense  
23 that is a violation of this chapter, the court shall notify the  
24 department of licensing within twenty-four hours after entry of the  
25 judgment, unless the offense is the juvenile's first offense in  
26 violation of this chapter and has not committed an offense while  
27 armed with a firearm, an unlawful possession of a firearm offense, or  
28 an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

29 (2) Except as otherwise provided in subsection (3) of this  
30 section, upon petition of a juvenile whose privilege to drive has  
31 been revoked pursuant to RCW 46.20.265, the court may at any time the  
32 court deems appropriate notify the department of licensing to  
33 reinstate the juvenile's privilege to drive.

34 (3) If the conviction is for the juvenile's first violation of  
35 this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may  
36 not petition the court for reinstatement of the juvenile's privilege  
37 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
38 days after the date the juvenile turns sixteen or ninety days after  
39 the judgment was entered. If the conviction was for the juvenile's

1 second or subsequent violation of this chapter or chapter 66.44,  
2 69.41, or 69.50 RCW, the juvenile may not petition the court for  
3 reinstatement of the juvenile's privilege to drive revoked pursuant  
4 to RCW 46.20.265 until the later of the date the juvenile turns  
5 seventeen or one year after the date judgment was entered."

6 Correct the title.

EFFECT: The striking amendment makes the following changes to the underlying bill:

(1) Restores the electronic monitoring option for juvenile offenders adjudicated of motor vehicle-related offenses.

(2) Replaces a maximum of 40 hours with a minimum of 40 hours of community restitution that may be imposed as a combination of community restitution and a minimum of three days home confinement after a juvenile is adjudicated for theft of a motor vehicle or possession of a stolen vehicle with a prior criminal history score of zero to one-half points.

--- END ---