

E2SSB 6160 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 02/28/2018

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

3 "Sec. 1. RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are  
4 each reenacted and amended to read as follows:

5 (1) Except as provided in this section, the juvenile courts in  
6 this state shall have exclusive original jurisdiction over all  
7 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 13.34.161;

12 (c) Relating to the termination of a parent and child  
13 relationship 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:

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

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

24 (iii) The alleged offense or infraction is a traffic, fish,  
25 boating, or game offense, or traffic or civil infraction committed by  
26 a juvenile sixteen years of age or older and would, if committed by  
27 an adult, be tried or heard in a court of limited jurisdiction, in  
28 which instance the appropriate court of limited jurisdiction shall  
29 have jurisdiction over the alleged offense or infraction, and no  
30 guardian ad litem is required in any such proceeding due to the  
31 juvenile's age. If such an alleged offense or infraction and an  
32 alleged offense or infraction subject to juvenile court jurisdiction

1 arise out of the same event or incident, the juvenile court may have  
2 jurisdiction of both matters. The jurisdiction under this subsection  
3 does not constitute "transfer" or a "decline" for purposes of RCW  
4 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited  
5 jurisdiction which confine juveniles for an alleged offense or  
6 infraction may place juveniles in juvenile detention facilities under  
7 an agreement with the officials responsible for the administration of  
8 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

9 (iv) The alleged offense is a traffic or civil infraction, a  
10 violation of compulsory school attendance provisions under chapter  
11 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction  
12 has assumed concurrent jurisdiction over those offenses as provided  
13 in RCW 13.04.0301; or

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

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

17 (B) A violent offense as defined in RCW 9.94A.030 and the  
18 juvenile has a criminal history consisting of: ~~((+I))~~ One or more  
19 prior serious violent offenses; ~~((+II))~~ two or more prior violent  
20 offenses; or ~~((+III))~~ three or more of any combination of the  
21 following offenses: Any class A felony, any class B felony, vehicular  
22 assault, or manslaughter in the second degree, all of which must have  
23 been committed after the juvenile's thirteenth birthday and  
24 prosecuted separately; or

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

27 ~~(D) Burglary in the first degree committed on or after July 1,  
28 1997, and the juvenile has a criminal history consisting of one or  
29 more prior felony or misdemeanor offenses; or~~

30 ~~(E) Any violent offense as defined in RCW 9.94A.030 committed on  
31 or after July 1, 1997, and the juvenile is alleged to have been armed  
32 with a firearm)) Rape of a child in the first degree.~~

33 (I) In such a case the adult criminal court shall have exclusive  
34 original jurisdiction, except as provided in (e)(v)~~((+E))~~ (C)(II)  
35 and (III) of this subsection.

36 (II) The juvenile court shall have exclusive jurisdiction over  
37 the disposition of any remaining charges in any case in which the  
38 juvenile is found not guilty in the adult criminal court of the  
39 charge or charges for which he or she was transferred, or is  
40 convicted in the adult criminal court of a lesser included offense

1 that is not also an offense listed in (e)(v) of this subsection. The  
2 juvenile court shall (~~enter an order extending~~) maintain residual  
3 juvenile court jurisdiction up to age twenty-five if the juvenile has  
4 turned eighteen years of age during the adult criminal court  
5 proceedings but only for the purpose of returning a case to juvenile  
6 court for disposition pursuant to RCW 13.40.300 (3)(d). However, once  
7 the case is returned to juvenile court, the court may hold a decline  
8 hearing pursuant to RCW 13.40.110 to determine whether to retain the  
9 case in juvenile court for the purpose of disposition or return the  
10 case to adult criminal court for sentencing.

11 (III) The prosecutor and respondent may agree to juvenile court  
12 jurisdiction and waive application of exclusive adult criminal  
13 jurisdiction in (e)(v)(A) through (~~(E)~~) (C) of this subsection and  
14 remove the proceeding back to juvenile court with the court's  
15 approval.

16 If the juvenile challenges the state's determination of the  
17 juvenile's criminal history under (e)(v) of this subsection, the  
18 state may establish the offender's criminal history by a  
19 preponderance of the evidence. If the criminal history consists of  
20 adjudications entered upon a plea of guilty, the state shall not bear  
21 a burden of establishing the knowing and voluntariness of the plea;

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

24 (g) Relating to termination of a diversion agreement under RCW  
25 13.40.080, including a proceeding in which the divertee has attained  
26 eighteen years of age;

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

33 (i) Relating to petitions to compel disclosure of information  
34 filed by the department of social and health services pursuant to RCW  
35 74.13.042; and

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

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

5 (3) The juvenile court shall have concurrent original  
6 jurisdiction with the family court over child custody proceedings  
7 under chapter 26.10 RCW and parenting plans or residential schedules  
8 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

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

13 **Sec. 2.** RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each  
14 amended to read as follows:

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

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19 provided in chapter 26.34 RCW;

20 (b) Relating to children alleged or found to be dependent as  
21 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

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

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

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

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

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

34 (iii) The alleged offense or infraction is a traffic, fish,  
35 boating, or game offense, or traffic or civil infraction committed by  
36 a juvenile sixteen years of age or older and would, if committed by  
37 an adult, be tried or heard in a court of limited jurisdiction, in  
38 which instance the appropriate court of limited jurisdiction shall  
39 have jurisdiction over the alleged offense or infraction, and no

1 guardian ad litem is required in any such proceeding due to the  
2 juvenile's age. If such an alleged offense or infraction and an  
3 alleged offense or infraction subject to juvenile court jurisdiction  
4 arise out of the same event or incident, the juvenile court may have  
5 jurisdiction of both matters. The jurisdiction under this subsection  
6 does not constitute "transfer" or a "decline" for purposes of RCW  
7 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited  
8 jurisdiction which confine juveniles for an alleged offense or  
9 infraction may place juveniles in juvenile detention facilities under  
10 an agreement with the officials responsible for the administration of  
11 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

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13 violation of compulsory school attendance provisions under chapter  
14 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction  
15 has assumed concurrent jurisdiction over those offenses as provided  
16 in RCW 13.04.0301; or

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18 the alleged offense is committed and the alleged offense is:

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20 (B) A violent offense as defined in RCW 9.94A.030 and the  
21 juvenile has a criminal history consisting of: ~~((I))~~ One or more  
22 prior serious violent offenses; ~~((II))~~ two or more prior violent  
23 offenses; or ~~((III))~~ three or more of any combination of the  
24 following offenses: Any class A felony, any class B felony, vehicular  
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29 degree, or drive by shooting, committed on or after July 1, 1997;~~

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1 juvenile is found not guilty in the adult criminal court of the  
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12 case in juvenile court for the purpose of disposition or return the  
13 case to adult criminal court for sentencing.

14 (III) The prosecutor and respondent may agree to juvenile court  
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16 jurisdiction in (e)(v)(A) through (~~(E)~~) (C) of this subsection and  
17 remove the proceeding back to juvenile court with the court's  
18 approval.

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

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31 out-of-home placement under chapter 13.34 RCW, by the parent or  
32 Indian custodian of an Indian child, except if the parent or Indian  
33 custodian and child are residents of or domiciled within the  
34 boundaries of a federally recognized Indian reservation over which  
35 the tribe exercises exclusive jurisdiction;

36 (i) Relating to petitions to compel disclosure of information  
37 filed by the department of social and health services pursuant to RCW  
38 74.13.042; and

39 (j) Relating to judicial determinations and permanency planning  
40 hearings involving developmentally disabled children who have been

1 placed in out-of-home care pursuant to a voluntary placement  
 2 agreement between the child's parent, guardian, or legal custodian  
 3 and the department of social and health services and the department  
 4 of children, youth, and families.

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

9 (3) The juvenile court shall have concurrent original  
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 12 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

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

17 **Sec. 3.** RCW 13.40.0357 and 2016 c 106 s 2 are each amended to  
 18 read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

.....

**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E

1	A	Possession of Incendiary Device (9.40.120)	B+
2		<b>Assault and Other Crimes Involving</b>	
3		<b>Physical Harm</b>	
4	A	Assault 1 (9A.36.011)	B+
5	B+	Assault 2 (9A.36.021)	C+
6	C+	Assault 3 (9A.36.031)	D+
7	D+	Assault 4 (9A.36.041)	E
8	B+	Drive-By Shooting (9A.36.045) <u>committed</u>	
9		<u>at age 15 or under</u>	C+
10	A++	<u>Drive-By Shooting (9A.36.045) committed</u>	
11		<u>at age 16 or 17</u>	A±
12	D+	Reckless Endangerment (9A.36.050)	E
13	C+	Promoting Suicide Attempt (9A.36.060)	D+
14	D+	Coercion (9A.36.070)	E
15	C+	Custodial Assault (9A.36.100)	D+
16		<b>Burglary and Trespass</b>	
17	B+	Burglary 1 (9A.52.020) <u>committed at age</u>	
18		<u>15 or under</u>	C+
19	A-	<u>Burglary 1 (9A.52.020) committed at age</u>	
20		<u>16 or 17</u>	B±
21	B	Residential Burglary (9A.52.025)	C
22	B	Burglary 2 (9A.52.030)	C
23	D	Burglary Tools (Possession of) (9A.52.060)	E
24	D	Criminal Trespass 1 (9A.52.070)	E
25	E	Criminal Trespass 2 (9A.52.080)	E
26	C	Mineral Trespass (78.44.330)	C
27	C	Vehicle Prowling 1 (9A.52.095)	D
28	D	Vehicle Prowling 2 (9A.52.100)	E
29		<b>Drugs</b>	
30	E	Possession/Consumption of Alcohol	
31		(66.44.270)	E
32	C	Illegally Obtaining Legend Drug	
33		(69.41.020)	D
34	C+	Sale, Delivery, Possession of Legend Drug	
35		with Intent to Sell (69.41.030(2)(a))	D+



1	E	Possession of Legend Drug	
2		(69.41.030(2)(b))	E
3	B+	Violation of Uniform Controlled	
4		Substances Act - Narcotic,	
5		Methamphetamine, or Flunitrazepam Sale	
6		(69.50.401(2) (a) or (b))	B+
7	C	Violation of Uniform Controlled	
8		Substances Act - Nonnarcotic Sale	
9		(69.50.401(2)(c))	C
10	E	Possession of Marihuana <40 grams	
11		(69.50.4014)	E
12	C	Fraudulently Obtaining Controlled	
13		Substance (69.50.403)	C
14	C+	Sale of Controlled Substance for Profit	
15		(69.50.410)	C+
16	E	Unlawful Inhalation (9.47A.020)	E
17	B	Violation of Uniform Controlled	
18		Substances Act - Narcotic,	
19		Methamphetamine, or Flunitrazepam	
20		Counterfeit Substances (69.50.4011(2) (a)	
21		or (b))	B
22	C	Violation of Uniform Controlled	
23		Substances Act - Nonnarcotic Counterfeit	
24		Substances (69.50.4011(2) (c), (d), or (e))	C
25	C	Violation of Uniform Controlled	
26		Substances Act - Possession of a Controlled	
27		Substance (69.50.4013)	C
28	C	Violation of Uniform Controlled	
29		Substances Act - Possession of a Controlled	
30		Substance (69.50.4012)	C
31		<b>Firearms and Weapons</b>	
32	B	Theft of Firearm (9A.56.300)	C
33	B	Possession of Stolen Firearm (9A.56.310)	C
34	E	Carrying Loaded Pistol Without Permit	
35		(9.41.050)	E
36	C	Possession of Firearms by Minor (<18)	
37		(9.41.040(2)(a) (iv))	C

1	D+	Possession of Dangerous Weapon	
2		(9.41.250)	E
3	D	Intimidating Another Person by use of	
4		Weapon (9.41.270)	E
5		<b>Homicide</b>	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		<b>Kidnapping</b>	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment (9A.40.040)	D+
15		<b>Obstructing Governmental Operation</b>	
16	D	Obstructing a Law Enforcement Officer	
17		(9A.76.020)	E
18	E	Resisting Arrest (9A.76.040)	E
19	B	Introducing Contraband 1 (9A.76.140)	C
20	C	Introducing Contraband 2 (9A.76.150)	D
21	E	Introducing Contraband 3 (9A.76.160)	E
22	B+	Intimidating a Public Servant (9A.76.180)	C+
23	B+	Intimidating a Witness (9A.72.110)	C+
24		<b>Public Disturbance</b>	
25	C+	Criminal Mischief with Weapon	
26		(9A.84.010(2)(b))	D+
27	D+	Criminal Mischief Without Weapon	
28		(9A.84.010(2)(a))	E
29	E	Failure to Disperse (9A.84.020)	E
30	E	Disorderly Conduct (9A.84.030)	E
31		<b>Sex Crimes</b>	
32	A	Rape 1 (9A.44.040)	B+
33	<u>B++</u>	<u>Rape 2 (9A.44.050) committed at age 14 or</u>	
34		<u>under</u>	<u>B+</u>
35	A-	Rape 2 (9A.44.050) <u>committed at age 15</u>	
36		<u>through age 17</u>	B+

1	C+	Rape 3 (9A.44.060)	D+
2	B++	<u>Rape of a Child 1 (9A.44.073) committed at</u>	
3		<u>age 14 or under</u>	B+
4	A-	Rape of a Child 1 (9A.44.073) <u>committed at</u>	
5		<u>age 15</u>	B+
6	B+	Rape of a Child 2 (9A.44.076)	C+
7	B	Incest 1 (9A.64.020(1))	C
8	C	Incest 2 (9A.64.020(2))	D
9	D+	Indecent Exposure (Victim <14)	
10		(9A.88.010)	E
11	E	Indecent Exposure (Victim 14 or over)	
12		(9A.88.010)	E
13	B+	Promoting Prostitution 1 (9A.88.070)	C+
14	C+	Promoting Prostitution 2 (9A.88.080)	D+
15	E	O & A (Prostitution) (9A.88.030)	E
16	B+	Indecent Liberties (9A.44.100)	C+
17	B++	<u>Child Molestation 1 (9A.44.083) committed</u>	
18		<u>at age 14 or under</u>	B+
19	A-	Child Molestation 1 (9A.44.083) <u>committed</u>	
20		<u>at age 15 through age 17</u>	B+
21	B	Child Molestation 2 (9A.44.086)	C+
22	C	Failure to Register as a Sex Offender	
23		(9A.44.132)	D
24		<b>Theft, Robbery, Extortion, and Forgery</b>	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock 1 and 2 (9A.56.080 and	
29		9A.56.083)	C
30	C	Forgery (9A.60.020)	D
31	A	Robbery 1 (9A.56.200) <u>committed at age</u>	
32		<u>15 or under</u>	B+
33	A++	<u>Robbery 1 (9A.56.200) committed at age</u>	
34		<u>16 or 17</u>	A+
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+

1	C+	Extortion 2 (9A.56.130)	D+
2	C	Identity Theft 1 (9.35.020(2))	D
3	D	Identity Theft 2 (9.35.020(3))	E
4	D	Improperly Obtaining Financial	
5		Information (9.35.010)	E
6	B	Possession of a Stolen Vehicle (9A.56.068)	C
7	B	Possession of Stolen Property 1	
8		(9A.56.150)	C
9	C	Possession of Stolen Property 2	
10		(9A.56.160)	D
11	D	Possession of Stolen Property 3	
12		(9A.56.170)	E
13	B	Taking Motor Vehicle Without Permission	
14		1 (9A.56.070)	C
15	C	Taking Motor Vehicle Without Permission	
16		2 (9A.56.075)	D
17	B	Theft of a Motor Vehicle (9A.56.065)	C
18		<b>Motor Vehicle Related Crimes</b>	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	
26		Vehicle (46.61.024)	D
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	
29		(46.61.502 and 46.61.504)	E
30	B+	Felony Driving While Under the Influence	
31		(46.61.502(6))	B
32	B+	Felony Physical Control of a Vehicle While	
33		Under the Influence (46.61.504(6))	B
34		<b>Other</b>	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C

1	C	Escape 1 <sup>1</sup> (9A.76.110)	C
2	C	Escape 2 <sup>1</sup> (9A.76.120)	C
3	D	Escape 3 (9A.76.130)	E
4	E	Obscene, Harassing, Etc., Phone Calls	
5		(9.61.230)	E
6	A	Other Offense Equivalent to an Adult Class	
7		A Felony	B+
8	B	Other Offense Equivalent to an Adult Class	
9		B Felony	C
10	C	Other Offense Equivalent to an Adult Class	
11		C Felony	D
12	D	Other Offense Equivalent to an Adult Gross	
13		Misdemeanor	E
14	E	Other Offense Equivalent to an Adult	
15		Misdemeanor	E
16	V	Violation of Order of Restitution,	
17		Community Supervision, or Confinement	
18		(13.40.200) <sup>2</sup>	V

19 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
20 and the standard range is established as follows:

21 1st escape or attempted escape during 12-month period - ((4  
22 weeks)) 28 days confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks  
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month  
26 period - 12 weeks confinement

27 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
28 it may impose a penalty of up to 30 days of confinement.

29 **JUVENILE SENTENCING STANDARDS**

30 This schedule must be used for juvenile offenders. The court may  
31 select sentencing option A, B, C, or D.

32 **OPTION A**

33 **JUVENILE OFFENDER SENTENCING GRID**

34 **STANDARD RANGE**

35 A++ 129 to 260 weeks for all category A++ offenses

1	A+	180 weeks to age 21 for all category A+ offenses					
2	A	103-129 weeks for all category A offenses					
3	A-	<u>30-40 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>	<u>103-129 weeks</u>	
4	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
5		((Except 30-40 weeks					
6		for 15 to 17-year olds))					
7	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
8	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
9	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
10		C	LS	LS	LS	LS	15-36 weeks
11		D+	LS	LS	LS	LS	LS
12		D	LS	LS	LS	LS	LS
13		E	LS	LS	LS	LS	LS
14	PRIOR		0	1	2	3	4 or more
15	ADJUDICATIONS						

16 NOTE: References in the grid to days or weeks mean periods of  
17 confinement. "LS" means "local sanctions" as defined in RCW  
18 13.40.020.

19 (1) The vertical axis of the grid is the current offense  
20 category. The current offense category is determined by the offense  
21 of adjudication.

22 (2) The horizontal axis of the grid is the number of prior  
23 adjudications included in the juvenile's criminal history. Each prior  
24 felony adjudication shall count as one point. Each prior violation,  
25 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
26 point. Fractional points shall be rounded down.

27 (3) The standard range disposition for each offense is determined  
28 by the intersection of the column defined by the prior adjudications  
29 and the row defined by the current offense category.

30 (4) RCW 13.40.180 applies if the offender is being sentenced for  
31 more than one offense.

32 (5) A current offense that is a violation is equivalent to an  
33 offense category of E. However, a disposition for a violation shall  
34 not include confinement.

35 OR

1 OPTION B

2 SUSPENDED DISPOSITION ALTERNATIVE

3 (1) If the offender is subject to a standard range disposition  
4 involving confinement by the department, the court may impose the  
5 standard range and suspend the disposition on condition that the  
6 offender comply with one or more local sanctions and any educational  
7 or treatment requirement. The treatment programs provided to the  
8 offender must be either research-based best practice programs as  
9 identified by the Washington state institute for public policy or the  
10 joint legislative audit and review committee, or for chemical  
11 dependency treatment programs or services, they must be evidence-  
12 based or research-based best practice programs. For the purposes of  
13 this subsection:

14 (a) "Evidence-based" means a program or practice that has had  
15 multiple site random controlled trials across heterogeneous  
16 populations demonstrating that the program or practice is effective  
17 for the population; and

18 (b) "Research-based" means a program or practice that has some  
19 research demonstrating effectiveness, but that does not yet meet the  
20 standard of evidence-based practices.

21 (2) If the offender fails to comply with the suspended  
22 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
23 or may revoke the suspended disposition and order the disposition's  
24 execution.

25 (3) An offender is ineligible for the suspended disposition  
26 option under this section if the offender ((is)):

27 (a) Is adjudicated of an A+ or A++ offense;

28 (b) Is fourteen years of age or older and is adjudicated of one  
29 or more of the following offenses:

30 (i) A class A offense, or an attempt, conspiracy, or solicitation  
31 to commit a class A offense;

32 (ii) Manslaughter in the first degree (RCW 9A.32.060); ((or))

33 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
34 the first degree (RCW 9A.56.120), kidnapping in the second degree  
35 (RCW 9A.40.030), (~~robbery in the second degree (RCW 9A.56.210),~~  
36 ~~residential burglary (RCW 9A.52.025), burglary in the second degree~~  
37 ~~(RCW 9A.52.030),~~) drive-by shooting (RCW 9A.36.045), vehicular  
38 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)),  
39 (~~intimidating a witness (RCW 9A.72.110), violation of the uniform~~

1 ~~controlled substances act (RCW 69.50.401 (2)(a) and (b)),) or~~  
2 ~~manslaughter 2 (RCW 9A.32.070)((, when the offense includes~~  
3 ~~infliction of bodily harm upon another or when during the commission~~  
4 ~~or immediate withdrawal from the offense the respondent was armed~~  
5 ~~with a deadly weapon)); or~~

6 (iv) Violation of the uniform controlled substances act (RCW  
7 69.50.401(2) (a) and (b)), when the offense includes infliction of  
8 bodily harm upon another or when during the commission or immediate  
9 withdrawal from the offense the respondent was armed with a deadly  
10 weapon;

11 (c) Is ordered to serve a disposition for a firearm violation  
12 under RCW 13.40.193; (~~or~~))

13 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
14 or

15 (e) Has a prior option B disposition.

16 OR

17 **OPTION C**

18 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

19 If the juvenile offender is subject to a standard range  
20 disposition of local sanctions or 15 to 36 weeks of confinement and  
21 has not committed (~~an A or~~) a B++ or B+ offense, the court may  
22 impose a disposition under RCW 13.40.160(4) and 13.40.165.

23 OR

24 **OPTION D**

25 **MANIFEST INJUSTICE**

26 If the court determines that a disposition under option A, B, or C  
27 would effectuate a manifest injustice, the court shall impose a  
28 disposition outside the standard range under RCW 13.40.160(2).

29 **Sec. 4.** RCW 13.40.110 and 2009 c 454 s 3 are each amended to  
30 read as follows:

31 (1) Discretionary decline hearing - The prosecutor, respondent,  
32 or the court on its own motion may, before a hearing on the  
33 information on its merits, file a motion requesting the court to  
34 transfer the respondent for adult criminal prosecution and the matter  
35 shall be set for a hearing on the question of declining jurisdiction  
36 only if:



1 (a) The respondent is, at the time of proceedings, at least  
2 fifteen years of age or older and is charged with a serious violent  
3 offense as defined in RCW 9.94A.030; or

4 (b) The respondent is, at the time of proceedings, fourteen years  
5 of age or younger and is charged with murder in the first degree (RCW  
6 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

7 (2) Mandatory decline hearing - Unless waived by the court, the  
8 parties, and their counsel, a decline hearing shall be held when((÷

9 ~~(a) The respondent is sixteen or seventeen years of age and the~~  
10 ~~information alleges a class A felony or an attempt, solicitation, or~~  
11 ~~conspiracy to commit a class A felony;~~

12 ~~(b) The respondent is seventeen years of age and the information~~  
13 ~~alleges assault in the second degree, extortion in the first degree,~~  
14 ~~indecent liberties, child molestation in the second degree,~~  
15 ~~kidnapping in the second degree, or robbery in the second degree; or~~

16 ~~(c))~~ the information alleges an escape by the respondent and the  
17 respondent is serving a minimum juvenile sentence to age twenty-one.

18 (3) The court after a decline hearing may order the case  
19 transferred for adult criminal prosecution upon a finding that the  
20 declination would be in the best interest of the juvenile or the  
21 public. The court shall consider the relevant reports, facts,  
22 opinions, and arguments presented by the parties and their counsel.

23 (4) When the respondent is transferred for criminal prosecution  
24 or retained for prosecution in juvenile court, the court shall set  
25 forth in writing its finding which shall be supported by relevant  
26 facts and opinions produced at the hearing.

27 **Sec. 5.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to  
28 read as follows:

29 (1) If a respondent is found to have been in possession of a  
30 firearm in violation of RCW 9.41.040(2)(a)((~~iii~~)) (iv), the court  
31 shall impose a minimum disposition of ten days of confinement. If the  
32 offender's standard range of disposition for the offense as indicated  
33 in RCW 13.40.0357 is more than thirty days of confinement, the court  
34 shall commit the offender to the department for the standard range  
35 disposition. The offender shall not be released until the offender  
36 has served a minimum of ten days in confinement.

37 (2)(a) If a respondent is found to have been in possession of a  
38 firearm in violation of RCW 9.41.040, the disposition must include a  
39 requirement that the respondent participate in a qualifying program

1 as described in (b) of this subsection, when available, unless the  
2 court makes a written finding based on the outcome of the juvenile  
3 court risk assessment that participation in a qualifying program  
4 would not be appropriate.

5 (b) For purposes of this section, "qualifying program" means an  
6 aggression replacement training program, a functional family therapy  
7 program, or another program applicable to the juvenile firearm  
8 offender population that has been identified as evidence-based or  
9 research-based and cost-beneficial in the current list prepared at  
10 the direction of the legislature by the Washington state institute  
11 for public policy.

12 (3) If the court finds that the respondent or an accomplice was  
13 armed with a firearm, the court shall determine the standard range  
14 disposition for the offense pursuant to RCW 13.40.160. If the  
15 offender or an accomplice was armed with a firearm when the offender  
16 committed any felony other than possession of a machine gun,  
17 possession of a stolen firearm, drive-by shooting, theft of a  
18 firearm, unlawful possession of a firearm in the first and second  
19 degree, or use of a machine gun in a felony, the following periods of  
20 total confinement must be added to the sentence: ~~((For a))~~ (a) Except  
21 for (b) of this subsection, for a class A felony, six months; for a  
22 class B felony, four months; and for a class C felony, two months;  
23 (b) for any violent offense as defined in RCW 9.94A.030, committed by  
24 a respondent who is sixteen or seventeen years old at the time of the  
25 offense, a period of twelve months. The additional time shall be  
26 imposed regardless of the offense's juvenile disposition offense  
27 category as designated in RCW 13.40.0357.

28 (4)(a) If the court finds that the respondent who is sixteen or  
29 seventeen years old and committed the offense of robbery in the first  
30 degree, drive-by shooting, burglary in the first degree, or any  
31 violent offense as defined in RCW 9.94A.030 and was armed with a  
32 firearm, and the court finds that the respondent's participation was  
33 related to membership in a criminal street gang or advancing the  
34 benefit, aggrandizement, gain, profit, or other advantage for a  
35 criminal street gang, a period of three months total confinement must  
36 be added to the sentence. The additional time must be imposed  
37 regardless of the offense's juvenile disposition offense category as  
38 designated in RCW 13.40.0357 and must be served consecutively with  
39 any other sentencing enhancement.

1        (b) For the purposes of this section, "criminal street gang"  
2 means any ongoing organization, association, or group of three or  
3 more persons, whether formal or informal, having a common name or  
4 common identifying sign or symbol, having as one of its primary  
5 activities the commission of criminal acts, and whose members or  
6 associates individually or collectively engage in or have engaged in  
7 a pattern of criminal street gang activity. This definition does not  
8 apply to employees engaged in concerted activities for their mutual  
9 aid and protection, or to the activities of labor and bona fide  
10 nonprofit organizations or their members or agents.

11        (5) When a disposition under this section would effectuate a  
12 manifest injustice, the court may impose another disposition. When a  
13 judge finds a manifest injustice and imposes a disposition of  
14 confinement exceeding thirty days, the court shall commit the  
15 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)  
16 shall be used to determine the range. When a judge finds a manifest  
17 injustice and imposes a disposition of confinement less than thirty  
18 days, the disposition shall be comprised of confinement or community  
19 supervision or both.

20        ~~((+5))~~ (6) Any term of confinement ordered pursuant to this  
21 section shall run consecutively to any term of confinement imposed in  
22 the same disposition for other offenses.

23        **Sec. 6.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to  
24 read as follows:

25        ~~((In no case may))~~ Except as provided in subsection (2) of  
26 this section, a juvenile offender may not be committed by the  
27 juvenile court to the department of social and health services for  
28 placement in a juvenile correctional institution beyond the juvenile  
29 offender's twenty-first birthday.

30        (2) A juvenile offender convicted of an A++ juvenile disposition  
31 category offense listed in RCW 13.40.0357, or found to be armed with  
32 a firearm and sentenced to an additional twelve months pursuant to  
33 RCW 13.40.193(3)(b), may be committed by the juvenile court to the  
34 department of social and health services for placement in a juvenile  
35 correctional institution up to the juvenile offender's twenty-fifth  
36 birthday, but not beyond.

37        (3) A juvenile may be under the jurisdiction of the juvenile  
38 court or the authority of the department of social and health

1 services beyond the juvenile's eighteenth birthday only if prior to  
2 the juvenile's eighteenth birthday:

3 (a) Proceedings are pending seeking the adjudication of a  
4 juvenile offense and the court by written order setting forth its  
5 reasons extends jurisdiction of juvenile court over the juvenile  
6 beyond his or her eighteenth birthday, except:

7 (i) If the court enters a written order extending jurisdiction  
8 under this subsection, it shall not extend jurisdiction beyond the  
9 juvenile's twenty-first birthday;

10 (ii) If the order fails to specify a specific date, it shall be  
11 presumed that jurisdiction is extended to age twenty-one; and

12 (iii) If the juvenile court previously extended jurisdiction  
13 beyond the juvenile's eighteenth birthday, and that period of  
14 extension has not expired, the court may further extend jurisdiction  
15 by written order setting forth its reasons;

16 (b) The juvenile has been found guilty after a fact finding or  
17 after a plea of guilty and an automatic extension is necessary to  
18 allow for the imposition of disposition;

19 (c) Disposition has been held and an automatic extension is  
20 necessary to allow for the execution and enforcement of the court's  
21 order of disposition(~~(-)~~), subject to the following:

22 (i) If an order of disposition imposes commitment to the  
23 department, then jurisdiction is automatically extended to include a  
24 period of up to twelve months of parole, in no case extending beyond  
25 the offender's twenty-first birthday, except;

26 (ii) If an order of disposition imposes a commitment to the  
27 department for a juvenile offender convicted of an A++ juvenile  
28 disposition category offense listed in RCW 13.40.0357, or found to be  
29 armed with a firearm and sentenced to an additional twelve months  
30 pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is  
31 automatically extended to include a period of up to twenty-four  
32 months of parole, in no case extending beyond the offender's twenty-  
33 fifth birthday; (~~(e)~~)

34 (d) While proceedings are pending in a case in which jurisdiction  
35 (~~(has been transferred to)~~) is vested in the adult criminal court  
36 pursuant to RCW 13.04.030, the juvenile turns eighteen years of age  
37 and is subsequently found not guilty of the charge for which he or  
38 she was transferred, or is convicted in the adult criminal court of a  
39 lesser included offense, and an automatic extension is necessary to

1 impose the disposition as required by RCW 13.04.030(1)(e)(v)(~~(E)~~)  
2 (C)(II); or

3 (e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the  
4 juvenile court maintains jurisdiction beyond the juvenile offender's  
5 twenty-first birthday for the purpose of enforcing an order of  
6 restitution or penalty assessment.

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

11 ~~(3)) (4) Except as otherwise provided herein, in no event may~~  
12 ~~the juvenile court have authority to extend jurisdiction over any~~  
13 ~~juvenile offender beyond the juvenile offender's twenty-first~~  
14 ~~birthday ((except for the purpose of enforcing an order of~~  
15 ~~restitution or penalty assessment)).~~

16 ~~((4)) (5) Notwithstanding any extension of jurisdiction over a~~  
17 ~~person pursuant to this section, the juvenile court has no~~  
18 ~~jurisdiction over any offenses alleged to have been committed by a~~  
19 ~~person eighteen years of age or older.~~

20 **Sec. 7.** RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each  
21 amended to read as follows:

22 (1) ~~((In no case may))~~ Except as provided in subsection (2) of  
23 this section, a juvenile offender may not be committed by the  
24 juvenile court to the department of children, youth, and families for  
25 placement in a juvenile correctional institution beyond the juvenile  
26 offender's twenty-first birthday.

27 (2) A juvenile offender convicted of an A+ juvenile disposition  
28 category offense listed in RCW 13.40.0357, or found to be armed with  
29 a firearm and sentenced to an additional twelve months pursuant to  
30 RCW 13.40.193(3)(b), may be committed by the juvenile court to the  
31 department of children, youth, and families for placement in a  
32 juvenile correctional institution up to the juvenile offender's  
33 twenty-fifth birthday, but not beyond.

34 (3) A juvenile may be under the jurisdiction of the juvenile  
35 court or the authority of the department of children, youth, and  
36 families beyond the juvenile's eighteenth birthday only if prior to  
37 the juvenile's eighteenth birthday:

38 (a) Proceedings are pending seeking the adjudication of a  
39 juvenile offense and the court by written order setting forth its

1 reasons extends jurisdiction of juvenile court over the juvenile  
2 beyond his or her eighteenth birthday, except:

3 (i) If the court enters a written order extending jurisdiction  
4 under this subsection, it shall not extend jurisdiction beyond the  
5 juvenile's twenty-first birthday;

6 (ii) If the order fails to specify a specific date, it shall be  
7 presumed that jurisdiction is extended to age twenty-one; and

8 (iii) If the juvenile court previously extended jurisdiction  
9 beyond the juvenile's eighteenth birthday, and that period of  
10 extension has not expired, the court may further extend jurisdiction  
11 by written order setting forth its reasons;

12 (b) The juvenile has been found guilty after a fact finding or  
13 after a plea of guilty and an automatic extension is necessary to  
14 allow for the imposition of disposition;

15 (c) Disposition has been held and an automatic extension is  
16 necessary to allow for the execution and enforcement of the court's  
17 order of disposition(~~(-)~~), subject to the following:

18 (i) If an order of disposition imposes commitment to the  
19 department, then jurisdiction is automatically extended to include a  
20 period of up to twelve months of parole, in no case extending beyond  
21 the offender's twenty-first birthday, except;

22 (ii) If an order of disposition imposes a commitment to the  
23 department for a juvenile offender convicted of an A++ juvenile  
24 disposition category offense listed in RCW 13.40.0357, or found to be  
25 armed with a firearm and sentenced to an additional twelve months  
26 pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is  
27 automatically extended to include a period of up to twenty-four  
28 months of parole, in no case extending beyond the offender's twenty-  
29 fifth birthday; (~~(e)~~)

30 (d) While proceedings are pending in a case in which jurisdiction  
31 (~~(has been transferred to)~~) is vested in the adult criminal court  
32 pursuant to RCW 13.04.030, the juvenile turns eighteen years of age  
33 and is subsequently found not guilty of the charge for which he or  
34 she was transferred, or is convicted in the adult criminal court of a  
35 lesser included offense, and an automatic extension is necessary to  
36 impose the disposition as required by RCW 13.04.030(1)(e)(v)(~~(+E)~~)  
37 (C)(II); or

38 (e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the  
39 juvenile court maintains jurisdiction beyond the juvenile offender's

1 twenty-first birthday for the purpose of enforcing an order of  
2 restitution or penalty assessment.

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

7 ~~(3))~~ (4) Except as otherwise provided herein, in no event may  
8 the juvenile court have authority to extend jurisdiction over any  
9 juvenile offender beyond the juvenile offender's twenty-first  
10 birthday ~~((except for the purpose of enforcing an order of~~  
11 ~~restitution or penalty assessment))~~.

12 ~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a  
13 person pursuant to this section, the juvenile court has no  
14 jurisdiction over any offenses alleged to have been committed by a  
15 person eighteen years of age or older.

16 NEW SECTION. Sec. 8. A new section is added to chapter 13.40  
17 RCW to read as follows:

18 The department must take appropriate actions to protect younger  
19 children in confinement from older youth who may be confined pursuant  
20 to this act, recognizing both the potential for positive mentorship  
21 and the potential risks relating to victimization and the exercise of  
22 negative influence. The court may exercise oversight if needed to  
23 accomplish the goals of this section.

24 NEW SECTION. Sec. 9. The Washington state institute for public  
25 policy must assess the impact of this act on community safety, racial  
26 disproportionality, recidivism, state expenditures, and youth  
27 rehabilitation, to the extent possible, and submit, in compliance  
28 with RCW 43.01.036, a preliminary report to the governor and the  
29 appropriate committees of the legislature by December 1, 2023, and a  
30 final report to the governor and the appropriate committees of the  
31 legislature by December 1, 2031.

32 NEW SECTION. Sec. 10. Sections 1 and 6 of this act expire July  
33 1, 2019.

34 NEW SECTION. Sec. 11. Sections 2 and 7 of this act take effect  
35 July 1, 2019."

1 Correct the title.

EFFECT: Restores current law that adult criminal court has exclusive original jurisdiction over juveniles age 16 or 17 at the time of an alleged rape of a child in the first degree offense.

--- END ---