S-1866.1

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**SUBSTITUTE SENATE BILL 5735**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Nguyen, Hasegawa, and Wilson, C.)

AN ACT Relating to the appropriate age for juvenile court adjudication; and amending RCW 9A.04.050.

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

**Sec.**  RCW 9A.04.050 and 2011 c 336 s 347 are each amended to read as follows:

Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are incapable of committing any crime which is not a serious violent offense under RCW 9.94A.030, and are presumed to be incapable of committing a crime which is a serious violent offense, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

**--- END ---**