
SUBSTITUTE HOUSE BILL 2064

State of Washington

66th Legislature

2019 Regular Session

By House Human Services & Early Learning (originally sponsored by Representatives Frame, Ortiz-Self, Goodman, Callan, Senn, Thai, and Davis)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to juvenile justice; amending RCW 13.40.020,
2 13.04.030, 13.40.0357, 13.40.110, and 13.40.300; adding new sections
3 to chapter 72.05 RCW; adding new sections to chapter 13.40 RCW;
4 creating a new section; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to expand the
7 programming available to individuals serving a term of confinement in
8 juvenile rehabilitation to improve rehabilitation and public safety
9 outcomes. The legislature also intends to correct sentencing and
10 jurisdictional requirements related to chapter 162, Laws of 2018
11 (Engrossed Second Substitute Senate Bill No. 6160).

12 The legislature intends to include rehabilitation services
13 specially designed for individuals ages eighteen through twenty-five
14 with criminal justice experience in the inventory of evidence-based,
15 research-based, and promising practices produced by the Washington
16 state institute for public policy and the evidence-based practice
17 institute at the University of Washington.

18 To further improve outcomes for individuals served by the
19 juvenile justice system and those providing those services, the
20 legislature encourages the department of children, youth, and
21 families to implement trauma informed practices in the training and

1 responses provided to employees working in juvenile rehabilitation.
2 The legislature further encourages the department of children, youth,
3 and families to expand access to postsecondary education for
4 individuals serving a term of confinement with the department of
5 children, youth, and families.

6 **Sec. 2.** RCW 13.40.020 and 2018 c 82 s 3 are each amended to read
7 as follows:

8 For the purposes of this chapter:

9 (1) "Assessment" means an individualized examination of a child
10 to determine the child's psychosocial needs and problems, including
11 the type and extent of any mental health, substance abuse, or co-
12 occurring mental health and substance abuse disorders, and
13 recommendations for treatment. "Assessment" includes, but is not
14 limited to, drug and alcohol evaluations, psychological and
15 psychiatric evaluations, records review, clinical interview, and
16 administration of a formal test or instrument;

17 (2) "Community-based rehabilitation" means one or more of the
18 following: Employment; attendance of information classes; literacy
19 classes; counseling, outpatient substance abuse treatment programs,
20 outpatient mental health programs, anger management classes,
21 education or outpatient treatment programs to prevent animal cruelty,
22 family and youth development programs, or other services including,
23 when appropriate, restorative justice programs; or attendance at
24 school or other educational programs appropriate for the juvenile as
25 determined by the school district. Placement in community-based
26 rehabilitation programs is subject to available funds;

27 (3) "Community-based sanctions" may include one or more of the
28 following:

29 (a) A fine, not to exceed five hundred dollars;

30 (b) Community restitution not to exceed one hundred fifty hours
31 of community restitution;

32 (4) "Community restitution" means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender as punishment for committing an offense. Community
35 restitution may be performed through public or private organizations
36 or through work crews and may be performed while an individual is
37 serving confinement;

38 (5) "Community supervision" means an order of disposition by the
39 court of an adjudicated youth not committed to the department or an

1 order granting a deferred disposition. A community supervision order
2 for a single offense may be for a period of up to two years for a sex
3 offense as defined by RCW 9.94A.030 and up to one year for other
4 offenses. As a mandatory condition of any term of community
5 supervision, the court shall order the juvenile to refrain from
6 committing new offenses. As a mandatory condition of community
7 supervision, the court shall order the juvenile to comply with the
8 mandatory school attendance provisions of chapter 28A.225 RCW and to
9 inform the school of the existence of this requirement. Community
10 supervision is an individualized program comprised of one or more of
11 the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (d) Posting of a probation bond;

16 (e) Residential treatment, where substance abuse, mental health,
17 and/or co-occurring disorders have been identified in an assessment
18 by a qualified mental health professional, psychologist,
19 psychiatrist, or chemical dependency professional and a funded bed is
20 available. If a child agrees to voluntary placement in a state-funded
21 long-term evaluation and treatment facility, the case must follow the
22 existing placement procedure including consideration of less
23 restrictive treatment options and medical necessity.

24 (i) A court may order residential treatment after consideration
25 and findings regarding whether:

26 (A) The referral is necessary to rehabilitate the child;

27 (B) The referral is necessary to protect the public or the child;

28 (C) The referral is in the child's best interest;

29 (D) The child has been given the opportunity to engage in less
30 restrictive treatment and has been unable or unwilling to comply; and

31 (E) Inpatient treatment is the least restrictive action
32 consistent with the child's needs and circumstances.

33 (ii) In any case where a court orders a child to inpatient
34 treatment under this section, the court must hold a review hearing no
35 later than sixty days after the youth begins inpatient treatment, and
36 every thirty days thereafter, as long as the youth is in inpatient
37 treatment;

38 (6) "Confinement" means physical custody by the department of
39 children, youth, and families in a facility operated by or pursuant
40 to a contract with the state, or physical custody in a detention

1 facility operated by or pursuant to a contract with any county. The
2 county may operate or contract with vendors to operate county
3 detention facilities. The department may operate or contract to
4 operate detention facilities for juveniles committed to the
5 department. Pretrial confinement or confinement of less than thirty-
6 one days imposed as part of a disposition or modification order may
7 be served consecutively or intermittently, in the discretion of the
8 court;

9 (7) "Court," when used without further qualification, means the
10 juvenile court judge(s) or commissioner(s);

11 (8) "Criminal history" includes all criminal complaints against
12 the respondent for which, prior to the commission of a current
13 offense:

14 (a) The allegations were found correct by a court. If a
15 respondent is convicted of two or more charges arising out of the
16 same course of conduct, only the highest charge from among these
17 shall count as an offense for the purposes of this chapter; or

18 (b) The criminal complaint was diverted by a prosecutor pursuant
19 to the provisions of this chapter on agreement of the respondent and
20 after an advisement to the respondent that the criminal complaint
21 would be considered as part of the respondent's criminal history. A
22 successfully completed deferred adjudication that was entered before
23 July 1, 1998, or a deferred disposition shall not be considered part
24 of the respondent's criminal history;

25 (9) "Department" means the department of children, youth, and
26 families;

27 (10) "Detention facility" means a county facility, paid for by
28 the county, for the physical confinement of a juvenile alleged to
29 have committed an offense or an adjudicated offender subject to a
30 disposition or modification order. "Detention facility" includes
31 county group homes, inpatient substance abuse programs, juvenile
32 basic training camps, and electronic monitoring;

33 (11) "Diversion unit" means any probation counselor who enters
34 into a diversion agreement with an alleged youthful offender, or any
35 other person, community accountability board, youth court under the
36 supervision of the juvenile court, or other entity with whom the
37 juvenile court administrator has contracted to arrange and supervise
38 such agreements pursuant to RCW 13.40.080, or any person, community
39 accountability board, or other entity specially funded by the
40 legislature to arrange and supervise diversion agreements in

1 accordance with the requirements of this chapter. For purposes of
2 this subsection, "community accountability board" means a board
3 comprised of members of the local community in which the juvenile
4 offender resides. The superior court shall appoint the members. The
5 boards shall consist of at least three and not more than seven
6 members. If possible, the board should include a variety of
7 representatives from the community, such as a law enforcement
8 officer, teacher or school administrator, high school student,
9 parent, and business owner, and should represent the cultural
10 diversity of the local community;

11 (12) "Foster care" means temporary physical care in a foster
12 family home or group care facility as defined in RCW 74.15.020 and
13 licensed by the department, or other legally authorized care;

14 (13) "Institution" means a juvenile facility established pursuant
15 to chapters 72.05 and 72.16 through 72.20 RCW;

16 (14) "Intensive supervision program" means a parole program that
17 requires intensive supervision and monitoring, offers an array of
18 individualized treatment and transitional services, and emphasizes
19 community involvement and support in order to reduce the likelihood a
20 juvenile offender will commit further offenses;

21 (15) "Juvenile," "youth," and "child" mean any individual who is
22 under the chronological age of eighteen years and who has not been
23 previously transferred to adult court pursuant to RCW 13.40.110,
24 unless the individual was convicted of a lesser charge or acquitted
25 of the charge for which he or she was previously transferred pursuant
26 to RCW 13.40.110 or who is not otherwise under adult court
27 jurisdiction;

28 (16) "Juvenile offender" means any juvenile who has been found by
29 the juvenile court to have committed an offense, including a person
30 eighteen years of age or older over whom jurisdiction has been
31 extended under RCW 13.40.300;

32 (17) "Labor" means the period of time before a birth during which
33 contractions are of sufficient frequency, intensity, and duration to
34 bring about effacement and progressive dilation of the cervix;

35 (18) "Local sanctions" means one or more of the following: (a)
36 0-30 days of confinement; (b) 0-12 months of community supervision;
37 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

38 (19) "Manifest injustice" means a disposition that would either
39 impose an excessive penalty on the juvenile or would impose a

1 serious, and clear danger to society in light of the purposes of this
2 chapter;

3 (20) "Monitoring and reporting requirements" means one or more of
4 the following: Curfews; requirements to remain at home, school, work,
5 or court-ordered treatment programs during specified hours;
6 restrictions from leaving or entering specified geographical areas;
7 requirements to report to the probation officer as directed and to
8 remain under the probation officer's supervision; and other
9 conditions or limitations as the court may require which may not
10 include confinement;

11 (21) "Offense" means an act designated a violation or a crime if
12 committed by an adult under the law of this state, under any
13 ordinance of any city or county of this state, under any federal law,
14 or under the law of another state if the act occurred in that state;

15 (22) "Physical restraint" means the use of any bodily force or
16 physical intervention to control a juvenile offender or limit a
17 juvenile offender's freedom of movement in a way that does not
18 involve a mechanical restraint. Physical restraint does not include
19 momentary periods of minimal physical restriction by direct person-
20 to-person contact, without the aid of mechanical restraint,
21 accomplished with limited force and designed to:

22 (a) Prevent a juvenile offender from completing an act that would
23 result in potential bodily harm to self or others or damage property;

24 (b) Remove a disruptive juvenile offender who is unwilling to
25 leave the area voluntarily; or

26 (c) Guide a juvenile offender from one location to another;

27 (23) "Postpartum recovery" means (a) the entire period a woman or
28 youth is in the hospital, birthing center, or clinic after giving
29 birth and (b) an additional time period, if any, a treating physician
30 determines is necessary for healing after the youth leaves the
31 hospital, birthing center, or clinic;

32 (24) "Probation bond" means a bond, posted with sufficient
33 security by a surety justified and approved by the court, to secure
34 the offender's appearance at required court proceedings and
35 compliance with court-ordered community supervision or conditions of
36 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means
37 a deposit of cash or posting of other collateral in lieu of a bond if
38 approved by the court;

39 (25) "Respondent" means a juvenile who is alleged or proven to
40 have committed an offense;

1 (26) "Restitution" means financial reimbursement by the offender
2 to the victim, and shall be limited to easily ascertainable damages
3 for injury to or loss of property, actual expenses incurred for
4 medical treatment for physical injury to persons, lost wages
5 resulting from physical injury, and costs of the victim's counseling
6 reasonably related to the offense. Restitution shall not include
7 reimbursement for damages for mental anguish, pain and suffering, or
8 other intangible losses. Nothing in this chapter shall limit or
9 replace civil remedies or defenses available to the victim or
10 offender;

11 (27) "Restorative justice" means practices, policies, and
12 programs informed by and sensitive to the needs of crime victims that
13 are designed to encourage offenders to accept responsibility for
14 repairing the harm caused by their offense by providing safe and
15 supportive opportunities for voluntary participation and
16 communication between the victim, the offender, their families, and
17 relevant community members;

18 (28) "Restraints" means anything used to control the movement of
19 a person's body or limbs and includes:

20 (a) Physical restraint; or

21 (b) Mechanical device including but not limited to: Metal
22 handcuffs, plastic ties, ankle restraints, leather cuffs, other
23 hospital-type restraints, tasers, or batons;

24 (29) "Screening" means a process that is designed to identify a
25 child who is at risk of having mental health, substance abuse, or co-
26 occurring mental health and substance abuse disorders that warrant
27 immediate attention, intervention, or more comprehensive assessment.
28 A screening may be undertaken with or without the administration of a
29 formal instrument;

30 (30) "Secretary" means the secretary of the department;

31 (31) "Services" means services which provide alternatives to
32 incarceration for those juveniles who have pleaded or been
33 adjudicated guilty of an offense or have signed a diversion agreement
34 pursuant to this chapter;

35 (32) "Sex offense" means an offense defined as a sex offense in
36 RCW 9.94A.030;

37 (33) "Sexual motivation" means that one of the purposes for which
38 the respondent committed the offense was for the purpose of his or
39 her sexual gratification;

1 (34) "Surety" means an entity licensed under state insurance laws
2 or by the state department of licensing, to write corporate,
3 property, or probation bonds within the state, and justified and
4 approved by the superior court of the county having jurisdiction of
5 the case;

6 (35) "Transportation" means the conveying, by any means, of an
7 incarcerated pregnant youth from the institution or detention
8 facility to another location from the moment she leaves the
9 institution or detention facility to the time of arrival at the other
10 location, and includes the escorting of the pregnant incarcerated
11 youth from the institution or detention facility to a transport
12 vehicle and from the vehicle to the other location;

13 (36) "Violation" means an act or omission, which if committed by
14 an adult, must be proven beyond a reasonable doubt, and is punishable
15 by sanctions which do not include incarceration;

16 (37) "Violent offense" means a violent offense as defined in RCW
17 9.94A.030;

18 (38) "Youth court" means a diversion unit under the supervision
19 of the juvenile court.

20 (39) "Community juvenile accountability act advisory committee"
21 means a committee consisting of representatives from the department
22 and juvenile courts. The purpose of the committee is to provide
23 oversight and structure to the juvenile courts in an effort to
24 provide a continuum of evidence-based, research-based, and promising
25 juvenile court programs consistent with state law. The committee
26 selects a chair and vice chair elected by the committee's membership.

27 **Sec. 3.** RCW 13.04.030 and 2018 c 162 s 2 are each amended to
28 read as follows:

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

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

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

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

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

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

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

6 (ii) The statute of limitations applicable to adult prosecution
7 for the offense, traffic or civil infraction, or violation has
8 expired;

9 (iii) The alleged offense or infraction is a traffic, fish,
10 boating, or game offense, or traffic or civil infraction committed by
11 a juvenile sixteen years of age or older and would, if committed by
12 an adult, be tried or heard in a court of limited jurisdiction, in
13 which instance the appropriate court of limited jurisdiction shall
14 have jurisdiction over the alleged offense or infraction, and no
15 guardian ad litem is required in any such proceeding due to the
16 juvenile's age. If such an alleged offense or infraction and an
17 alleged offense or infraction subject to juvenile court jurisdiction
18 arise out of the same event or incident, the juvenile court may have
19 jurisdiction of both matters. The jurisdiction under this subsection
20 does not constitute "transfer" or a "decline" for purposes of RCW
21 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
22 jurisdiction which confine juveniles for an alleged offense or
23 infraction may place juveniles in juvenile detention facilities under
24 an agreement with the officials responsible for the administration of
25 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

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

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

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

34 (B) A violent offense as defined in RCW 9.94A.030 and the
35 juvenile has a criminal history consisting of: One or more prior
36 serious violent offenses; two or more prior violent offenses; or
37 three or more of any combination of the following offenses: Any class
38 A felony, any class B felony, vehicular assault, or manslaughter in
39 the second degree, all of which must have been committed after the
40 juvenile's thirteenth birthday and prosecuted separately; or

1 (C) Rape of a child in the first degree.

2 (I) In such a case the adult criminal court shall have exclusive
3 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)
4 of this subsection.

5 (II) The juvenile court shall have exclusive jurisdiction over
6 the disposition of any remaining charges in any case in which the
7 juvenile is found not guilty in the adult criminal court of the
8 charge or charges for which he or she was transferred, or is
9 convicted in the adult criminal court of (~~(a lesser included)~~) an
10 offense that is not also an offense listed in (e)(v) of this
11 subsection. The juvenile court shall maintain residual juvenile court
12 jurisdiction up to age twenty-five if the juvenile has turned
13 eighteen years of age during the adult criminal court proceedings but
14 only for the purpose of returning a case to juvenile court for
15 disposition pursuant to RCW 13.40.300(3)(d). (~~However, once the case
16 is returned to juvenile court, the court may hold a decline hearing
17 pursuant to RCW 13.40.110 to determine whether to retain the case in
18 juvenile court for the purpose of disposition or return the case to
19 adult criminal court for sentencing.~~)

20 (III) The prosecutor and respondent may agree to juvenile court
21 jurisdiction and waive application of exclusive adult criminal
22 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
23 the proceeding back to juvenile court with the court's approval.

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

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

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

35 (h) Relating to court validation of a voluntary consent to an
36 out-of-home placement under chapter 13.34 RCW, by the parent or
37 Indian custodian of an Indian child, except if the parent or Indian
38 custodian and child are residents of or domiciled within the
39 boundaries of a federally recognized Indian reservation over which
40 the tribe exercises exclusive jurisdiction;

1 (i) Relating to petitions to compel disclosure of information
2 filed by the department of social and health services pursuant to RCW
3 74.13.042; and

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

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

14 (3) The juvenile court shall have concurrent original
15 jurisdiction with the family court over child custody proceedings
16 under chapter 26.10 RCW and parenting plans or residential schedules
17 under chapters 26.09 (~~and 26.26~~), 26.26A, or 26.26B RCW as provided
18 for in RCW 13.34.155.

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

23 **Sec. 4.** RCW 13.40.0357 and 2018 c 162 s 3 are each amended to
24 read as follows:

25 **DESCRIPTION AND OFFENSE CATEGORY**

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

31 **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

1	D	Malicious Mischief 3 (9A.48.090)	E
2	E	Tampering with Fire Alarm Apparatus	
3		(9.40.100)	E
4	E	Tampering with Fire Alarm Apparatus with	
5		Intent to Commit Arson (9.40.105)	E
6	A	Possession of Incendiary Device (9.40.120)	B+
7		Assault and Other Crimes Involving	
8		Physical Harm	
9	A	Assault 1 (9A.36.011)	B+
10	B+	Assault 2 (9A.36.021)	C+
11	C+	Assault 3 (9A.36.031)	D+
12	D+	Assault 4 (9A.36.041)	E
13	B+	Drive-By Shooting (9A.36.045) committed	
14		at age 15 or under	C+
15	A++	Drive-By Shooting (9A.36.045) committed	
16		at age 16 or 17	A+
17	D+	Reckless Endangerment (9A.36.050)	E
18	C+	Promoting Suicide Attempt (9A.36.060)	D+
19	D+	Coercion (9A.36.070)	E
20	C+	Custodial Assault (9A.36.100)	D+
21		Burglary and Trespass	
22	B+	Burglary 1 (9A.52.020) committed at age	
23		15 or under	C+
24	A-	Burglary 1 (9A.52.020) committed at age	
25		16 or 17	B+
26	B	Residential Burglary (9A.52.025)	C
27	B	Burglary 2 (9A.52.030)	C
28	D	Burglary Tools (Possession of) (9A.52.060)	E
29	D	Criminal Trespass 1 (9A.52.070)	E
30	E	Criminal Trespass 2 (9A.52.080)	E
31	C	Mineral Trespass (78.44.330)	C
32	C	Vehicle Prowling 1 (9A.52.095)	D
33	D	Vehicle Prowling 2 (9A.52.100)	E
34		Drugs	
35	E	Possession/Consumption of Alcohol	
36		(66.44.270)	E

1	C	Illegally Obtaining Legend Drug	
2		(69.41.020)	D
3	C+	Sale, Delivery, Possession of Legend Drug	
4		with Intent to Sell (69.41.030(2)(a))	D+
5	E	Possession of Legend Drug	
6		(69.41.030(2)(b))	E
7	B+	Violation of Uniform Controlled	
8		Substances Act - Narcotic,	
9		Methamphetamine, or Flunitrazepam Sale	
10		(69.50.401(2) (a) or (b))	B+
11	C	Violation of Uniform Controlled	
12		Substances Act - Nonnarcotic Sale	
13		(69.50.401(2)(c))	C
14	E	Possession of Marihuana <40 grams	
15		(69.50.4014)	E
16	C	Fraudulently Obtaining Controlled	
17		Substance (69.50.403)	C
18	C+	Sale of Controlled Substance for Profit	
19		(69.50.410)	C+
20	E	Unlawful Inhalation (9.47A.020)	E
21	B	Violation of Uniform Controlled	
22		Substances Act - Narcotic,	
23		Methamphetamine, or Flunitrazepam	
24		Counterfeit Substances (69.50.4011(2) (a)	
25		or (b))	B
26	C	Violation of Uniform Controlled	
27		Substances Act - Nonnarcotic Counterfeit	
28		Substances (69.50.4011(2) (c), (d), or (e))	C
29	C	Violation of Uniform Controlled	
30		Substances Act - Possession of a Controlled	
31		Substance (69.50.4013)	C
32	C	Violation of Uniform Controlled	
33		Substances Act - Possession of a Controlled	
34		Substance (69.50.4012)	C
35		Firearms and Weapons	
36	B	Theft of Firearm (9A.56.300)	C
37	B	Possession of Stolen Firearm (9A.56.310)	C

1	E	Carrying Loaded Pistol Without Permit	
2		(9.41.050)	E
3	C	Possession of Firearms by Minor (<18)	
4		(9.41.040(2)(a) ((iv))) (v)	C
5	D+	Possession of Dangerous Weapon	
6		(9.41.250)	E
7	D	Intimidating Another Person by use of	
8		Weapon (9.41.270)	E
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment (9A.40.040)	D+
19		Obstructing Governmental Operation	
20	D	Obstructing a Law Enforcement Officer	
21		(9A.76.020)	E
22	E	Resisting Arrest (9A.76.040)	E
23	B	Introducing Contraband 1 (9A.76.140)	C
24	C	Introducing Contraband 2 (9A.76.150)	D
25	E	Introducing Contraband 3 (9A.76.160)	E
26	B+	Intimidating a Public Servant (9A.76.180)	C+
27	B+	Intimidating a Witness (9A.72.110)	C+
28		Public Disturbance	
29	C+	Criminal Mischief with Weapon	
30		(9A.84.010(2)(b))	D+
31	D+	Criminal Mischief Without Weapon	
32		(9A.84.010(2)(a))	E
33	E	Failure to Disperse (9A.84.020)	E
34	E	Disorderly Conduct (9A.84.030)	E
35		Sex Crimes	
36	A	Rape 1 (9A.44.040)	B+

1	B++ Rape 2 (9A.44.050) committed at age 14 or	
2	under	B+
3	A- Rape 2 (9A.44.050) committed at age 15	
4	through age 17	B+
5	C+ Rape 3 (9A.44.060)	D+
6	B++ Rape of a Child 1 (9A.44.073) committed at	
7	age 14 or under	B+
8	A- Rape of a Child 1 (9A.44.073) committed at	
9	age 15	B+
10	B+ Rape of a Child 2 (9A.44.076)	C+
11	B Incest 1 (9A.64.020(1))	C
12	C Incest 2 (9A.64.020(2))	D
13	D+ Indecent Exposure (Victim <14)	
14	(9A.88.010)	E
15	E Indecent Exposure (Victim 14 or over)	
16	(9A.88.010)	E
17	B+ Promoting Prostitution 1 (9A.88.070)	C+
18	C+ Promoting Prostitution 2 (9A.88.080)	D+
19	E O & A (Prostitution) (9A.88.030)	E
20	B+ Indecent Liberties (9A.44.100)	C+
21	B++ Child Molestation 1 (9A.44.083) committed	
22	at age 14 or under	B+
23	A- Child Molestation 1 (9A.44.083) committed	
24	at age 15 through age 17	B+
25	B Child Molestation 2 (9A.44.086)	C+
26	C Failure to Register as a Sex Offender	
27	(9A.44.132)	D
28	Theft, Robbery, Extortion, and Forgery	
29	B Theft 1 (9A.56.030)	C
30	C Theft 2 (9A.56.040)	D
31	D Theft 3 (9A.56.050)	E
32	B Theft of Livestock 1 and 2 (9A.56.080 and	
33	9A.56.083)	C
34	C Forgery (9A.60.020)	D
35	A Robbery 1 (9A.56.200) committed at age	
36	15 or under	B+

1	A++	Robbery 1 (9A.56.200) committed at age	
2		16 or 17	A+
3	B+	Robbery 2 (9A.56.210)	C+
4	B+	Extortion 1 (9A.56.120)	C+
5	C+	Extortion 2 (9A.56.130)	D+
6	C	Identity Theft 1 (9.35.020(2))	D
7	D	Identity Theft 2 (9.35.020(3))	E
8	D	Improperly Obtaining Financial	
9		Information (9.35.010)	E
10	B	Possession of a Stolen Vehicle (9A.56.068)	C
11	B	Possession of Stolen Property 1	
12		(9A.56.150)	C
13	C	Possession of Stolen Property 2	
14		(9A.56.160)	D
15	D	Possession of Stolen Property 3	
16		(9A.56.170)	E
17	B	Taking Motor Vehicle Without Permission 1	
18		(9A.56.070)	C
19	C	Taking Motor Vehicle Without Permission 2	
20		(9A.56.075)	D
21	B	Theft of a Motor Vehicle (9A.56.065)	C
22		Motor Vehicle Related Crimes	
23	E	Driving Without a License (46.20.005)	E
24	B+	Hit and Run - Death (46.52.020(4)(a))	C+
25	C	Hit and Run - Injury (46.52.020(4)(b))	D
26	D	Hit and Run-Attended (46.52.020(5))	E
27	E	Hit and Run-Unattended (46.52.010)	E
28	C	Vehicular Assault (46.61.522)	D
29	C	Attempting to Elude Pursuing Police	
30		Vehicle (46.61.024)	D
31	E	Reckless Driving (46.61.500)	E
32	D	Driving While Under the Influence	
33		(46.61.502 and 46.61.504)	E
34	B+	Felony Driving While Under the Influence	
35		(46.61.502(6))	B

1	B+	Felony Physical Control of a Vehicle While	
2		Under the Influence (46.61.504(6))	B
3		Other	
4	B	Animal Cruelty 1 (16.52.205)	C
5	B	Bomb Threat (9.61.160)	C
6	C	Escape 1 ¹ (9A.76.110)	C
7	C	Escape 2 ¹ (9A.76.120)	C
8	D	Escape 3 (9A.76.130)	E
9	E	Obscene, Harassing, Etc., Phone Calls	
10		(9.61.230)	E
11	A	Other Offense Equivalent to an Adult Class	
12		A Felony	B+
13	B	Other Offense Equivalent to an Adult Class	
14		B Felony	C
15	C	Other Offense Equivalent to an Adult Class	
16		C Felony	D
17	D	Other Offense Equivalent to an Adult Gross	
18		Misdemeanor	E
19	E	Other Offense Equivalent to an Adult	
20		Misdemeanor	E
21	V	Violation of Order of Restitution,	
22		Community Supervision, or Confinement	
23		(13.40.200) ²	V

24 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
25 and the standard range is established as follows:

26 1st escape or attempted escape during 12-month period - 28 days
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

32 ²If the court finds that a respondent has violated terms of an order,
33 it may impose a penalty of up to 30 days of confinement.

34 **JUVENILE SENTENCING STANDARDS**

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

OPTION A
 JUVENILE OFFENDER SENTENCING GRID
 STANDARD RANGE

4	A++	129 to 260 weeks for all category A++ offenses					
5	A+	180 weeks to ((age-21)) <u>the maximum age of juvenile court jurisdiction</u>					
6		for all category A+ offenses					
7	A	103-129 weeks for all category A offenses					
8	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
9	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
10	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
11	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
12	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
13		C	LS	LS	LS	LS	15-36 weeks
14		D+	LS	LS	LS	LS	LS
15		D	LS	LS	LS	LS	LS
16		E	LS	LS	LS	LS	LS
17	PRIOR		0	1	2	3	4 or more
18	ADJUDICATIONS						

19 NOTE: References in the grid to days or weeks mean periods of
 20 confinement. "LS" means "local sanctions" as defined in RCW
 21 13.40.020.

22 (1) The vertical axis of the grid is the current offense
 23 category. The current offense category is determined by the offense
 24 of adjudication.

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

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

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

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

4 OR

5 **OPTION B**

6 **SUSPENDED DISPOSITION ALTERNATIVE**

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

18 (a) "Evidence-based" means a program or practice that has had
19 multiple site random controlled trials across heterogeneous
20 populations demonstrating that the program or practice is effective
21 for the population; and

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

25 (2) If the offender fails to comply with the suspended
26 disposition, the court may impose sanctions pursuant to RCW 13.40.200
27 or may revoke the suspended disposition and order the disposition's
28 execution.

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

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

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

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

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

37 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
38 the first degree (RCW 9A.56.120), kidnapping in the second degree
39 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular

1 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
2 manslaughter 2 (RCW 9A.32.070); or

3 (iv) Violation of the uniform controlled substances act (RCW
4 69.50.401(2) (a) and (b)), when the offense includes infliction of
5 bodily harm upon another or when during the commission or immediate
6 withdrawal from the offense the respondent was armed with a deadly
7 weapon;

8 (c) Is ordered to serve a disposition for a firearm violation
9 under RCW 13.40.193;

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

12 (e) Has a prior option B disposition.

13 **OR**

14 **OPTION C**

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

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

20 **OR**

21 **OPTION D**

22 **MANIFEST INJUSTICE**

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

26 **Sec. 5.** RCW 13.40.110 and 2018 c 162 s 4 are each amended to
27 read as follows:

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

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

1 (b) The respondent is, at the time of proceedings, fourteen years
2 of age or younger and is charged with murder in the first degree (RCW
3 9A.32.030), and/or murder in the second degree (RCW 9A.32.050); or

4 (c) The respondent is under age eighteen and: (i) Is charged with
5 custodial assault under RCW 9A.36.100; (ii) has a criminal history
6 which includes a prior conviction for custodial assault; and (iii) is
7 servng a minimum juvenile sentence to age twenty-one or longer.

8 (2) Mandatory decline hearing - Unless waived by the court, the
9 parties, and their counsel, a decline hearing shall be held when the
10 information alleges an escape by the respondent and the respondent is
11 serving a minimum juvenile sentence to age twenty-one.

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

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

21 **Sec. 6.** RCW 13.40.300 and 2018 c 162 s 7 are each amended to
22 read as follows:

23 (1) Except as provided in subsection (2) of this section, a
24 juvenile offender may not be committed by the juvenile court to the
25 department of children, youth, and families for placement in a
26 juvenile correctional institution beyond the juvenile offender's
27 twenty-first birthday.

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

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

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

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

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

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

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

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

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

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

32 (d) While proceedings are pending in a case in which jurisdiction
33 is vested in the adult criminal court pursuant to RCW 13.04.030, the
34 juvenile turns eighteen years of age and is subsequently found not
35 guilty of the charge for which he or she was transferred, or is
36 convicted in the adult criminal court of ~~((a lesser included))~~ an
37 offense that is not also an offense listed under RCW
38 13.04.030(1)(e)(v), and an automatic extension is necessary to impose
39 the juvenile disposition as required by RCW
40 13.04.030(1)(e)(v)(C)(II); or

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

5 (4) Except as otherwise provided herein, in no event may the
6 juvenile court have authority to extend jurisdiction over any
7 juvenile offender beyond the juvenile offender's twenty-first
8 birthday.

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

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.05
14 RCW to read as follows:

15 Subject to the availability of amounts appropriated for this
16 specific purpose, the department shall provide secure internet access
17 to individuals serving a term of confinement with the department. The
18 department shall develop rules to determine which individuals are
19 eligible to use this secure internet and for ensuring that the secure
20 internet used by individuals serving a term of confinement with the
21 department is used appropriately.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.05
23 RCW to read as follows:

24 (1) Subject to the availability of amounts appropriated for this
25 specific purpose, the department shall develop and implement in
26 coordination with the consolidated technology services agency under
27 chapter 43.105 RCW site testing to provide individuals serving a term
28 of confinement with the department with access to digital learning
29 through secure laptops.

30 (2) The site testing in this section must focus on providing
31 individuals serving a term of confinement with the department with
32 opportunities for credit retrieval, coursework leading toward high
33 school graduation or the equivalent, and vocational education
34 including certification.

35 (3) The department shall design the components of the site
36 testing under this section by October 1, 2019, and shall implement
37 the site testing from October 1, 2019, until July 1, 2021.

1 (4) The department shall provide a report to the legislature in
2 compliance with RCW 43.01.036 by December 1, 2020, that includes a
3 description of the site testing, the number of individuals serving a
4 term of confinement with the department participating in the site
5 testing, outcomes achieved by the site testing, and recommendations
6 regarding expansion of the service.

7 (5) This section expires December 1, 2021.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 72.05
9 RCW to read as follows:

10 (1) Subject to the availability of amounts appropriated for this
11 specific purpose, the department shall provide mobile construction
12 preapprenticeship training programs and postsecondary education
13 opportunities to individuals serving a term of confinement with the
14 department. The preapprenticeship training programs under this
15 section must provide technical training with hands-on work
16 experience.

17 (2) The department shall provide an annual report to the
18 legislature in compliance with RCW 43.01.036 on December 1, 2020,
19 regarding the preapprenticeship programs and postsecondary education
20 opportunities provided to individuals serving a term of confinement
21 with the department and any recommendations to support or expand
22 these programs.

23 (3) This section expires July 1, 2021.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.05
25 RCW to read as follows:

26 (1) The department shall convene a background check work group
27 to:

28 (a) Explore barriers imposed by background check requirements in
29 state law including RCW 43.43.830 and in policy that prevent
30 individuals with criminal history from providing mentoring to
31 individuals serving a term of confinement with the department; and

32 (b) Consider whether an individual's certificate of restoration
33 of opportunity under RCW 9.97.020 could be used to allow individuals
34 with criminal history to provide mentoring to individuals serving a
35 term of confinement with the department.

36 (2) The department shall convene the first meeting of the
37 background check work group by August 31, 2019, and include:

38 (a) Representatives from the department;

1 (b) Individuals with previous or current experience with the
2 juvenile justice system; and

3 (c) Representatives from a mentorship program that pairs mentors
4 who have experience in the juvenile justice system and have
5 successfully transformed their lives with young people currently
6 involved with the juvenile justice system.

7 (3) The work group established under this section shall provide a
8 report to the legislature by December 1, 2019, and in compliance with
9 RCW 43.01.036 that outlines recommendations regarding changes to
10 state law or policy that could support mentoring programs for
11 individuals serving a term of confinement with the department.

12 (4) This section expires July 1, 2020.

13 NEW SECTION. **Sec. 11.** A new section is added to chapter 13.40
14 RCW to read as follows:

15 (1) The department shall establish and convene an employment
16 pathways work group to outline a workforce framework for individuals
17 served by the juvenile rehabilitation division of the department. The
18 first meeting of the work group established under this section must
19 occur by August 31, 2019, and include:

20 (a) Representatives from the department;

21 (b) Individuals with previous or current experience with the
22 juvenile justice system; and

23 (c) Workforce representatives including workforce development
24 councils and agency partners.

25 (2) The work group shall provide a report to the legislature by
26 December 1, 2019, that includes recommendations regarding a plan to:

27 (a) Provide compensation to individuals receiving services through
28 the juvenile rehabilitation division of the department; and (b)
29 implement specific work-based learning positions that provide minimum
30 wage compensation.

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 13.40
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this
34 specific purpose, the University of Washington shall convene an
35 interdisciplinary work group to develop recommendations for updating
36 policies that support the effective use of evidence-based services
37 for individuals ages eighteen through twenty-five with criminal
38 justice experience. These recommendations shall include whether to

1 include rehabilitation services designed for individuals ages
2 eighteen through twenty-five with criminal justice experience in the
3 descriptive definitions and inventory of evidence-based, research-
4 based, and promising practices under RCW 43.20C.020. The work group
5 convened under this section must include representatives from:

- 6 (a) The Washington state institute for public policy;
 - 7 (b) The Washington state center for court research of the
8 administrative office of the courts;
 - 9 (c) The alcohol and drug abuse institute at the University of
10 Washington;
 - 11 (d) The department of children, youth, and families;
 - 12 (e) The health care authority;
 - 13 (f) Legislators;
 - 14 (g) The office of innovation, alignment, and accountability under
15 RCW 43.216.035;
 - 16 (h) Individuals under age twenty-five with current or previous
17 experience in the juvenile justice system;
 - 18 (i) Community advocates; and
 - 19 (j) Content experts internal and external to Washington state.
- 20 (2) The University of Washington must submit the findings and
21 recommendations of the work group to the governor and the legislature
22 by November 1, 2020.
- 23 (3) This section expires July 1, 2021.

--- END ---