

SENATE BILL 5880

State of Washington 66th Legislature 2019 Regular Session

By Senators Kuderer, Darneille, Nguyen, and Saldaña

Read first time 02/08/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to juvenile sentencing; amending RCW 13.40.0357,
2 13.04.030, 13.40.110, and 13.40.300; and prescribing penalties.

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

4 **Sec. 1.** RCW 13.40.0357 and 2018 c 162 s 3 are each amended to
5 read as follows:

DESCRIPTION AND OFFENSE CATEGORY

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

Arson and Malicious Mischief

13	A	Arson 1 (9A.48.020)	B+
14	B	Arson 2 (9A.48.030)	C
15	C	Reckless Burning 1 (9A.48.040)	D
16	D	Reckless Burning 2 (9A.48.050)	E
17	B	Malicious Mischief 1 (9A.48.070)	C
18	C	Malicious Mischief 2 (9A.48.080)	D
19	D	Malicious Mischief 3 (9A.48.090)	E

1	E	Tampering with Fire Alarm Apparatus	E
2		(9.40.100)	
3	E	Tampering with Fire Alarm Apparatus	E
4		with Intent to Commit Arson (9.40.105)	
5	A	Possession of Incendiary Device	B+
6		(9.40.120)	
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)	C+
14		committed at age 15 or under	
15	A++	Drive-By Shooting (9A.36.045)	((A+))
16		committed at age 16 or 17	<u>A</u>
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	C+
23		age 15 or under	
24	A-	Burglary 1 (9A.52.020) committed at	B+
25		age 16 or 17	
26	B	Residential Burglary (9A.52.025)	C
27	B	Burglary 2 (9A.52.030)	C
28	D	Burglary Tools (Possession of)	E
29		(9A.52.060)	
30	D	Criminal Trespass 1 (9A.52.070)	E
31	E	Criminal Trespass 2 (9A.52.080)	E
32	C	Mineral Trespass (78.44.330)	C
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35		Drugs	

1	E	Possession/Consumption of Alcohol	E
2		(66.44.270)	
3	C	Illegally Obtaining Legend Drug	D
4		(69.41.020)	
5	C+	Sale, Delivery, Possession of Legend	D+
6		Drug with Intent to Sell (69.41.030(2)(a))	
7	E	Possession of Legend	E
8		Drug (69.41.030(2)(b))	
9	B+	Violation of Uniform Controlled	B+
10		Substances Act - Narcotic,	
11		Methamphetamine, or Flunitrazepam	
12		Sale (69.50.401(2) (a) or (b))	
13	C	Violation of Uniform Controlled	C
14		Substances Act - Nonnarcotic Sale	
15		(69.50.401(2)(c))	
16	E	Possession of Marihuana <40 grams	E
17		(69.50.4014)	
18	C	Fraudulently Obtaining Controlled	C
19		Substance (69.50.403)	
20	C+	Sale of Controlled Substance for Profit	C+
21		(69.50.410)	
22	E	Unlawful Inhalation (9.47A.020)	E
23	B	Violation of Uniform Controlled	B
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Counterfeit Substances (69.50.4011(2)	
27		(a) or (b))	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Nonnarcotic Counterfeit	
30		Substances (69.50.4011(2) (c), (d), or (e))	
31	C	Violation of Uniform Controlled	C
32		Substances Act - Possession of a	
33		Controlled Substance (69.50.4013)	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Possession of a	
36		Controlled Substance (69.50.4012)	
37		Firearms and Weapons	
38	B	Theft of Firearm (9A.56.300)	C

1	B	Possession of Stolen Firearm	C
2		(9A.56.310)	
3	E	Carrying Loaded Pistol Without Permit	E
4		(9.41.050)	
5	C	Possession of Firearms by Minor (<18)	C
6		(9.41.040(2)(a) ((iv)) (v))	
7	D+	Possession of Dangerous Weapon	E
8		(9.41.250)	
9	D	Intimidating Another Person by use of	E
10		Weapon (9.41.270)	
11		Homicide	
12	A+	Murder 1 (9A.32.030)	A
13	A+	Murder 2 (9A.32.050)	B+
14	B+	Manslaughter 1 (9A.32.060)	C+
15	C+	Manslaughter 2 (9A.32.070)	D+
16	B+	Vehicular Homicide (46.61.520)	C+
17		Kidnapping	
18	A	Kidnap 1 (9A.40.020)	B+
19	B+	Kidnap 2 (9A.40.030)	C+
20	C+	Unlawful Imprisonment (9A.40.040)	D+
21		Obstructing Governmental Operation	
22	D	Obstructing a Law Enforcement Officer	E
23		(9A.76.020)	
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1 (9A.76.140)	C
26	C	Introducing Contraband 2 (9A.76.150)	D
27	E	Introducing Contraband 3 (9A.76.160)	E
28	B+	Intimidating a Public Servant	C+
29		(9A.76.180)	
30	B+	Intimidating a Witness (9A.72.110)	C+
31		Public Disturbance	
32	C+	Criminal Mischief with Weapon	D+
33		(9A.84.010(2)(b))	
34	D+	Criminal Mischief Without Weapon	E
35		(9A.84.010(2)(a))	
36	E	Failure to Disperse (9A.84.020)	E

1	E	Disorderly Conduct (9A.84.030)	E
2		Sex Crimes	
3	A	Rape 1 (9A.44.040)	B+
4	B++	Rape 2 (9A.44.050) committed at age 14	B+
5		or under	
6	A-	Rape 2 (9A.44.050) committed at age 15	B+
7		through age 17	
8	C+	Rape 3 (9A.44.060)	D+
9	B++	Rape of a Child 1 (9A.44.073)	B+
10		committed at age 14 or under	
11	A-	Rape of a Child 1 (9A.44.073)	B+
12		committed at age 15	
13	B+	Rape of a Child 2 (9A.44.076)	C+
14	B	Incest 1 (9A.64.020(1))	C
15	C	Incest 2 (9A.64.020(2))	D
16	D+	Indecent Exposure (Victim <14)	E
17		(9A.88.010)	
18	E	Indecent Exposure (Victim 14 or over)	E
19		(9A.88.010)	
20	B+	Promoting Prostitution 1 (9A.88.070)	C+
21	C+	Promoting Prostitution 2 (9A.88.080)	D+
22	E	O & A (Prostitution) (9A.88.030)	E
23	B+	Indecent Liberties (9A.44.100)	C+
24	B++	Child Molestation 1 (9A.44.083)	B+
25		committed at age 14 or under	
26	A-	Child Molestation 1 (9A.44.083)	B+
27		committed at age 15 through age 17	
28	B	Child Molestation 2 (9A.44.086)	C+
29	C	Failure to Register as a Sex Offender	D
30		(9A.44.132)	
31		Theft, Robbery, Extortion, and	
32		Forgery	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080	C
2		and 9A.56.083)	
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200) committed at	B+
5		age 15 or under	
6	A++	Robbery 1 (9A.56.200) committed at	((A+))
7		age 16 or 17	<u>A</u>
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial	E
14		Information (9.35.010)	
15	B	Possession of a Stolen Vehicle	C
16		(9A.56.068)	
17	B	Possession of Stolen Property 1	C
18		(9A.56.150)	
19	C	Possession of Stolen Property 2	D
20		(9A.56.160)	
21	D	Possession of Stolen Property 3	E
22		(9A.56.170)	
23	B	Taking Motor Vehicle Without	C
24		Permission 1 (9A.56.070)	
25	C	Taking Motor Vehicle Without	D
26		Permission 2 (9A.56.075)	
27	B	Theft of a Motor Vehicle (9A.56.065)	C
28		Motor Vehicle Related Crimes	
29	E	Driving Without a License (46.20.005)	E
30	B+	Hit and Run - Death (46.52.020(4)(a))	C+
31	C	Hit and Run - Injury (46.52.020(4)(b))	D
32	D	Hit and Run-Attended (46.52.020(5))	E
33	E	Hit and Run-Unattended (46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing Police	D
36		Vehicle (46.61.024)	
37	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the	B
4		Influence (46.61.502(6))	
5	B+	Felony Physical Control of a Vehicle	B
6		While Under the Influence (46.61.504(6))	
7		Other	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 ¹ (9A.76.110)	C
11	C	Escape 2 ¹ (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	E
14		(9.61.230)	
15	A	Other Offense Equivalent to an Adult	B+
16		Class A Felony	
17	B	Other Offense Equivalent to an Adult	C
18		Class B Felony	
19	C	Other Offense Equivalent to an Adult	D
20		Class C Felony	
21	D	Other Offense Equivalent to an Adult	E
22		Gross Misdemeanor	
23	E	Other Offense Equivalent to an Adult	E
24		Misdemeanor	
25	V	Violation of Order of Restitution,	V
26		Community Supervision, or Confinement	
27		(13.40.200) ²	

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

30 1st escape or attempted escape during 12-month period - 28 days
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month
35 period - 12 weeks confinement

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

JUVENILE SENTENCING STANDARDS

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

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR		0	1	2	3	4 or more
ADJUDICATIONS						

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

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

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

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

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

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

9 **OR**

10 **OPTION B**

11 **SUSPENDED DISPOSITION ALTERNATIVE**

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

23 (a) "Evidence-based" means a program or practice that has had
24 multiple site random controlled trials across heterogeneous
25 populations demonstrating that the program or practice is effective
26 for the population; and

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

30 (2) If the offender fails to comply with the suspended
31 disposition, the court may impose sanctions pursuant to RCW 13.40.200
32 or may revoke the suspended disposition and order the disposition's
33 execution.

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

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

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

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

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

4 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
5 the first degree (RCW 9A.56.120), kidnapping in the second degree
6 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
7 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
8 manslaughter 2 (RCW 9A.32.070); or

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

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

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

18 (e) Has a prior option B disposition.

19 **OR**

20 **OPTION C**

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

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

26 **OR**

27 **OPTION D**

28 **MANIFEST INJUSTICE**

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

32 **Sec. 2.** RCW 13.04.030 and 2018 c 162 s 2 are each amended to
33 read as follows:

34 (1) Except as provided in this section, the juvenile courts in
35 this state shall have exclusive original jurisdiction over all
36 proceedings:

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

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

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

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

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

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

14 (ii) The statute of limitations applicable to adult prosecution
15 for the offense, traffic or civil infraction, or violation has
16 expired;

17 (iii) The alleged offense or infraction is a traffic, fish,
18 boating, or game offense, or traffic or civil infraction committed by
19 a juvenile sixteen years of age or older and would, if committed by
20 an adult, be tried or heard in a court of limited jurisdiction, in
21 which instance the appropriate court of limited jurisdiction shall
22 have jurisdiction over the alleged offense or infraction, and no
23 guardian ad litem is required in any such proceeding due to the
24 juvenile's age. If such an alleged offense or infraction and an
25 alleged offense or infraction subject to juvenile court jurisdiction
26 arise out of the same event or incident, the juvenile court may have
27 jurisdiction of both matters. The jurisdiction under this subsection
28 does not constitute "transfer" or a "decline" for purposes of RCW
29 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
30 jurisdiction which confine juveniles for an alleged offense or
31 infraction may place juveniles in juvenile detention facilities under
32 an agreement with the officials responsible for the administration of
33 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

34 (iv) The alleged offense is a traffic or civil infraction, a
35 violation of compulsory school attendance provisions under chapter
36 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
37 has assumed concurrent jurisdiction over those offenses as provided
38 in RCW 13.04.0301; or

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

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

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

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

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

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

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

32 If the juvenile challenges the state's determination of the
33 juvenile's criminal history under (e)(v) of this subsection, the
34 state may establish the offender's criminal history by a
35 preponderance of the evidence. If the criminal history consists of
36 adjudications entered upon a plea of guilty, the state shall not bear
37 a burden of establishing the knowing and voluntariness of the plea;

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

1 (g) Relating to termination of a diversion agreement under RCW
2 13.40.080, including a proceeding in which the divertee has attained
3 eighteen years of age;

4 (h) Relating to court validation of a voluntary consent to an
5 out-of-home placement under chapter 13.34 RCW, by the parent or
6 Indian custodian of an Indian child, except if the parent or Indian
7 custodian and child are residents of or domiciled within the
8 boundaries of a federally recognized Indian reservation over which
9 the tribe exercises exclusive jurisdiction;

10 (i) Relating to petitions to compel disclosure of information
11 filed by the department of social and health services pursuant to RCW
12 74.13.042; and

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

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

23 (3) The juvenile court shall have concurrent original
24 jurisdiction with the family court over child custody proceedings
25 under chapter 26.10 RCW and parenting plans or residential schedules
26 under chapter((s)) 26.09 ((and ~~26.26~~)), 26.26A, or 26.26B RCW as
27 provided for in RCW 13.34.155.

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

32 **Sec. 3.** RCW 13.40.110 and 2018 c 162 s 4 are each amended to
33 read as follows:

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

7 (c) The respondent is any age and is charged with custodial
8 assault, RCW 9A.36.100, and, at the time the respondent is charged,
9 the respondent has a criminal history which includes a prior
10 conviction for custodial assault committed when the respondent was
11 already serving a minimum juvenile sentence to age twenty-one.

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

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

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

25 **Sec. 4.** RCW 13.40.300 and 2018 c 162 s 7 are each amended to
26 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

1 offense that is not also an offense listed in RCW 13.04.030(1)(e)(v),
2 and an automatic extension is necessary to impose the juvenile
3 disposition as required by RCW 13.04.030(1)(e)(v)(C)(II); or

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

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

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

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