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**SUBSTITUTE SENATE BILL 5122**

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**State of Washington 67th Legislature 2021 Regular Session**

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

AN ACT Relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.04.030, 13.04.030, 13.40.020, 13.40.020, 13.40.0357, 13.40.0357, 13.40.080, 13.40.080, 13.40.193, 13.40.193, 13.40.300, 13.40.300, 13.40.511, 13.40.511, 13.40.590, 13.40.590, 13.40.600, and 13.40.600; reenacting and amending RCW 13.04.011 and 13.04.011; adding a new section to chapter 13.04 RCW; adding new sections to chapter 43.216 RCW; creating new sections; providing effective dates; and providing expiration dates.

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

NEW SECTION. **Sec.**  The legislature finds that the goal of the juvenile justice system should be to protect public safety, connect youth with age-appropriate services that reduce the risk of recidivism, and provide meaningful rehabilitation so all youth can have the opportunity for success in life. The legislature declares that responses to problematic behaviors of youth should be guided by evidence-based practices and that policy changes to the system should be strongly rooted in eliminating racial inequities.

The legislature recognizes that a scientific consensus has developed that demonstrates that youth continue to develop neurologically until age 26. The legislature finds that youth ages eight through 12 are less capable of making fully informed decisions and youth ages 18 and 19 are particularly susceptible to outside factors influencing their decision making. The legislature recognizes that on January 18, 2021, the Washington state board of health released a review regarding the health impacts of raising the age of the juvenile court's jurisdiction to likely decrease the juvenile criminal legal system's involvement for some youth ages eight through 12 and to likely decrease the adult criminal legal system's involvement for some emerging adults ages 18 and 19. The board further found very strong evidence that this would decrease juvenile recidivism and improve health outcomes, access to employment opportunities, housing access, and economic stability.

The legislature recognizes the important role that local governments play in ensuring access to justice in the juvenile court system. The legislature recognizes that increased jurisdiction in juvenile court may increase expenses for juvenile court systems despite significant offset savings in the adult system through reduced adult caseloads. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful implementation of this act.

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

Children under the age of ((~~eight~~)) 13 years are incapable of committing crime((~~. Children~~)), except that children of eight ((~~and under~~)) through twelve years of age who are charged with murder in the first or second degree are presumed to be incapable of committing crime, 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.

**Sec.**  RCW 13.04.011 and 2017 3rd sp.s. c 6 s 601 are each reenacted and amended to read as follows:

For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, but only for the purposes of sentencing under chapter 9.94A RCW;

(2) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(3) "Custodian" means that person who has the legal right to custody of the child;

(4) "Department" means the department of children, youth, and families;

(5) Except as specifically provided in RCW 13.40.020 and chapters 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any individual who is under the chronological age of ((~~eighteen~~)) 19 years;

(6) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

(7) "Parent" or "parents," except as used in chapter 13.34 RCW, means that parent or parents who have the right of legal custody of the child.

**Sec.**  RCW 13.04.011 and 2017 3rd sp.s. c 6 s 601 are each reenacted and amended to read as follows:

For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, but only for the purposes of sentencing under chapter 9.94A RCW;

(2) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(3) "Custodian" means that person who has the legal right to custody of the child;

(4) "Department" means the department of children, youth, and families;

(5) Except as specifically provided in RCW 13.40.020 and chapters 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any individual who is under the chronological age of ((~~eighteen~~)) 20 years;

(6) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

(7) "Parent" or "parents," except as used in chapter 13.34 RCW, means that parent or parents who have the right of legal custody of the child.

**Sec.**  RCW 13.04.030 and 2020 c 41 s 4 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(v) The juvenile is sixteen ((~~or seventeen~~)) years ((~~old~~)) of age or older on the date the alleged offense is committed and the alleged offense is:

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

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

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

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

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned ((~~eighteen~~)) 19 years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300(3)(d).

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

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

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

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained ((~~eighteen~~)) 19 years of age;

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

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

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

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

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

**Sec.**  RCW 13.04.030 and 2020 c 41 s 4 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(v) The juvenile is sixteen ((~~or seventeen~~)) years ((~~old~~)) of age or older on the date the alleged offense is committed and the alleged offense is:

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

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

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

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

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned ((~~eighteen~~)) 20 years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300(3)(d).

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

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

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

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained ((~~eighteen~~)) 20 years of age;

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

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

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

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

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

**Sec.**  RCW 13.40.020 and 2019 c 444 s 9 are each amended to read as follows:

For the purposes of this chapter:

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

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

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

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

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

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

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

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

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

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

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

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

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

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

(6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

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

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

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

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

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

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

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

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

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

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

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of ((~~eighteen~~)) 19 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person ((~~eighteen~~)) 19 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

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

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

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

(a) Physical restraint; or

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 13.40.020 and 2019 c 444 s 9 are each amended to read as follows:

For the purposes of this chapter:

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

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

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

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

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

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

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

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

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

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

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

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

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

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

(6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

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

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

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

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

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

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

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

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

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

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

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of ((~~eighteen~~)) 20 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person ((~~eighteen~~)) 20 years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

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

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

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

(a) Physical restraint; or

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

|  |
| --- |
| **DESCRIPTION AND OFFENSE CATEGORY** |
| juveniledispositionoffensecategory | description (rcw citation) | juvenile dispositioncategory forattempt, bailjump,conspiracy, orsolicitation |
|  | **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 |
|  | A | Possession of Incendiary Device (9.40.120) | B+ |
|  |  | **Assault and Other Crimes Involving Physical Harm** |  |
|  | A | Assault 1 (9A.36.011) | B+ |
|  | B+ | Assault 2 (9A.36.021) | C+ |
|  | C+ | Assault 3 (9A.36.031) | D+ |
|  | D+ | Assault 4 (9A.36.041) | E |
|  | B+ | Drive-By Shooting (9A.36.045) committed at age 15 or under | C+ |
|  | A++ | Drive-By Shooting (9A.36.045) committed at age 16 ((~~or 17~~)) through 18 | A |
|  | D+ | Reckless Endangerment (9A.36.050) | E |
|  | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
|  | D+ | Coercion (9A.36.070) | E |
|  | C+ | Custodial Assault (9A.36.100) | D+ |
|  |  | **Burglary and Trespass** |  |
|  | B+ | Burglary 1 (9A.52.020) committed atage 15 or under | C+ |
|  | A- | Burglary 1 (9A.52.020) committed atage 16 ((~~or 17~~)) through 18 | B+ |
|  | B | Residential Burglary (9A.52.025) | C |
|  | B | Burglary 2 (9A.52.030) | C |
|  | D | Burglary Tools (Possession of) (9A.52.060) | E |
|  | D | Criminal Trespass 1 (9A.52.070) | E |
|  | E | Criminal Trespass 2 (9A.52.080) | E |
|  | C | Mineral Trespass (78.44.330) | C |
|  | C | Vehicle Prowling 1 (9A.52.095) | D |
|  | D | Vehicle Prowling 2 (9A.52.100) | E |
|  |  | **Drugs** |  |
|  | E | Possession/Consumption of Alcohol (66.44.270) | E |
|  | C | Illegally Obtaining Legend Drug (69.41.020) | D |
|  | C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a)) | D+ |
|  | E | Possession of LegendDrug (69.41.030(2)(b)) | E |
|  | B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b)) | B+ |
|  | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c)) | C |
|  | E | Possession of Marihuana <40 grams (69.50.4014) | E |
|  | C | Fraudulently Obtaining Controlled Substance (69.50.403) | C |
|  | C+ | Sale of Controlled Substance for Profit (69.50.410) | C+ |
|  | E | Unlawful Inhalation (9.47A.020) | E |
|  | B | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b)) | B |
|  | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e)) | C |
|  | C | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013) | C |
|  | C | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012) | C |
|  |  | **Firearms and Weapons** |  |
|  | B | Theft of Firearm (9A.56.300) | C |
|  | B | Possession of Stolen Firearm(9A.56.310) | C |
|  | E | Carrying Loaded Pistol Without Permit (9.41.050) | E |
|  | C | Possession of Firearms by Minor (<18) (9.41.040(2)(a) (vi)) | C |
|  | D+ | Possession of Dangerous Weapon (9.41.250) | E |
|  | D | Intimidating Another Person by use of Weapon (9.41.270) | E |
|  |  | **Homicide** |  |
|  | A+ | Murder 1 (9A.32.030) | A |
|  | A+ | Murder 2 (9A.32.050) | B+ |
|  | B+ | Manslaughter 1 (9A.32.060) | C+ |
|  | C+ | Manslaughter 2 (9A.32.070) | D+ |
|  | B+ | Vehicular Homicide (46.61.520) | C+ |
|  |  | **Kidnapping** |  |
|  | A | Kidnap 1 (9A.40.020) | B+ |
|  | B+ | Kidnap 2 (9A.40.030) | C+ |
|  | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
|  |  | **Obstructing Governmental Operation** |  |
|  | D | Obstructing a Law Enforcement Officer (9A.76.020) | E |
|  | E | Resisting Arrest (9A.76.040) | E |
|  | B | Introducing Contraband 1 (9A.76.140) | C |
|  | C | Introducing Contraband 2 (9A.76.150) | D |
|  | E | Introducing Contraband 3 (9A.76.160) | E |
|  | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
|  | B+ | Intimidating a Witness (9A.72.110) | C+ |
|  |  | **Public Disturbance** |  |
|  | C+ | Criminal Mischief with Weapon (9A.84.010(2)(b)) | D+ |
|  | D+ | Criminal Mischief Without Weapon (9A.84.010(2)(a)) | E |
|  | E | Failure to Disperse (9A.84.020) | E |
|  | E | Disorderly Conduct (9A.84.030) | E |
|  |  | **Sex Crimes** |  |
|  | A | Rape 1 (9A.44.040) | B+ |
|  | B++ | Rape 2 (9A.44.050) committed at age 14 or under | B+ |
|  | A- | Rape 2 (9A.44.050) committed at age 15 through age ((~~17~~)) 18 | B+ |
|  | C+ | Rape 3 (9A.44.060) | D+ |
|  | B++ | Rape of a Child 1 (9A.44.073)committed at age 14 or under | B+ |
|  | A- | Rape of a Child 1 (9A.44.073)committed at age 15 | B+ |
|  | B+ | Rape of a Child 2 (9A.44.076) | C+ |
|  | B | Incest 1 (9A.64.020(1)) | C |
|  | C | Incest 2 (9A.64.020(2)) | D |
|  | D+ | Indecent Exposure (Victim <14) (9A.88.010) | E |
|  | E | Indecent Exposure (Victim 14 or over) (9A.88.010) | E |
|  | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
|  | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
|  | E | O & A (Prostitution) (9A.88.030) | E |
|  | B+ | Indecent Liberties (9A.44.100) | C+ |
|  | B++ | Child Molestation 1 (9A.44.083) committed at age 14 or under | B+ |
|  | A- | Child Molestation 1 (9A.44.083) committed at age 15 through age ((~~17~~)) 18 | B+ |
|  | B | Child Molestation 2 (9A.44.086) | C+ |
|  | C | Failure to Register as a Sex Offender (9A.44.132) | D |
|  |  | **Theft, Robbery, Extortion, and Forgery** |  |
|  | B | Theft 1 (9A.56.030) | C |
|  | C | Theft 2 (9A.56.040) | D |
|  | D | Theft 3 (9A.56.050) | E |
|  | B | Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083) | C |
|  | C | Forgery (9A.60.020) | D |
|  | A | Robbery 1 (9A.56.200) committed atage 15 or under | B+ |
|  | A++ | Robbery 1 (9A.56.200) committed atage 16 ((~~or 17~~)) through 18 | A |
|  | B+ | Robbery 2 (9A.56.210) | C+ |
|  | B+ | Extortion 1 (9A.56.120) | C+ |
|  | C+ | Extortion 2 (9A.56.130) | D+ |
|  | C | Identity Theft 1 (9.35.020(2)) | D |
|  | D | Identity Theft 2 (9.35.020(3)) | E |
|  | D | Improperly Obtaining Financial Information (9.35.010) | E |
|  | B | Possession of a Stolen Vehicle (9A.56.068) | C |
|  | B | Possession of Stolen Property 1 (9A.56.150) | C |
|  | C | Possession of Stolen Property 2 (9A.56.160) | D |
|  | D | Possession of Stolen Property 3 (9A.56.170) | E |
|  | B | Taking Motor Vehicle Without Permission 1 (9A.56.070) | C |
|  | C | Taking Motor Vehicle Without Permission 2 (9A.56.075) | D |
|  | B | Theft of a Motor Vehicle (9A.56.065) | C |
|  |  | **Motor Vehicle Related Crimes** |  |
|  | E | Driving Without a License (46.20.005) | E |
|  | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
|  | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
|  | D | Hit and Run-Attended (46.52.020(5)) | E |
|  | E | Hit and Run-Unattended (46.52.010) | E |
|  | C | Vehicular Assault (46.61.522) | D |
|  | C | Attempting to Elude Pursuing Police Vehicle (46.61.024) | D |
|  | E | Reckless Driving (46.61.500) | E |
|  | D | Driving While Under the Influence (46.61.502 and 46.61.504) | E |
|  | B+ | Felony Driving While Under the Influence (46.61.502(6)) | B |
|  | B+ | Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6)) | B |
|  |  | **Other** |  |
|  | B | Animal Cruelty 1 (16.52.205) | C |
|  | B | Bomb Threat (9.61.160) | C |
|  | C | Escape 11 (9A.76.110) | C |
|  | C | Escape 21 (9A.76.120) | C |
|  | D | Escape 3 (9A.76.130) | E |
|  | E | Obscene, Harassing, Etc., Phone Calls (9.61.230) | E |
|  | A | Other Offense Equivalent to an Adult Class A Felony | B+ |
|  | B | Other Offense Equivalent to an Adult Class B Felony | C |
|  | C | Other Offense Equivalent to an Adult Class C Felony | D |
|  | D | Other Offense Equivalent to an Adult Gross Misdemeanor | E |
|  | E | Other Offense Equivalent to an Adult Misdemeanor | E |
|  | V | Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)2  | V |

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

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

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

3rd and subsequent escape or attempted escape during 12-month 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 AJUVENILE OFFENDER SENTENCING GRIDSTANDARD 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.

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

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

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

**OR**

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

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

**OR**

**OPTION D**

**MANIFEST INJUSTICE**

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

**Sec.**  RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

|  |
| --- |
| **DESCRIPTION AND OFFENSE CATEGORY** |
| juveniledispositionoffensecategory | description (rcw citation) | juvenile dispositioncategory forattempt, bailjump,conspiracy, orsolicitation |
|  | **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 |
|  | A | Possession of Incendiary Device (9.40.120) | B+ |
|  |  | **Assault and Other Crimes Involving Physical Harm** |  |
|  | A | Assault 1 (9A.36.011) | B+ |
|  | B+ | Assault 2 (9A.36.021) | C+ |
|  | C+ | Assault 3 (9A.36.031) | D+ |
|  | D+ | Assault 4 (9A.36.041) | E |
|  | B+ | Drive-By Shooting (9A.36.045) committed at age 15 or under | C+ |
|  | A++ | Drive-By Shooting (9A.36.045) committed at age 16 ((~~or 17~~)) through 19 | A |
|  | D+ | Reckless Endangerment (9A.36.050) | E |
|  | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
|  | D+ | Coercion (9A.36.070) | E |
|  | C+ | Custodial Assault (9A.36.100) | D+ |
|  |  | **Burglary and Trespass** |  |
|  | B+ | Burglary 1 (9A.52.020) committed atage 15 or under | C+ |
|  | A- | Burglary 1 (9A.52.020) committed atage 16 ((~~or 17~~)) through 19 | B+ |
|  | B | Residential Burglary (9A.52.025) | C |
|  | B | Burglary 2 (9A.52.030) | C |
|  | D | Burglary Tools (Possession of) (9A.52.060) | E |
|  | D | Criminal Trespass 1 (9A.52.070) | E |
|  | E | Criminal Trespass 2 (9A.52.080) | E |
|  | C | Mineral Trespass (78.44.330) | C |
|  | C | Vehicle Prowling 1 (9A.52.095) | D |
|  | D | Vehicle Prowling 2 (9A.52.100) | E |
|  |  | **Drugs** |  |
|  | E | Possession/Consumption of Alcohol (66.44.270) | E |
|  | C | Illegally Obtaining Legend Drug (69.41.020) | D |
|  | C+ | Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a)) | D+ |
|  | E | Possession of LegendDrug (69.41.030(2)(b)) | E |
|  | B+ | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b)) | B+ |
|  | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c)) | C |
|  | E | Possession of Marihuana <40 grams (69.50.4014) | E |
|  | C | Fraudulently Obtaining Controlled Substance (69.50.403) | C |
|  | C+ | Sale of Controlled Substance for Profit (69.50.410) | C+ |
|  | E | Unlawful Inhalation (9.47A.020) | E |
|  | B | Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b)) | B |
|  | C | Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e)) | C |
|  | C | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013) | C |
|  | C | Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012) | C |
|  |  | **Firearms and Weapons** |  |
|  | B | Theft of Firearm (9A.56.300) | C |
|  | B | Possession of Stolen Firearm(9A.56.310) | C |
|  | E | Carrying Loaded Pistol Without Permit (9.41.050) | E |
|  | C | Possession of Firearms by Minor (<18) (9.41.040(2)(a) (vi)) | C |
|  | D+ | Possession of Dangerous Weapon (9.41.250) | E |
|  | D | Intimidating Another Person by use of Weapon (9.41.270) | E |
|  |  | **Homicide** |  |
|  | A+ | Murder 1 (9A.32.030) | A |
|  | A+ | Murder 2 (9A.32.050) | B+ |
|  | B+ | Manslaughter 1 (9A.32.060) | C+ |
|  | C+ | Manslaughter 2 (9A.32.070) | D+ |
|  | B+ | Vehicular Homicide (46.61.520) | C+ |
|  |  | **Kidnapping** |  |
|  | A | Kidnap 1 (9A.40.020) | B+ |
|  | B+ | Kidnap 2 (9A.40.030) | C+ |
|  | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
|  |  | **Obstructing Governmental Operation** |  |
|  | D | Obstructing a Law Enforcement Officer (9A.76.020) | E |
|  | E | Resisting Arrest (9A.76.040) | E |
|  | B | Introducing Contraband 1 (9A.76.140) | C |
|  | C | Introducing Contraband 2 (9A.76.150) | D |
|  | E | Introducing Contraband 3 (9A.76.160) | E |
|  | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
|  | B+ | Intimidating a Witness (9A.72.110) | C+ |
|  |  | **Public Disturbance** |  |
|  | C+ | Criminal Mischief with Weapon (9A.84.010(2)(b)) | D+ |
|  | D+ | Criminal Mischief Without Weapon (9A.84.010(2)(a)) | E |
|  | E | Failure to Disperse (9A.84.020) | E |
|  | E | Disorderly Conduct (9A.84.030) | E |
|  |  | **Sex Crimes** |  |
|  | A | Rape 1 (9A.44.040) | B+ |
|  | B++ | Rape 2 (9A.44.050) committed at age 14 or under | B+ |
|  | A- | Rape 2 (9A.44.050) committed at age 15 through age ((~~17~~)) 19 | B+ |
|  | C+ | Rape 3 (9A.44.060) | D+ |
|  | B++ | Rape of a Child 1 (9A.44.073)committed at age 14 or under | B+ |
|  | A- | Rape of a Child 1 (9A.44.073)committed at age 15 | B+ |
|  | B+ | Rape of a Child 2 (9A.44.076) | C+ |
|  | B | Incest 1 (9A.64.020(1)) | C |
|  | C | Incest 2 (9A.64.020(2)) | D |
|  | D+ | Indecent Exposure (Victim <14) (9A.88.010) | E |
|  | E | Indecent Exposure (Victim 14 or over) (9A.88.010) | E |
|  | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
|  | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
|  | E | O & A (Prostitution) (9A.88.030) | E |
|  | B+ | Indecent Liberties (9A.44.100) | C+ |
|  | B++ | Child Molestation 1 (9A.44.083) committed at age 14 or under | B+ |
|  | A- | Child Molestation 1 (9A.44.083) committed at age 15 through age ((~~17~~)) 19 | B+ |
|  | B | Child Molestation 2 (9A.44.086) | C+ |
|  | C | Failure to Register as a Sex Offender (9A.44.132) | D |
|  |  | **Theft, Robbery, Extortion, and Forgery** |  |
|  | B | Theft 1 (9A.56.030) | C |
|  | C | Theft 2 (9A.56.040) | D |
|  | D | Theft 3 (9A.56.050) | E |
|  | B | Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083) | C |
|  | C | Forgery (9A.60.020) | D |
|  | A | Robbery 1 (9A.56.200) committed atage 15 or under | B+ |
|  | A++ | Robbery 1 (9A.56.200) committed atage 16 ((~~or 17~~)) through 19 | A |
|  | B+ | Robbery 2 (9A.56.210) | C+ |
|  | B+ | Extortion 1 (9A.56.120) | C+ |
|  | C+ | Extortion 2 (9A.56.130) | D+ |
|  | C | Identity Theft 1 (9.35.020(2)) | D |
|  | D | Identity Theft 2 (9.35.020(3)) | E |
|  | D | Improperly Obtaining Financial Information (9.35.010) | E |
|  | B | Possession of a Stolen Vehicle (9A.56.068) | C |
|  | B | Possession of Stolen Property 1 (9A.56.150) | C |
|  | C | Possession of Stolen Property 2 (9A.56.160) | D |
|  | D | Possession of Stolen Property 3 (9A.56.170) | E |
|  | B | Taking Motor Vehicle Without Permission 1 (9A.56.070) | C |
|  | C | Taking Motor Vehicle Without Permission 2 (9A.56.075) | D |
|  | B | Theft of a Motor Vehicle (9A.56.065) | C |
|  |  | **Motor Vehicle Related Crimes** |  |
|  | E | Driving Without a License (46.20.005) | E |
|  | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
|  | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
|  | D | Hit and Run-Attended (46.52.020(5)) | E |
|  | E | Hit and Run-Unattended (46.52.010) | E |
|  | C | Vehicular Assault (46.61.522) | D |
|  | C | Attempting to Elude Pursuing Police Vehicle (46.61.024) | D |
|  | E | Reckless Driving (46.61.500) | E |
|  | D | Driving While Under the Influence (46.61.502 and 46.61.504) | E |
|  | B+ | Felony Driving While Under the Influence (46.61.502(6)) | B |
|  | B+ | Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6)) | B |
|  |  | **Other** |  |
|  | B | Animal Cruelty 1 (16.52.205) | C |
|  | B | Bomb Threat (9.61.160) | C |
|  | C | Escape 11 (9A.76.110) | C |
|  | C | Escape 21 (9A.76.120) | C |
|  | D | Escape 3 (9A.76.130) | E |
|  | E | Obscene, Harassing, Etc., Phone Calls (9.61.230) | E |
|  | A | Other Offense Equivalent to an Adult Class A Felony | B+ |
|  | B | Other Offense Equivalent to an Adult Class B Felony | C |
|  | C | Other Offense Equivalent to an Adult Class C Felony | D |
|  | D | Other Offense Equivalent to an Adult Gross Misdemeanor | E |
|  | E | Other Offense Equivalent to an Adult Misdemeanor | E |
|  | V | Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)2  | V |

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

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

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

3rd and subsequent escape or attempted escape during 12-month 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 AJUVENILE OFFENDER SENTENCING GRIDSTANDARD 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.

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

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

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

**OR**

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

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

**OR**

**OPTION D**

**MANIFEST INJUSTICE**

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

**Sec.**  RCW 13.40.080 and 2018 c 82 s 4 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim, excluding restitution owed to any insurance provider under Title 48 RCW;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of positive youth development, educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to thirty hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to thirty hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and involve members of the community. Such members of the community may meet with the juvenile and may advise the court officer as to the terms of the diversion agreement and may supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the ((~~eighteenth~~)) 19th birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of a civil order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement;

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under ((~~eighteen~~)) 19 years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is ((~~eighteen~~)) 19 years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs or a restorative justice program. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's ((~~eighteenth~~)) 19th birthday and which includes a period extending beyond the divertee's ((~~eighteenth~~)) 19th birthday.

(16) If restitution required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert unpaid restitution into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

**Sec.**  RCW 13.40.080 and 2018 c 82 s 4 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim, excluding restitution owed to any insurance provider under Title 48 RCW;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of positive youth development, educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to thirty hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to thirty hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and involve members of the community. Such members of the community may meet with the juvenile and may advise the court officer as to the terms of the diversion agreement and may supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the ((~~eighteenth~~)) 20th birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of a civil order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Divertees and potential divertees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement;

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under ((~~eighteen~~)) 20 years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is ((~~eighteen~~)) 20 years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs or a restorative justice program. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's ((~~eighteenth~~)) 20th birthday and which includes a period extending beyond the divertee's ((~~eighteenth~~)) 20th birthday.

(16) If restitution required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert unpaid restitution into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

**Sec.**  RCW 13.40.193 and 2020 c 18 s 10 are each amended to read as follows:

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

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

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

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

(4)(a) If the court finds that the respondent who is sixteen ((~~or seventeen~~)) through 18 years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

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

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

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

**Sec.**  RCW 13.40.193 and 2020 c 18 s 10 are each amended to read as follows:

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

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

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

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

(4)(a) If the court finds that the respondent who is sixteen ((~~or seventeen~~)) through 19 years old and committed the offense of robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

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

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

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

**Sec.**  RCW 13.40.300 and 2019 c 322 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile rehabilitation facility beyond the juvenile offender's twenty-first birthday for an adjudicated offense committed under the age of 18, or beyond the juvenile offender's 22nd birthday for an adjudicated offense committed while 18 years of age.

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

(3) ((~~A juvenile may be~~)) Once proceedings have been filed under the jurisdiction of the juvenile court, the proceedings against the juvenile offender shall remain under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families ((~~beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:~~

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

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

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

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

~~(b)~~)) until the judgment expires or the juvenile offender reaches the maximum age of commitment under subsections (1) and (2) of this section, whichever is sooner, unless the juvenile court declines jurisdiction under RCW 13.40.110. The juvenile court may extend its jurisdiction beyond the juvenile offender's maximum date of commitment only if:

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

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

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

~~(ii) If an order of disposition imposes a commitment to the department for a juvenile offender adjudicated of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or~~));

(c) The juvenile offender is found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), ((~~then~~)) in which case jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday;

(d) ((~~While~~)) The juvenile turns 19 years of age while proceedings are pending in a case in which jurisdiction is vested in the adult criminal court pursuant to RCW 13.04.030((~~, the juvenile turns eighteen years of age~~)) and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in RCW 13.04.030(1)(e)(v), and an automatic extension is necessary to impose the juvenile disposition as required by RCW 13.04.030(1)(e)(v)(C)(II); or

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

(4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's ((~~twenty-first birthday~~)) maximum age of commitment.

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

**Sec.**  RCW 13.40.300 and 2019 c 322 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile rehabilitation facility beyond the juvenile offender's twenty-first birthday for an adjudicated offense committed under the age of 18, beyond the juvenile offender's 22nd birthday for an adjudicated offense committed while 18 years of age, or beyond the juvenile offender's 23rd birthday for an adjudicated offense committed while 19 years of age.

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

(3) ((~~A juvenile may be~~)) Once proceedings have been filed under the jurisdiction of the juvenile court, the proceedings against the juvenile offender shall remain under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families ((~~beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:~~

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

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

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

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

~~(b)~~)) until the judgment expires or the juvenile offender reaches the maximum age of commitment under subsections (1) and (2) of this section, whichever is sooner, unless the juvenile court declines jurisdiction under RCW 13.40.110. The juvenile court may extend its jurisdiction beyond the juvenile offender's maximum date of commitment only if:

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

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

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

~~(ii) If an order of disposition imposes a commitment to the department for a juvenile offender adjudicated of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or~~));

(c) The juvenile offender is found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), ((~~then~~)) in which case jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday;

(d) ((~~While~~)) The juvenile turns 20 years of age while proceedings are pending in a case in which jurisdiction is vested in the adult criminal court pursuant to RCW 13.04.030((~~, the juvenile turns eighteen years of age~~)) and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of an offense that is not also an offense listed in RCW 13.04.030(1)(e)(v), and an automatic extension is necessary to impose the juvenile disposition as required by RCW 13.04.030(1)(e)(v)(C)(II); or

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

(4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's ((~~twenty-first birthday~~)) maximum age of commitment.

(5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person ((~~eighteen~~)) 20 years of age or older.

**Sec.**  RCW 13.40.511 and 2019 c 461 s 3 are each amended to read as follows:

(1) As of July 28, 2019, the block grant oversight committee must implement a stop loss policy when allocating funding under RCW 13.40.510. The stop loss policy must limit the loss in funding for any juvenile court from one year to the next. The block grant oversight committee must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth ten years of age and over but under ((~~eighteen~~)) 19 years of age. The department of children, youth, and families must report, in compliance with RCW 43.01.036, to the legislature by December 1, 2019, about how funding is used for referred youth and the impact of that use on overall use of funding.

(2) For purposes of this section, "block grant oversight committee" means a committee established by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts that provides block grant funding formula oversight with equal representation from the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee is cochaired by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts, who have the ability to change members of the committee as needed to achieve its purpose.

**Sec.**  RCW 13.40.511 and 2019 c 461 s 3 are each amended to read as follows:

(1) As of July 28, 2019, the block grant oversight committee must implement a stop loss policy when allocating funding under RCW 13.40.510. The stop loss policy must limit the loss in funding for any juvenile court from one year to the next. The block grant oversight committee must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth ten years of age and over but under ((~~eighteen~~)) 20 years of age. The department of children, youth, and families must report, in compliance with RCW 43.01.036, to the legislature by December 1, 2019, about how funding is used for referred youth and the impact of that use on overall use of funding.

(2) For purposes of this section, "block grant oversight committee" means a committee established by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts that provides block grant funding formula oversight with equal representation from the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee is cochaired by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts, who have the ability to change members of the committee as needed to achieve its purpose.

**Sec.**  RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age ((~~eight~~)) 13 through ((~~seventeen~~)) 18; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

**Sec.**  RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age ((~~eight~~)) 13 through ((~~seventeen~~)) 19; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

**Sec.**  RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages ((~~eight~~)) 13 through ((~~seventeen~~)) 18 who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

**Sec.**  RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages ((~~eight~~)) 13 through ((~~seventeen~~)) 19 who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. **Sec.**  A new section is added to chapter 13.04 RCW to read as follows:

(1) A county may choose to increase the age of juvenile court jurisdiction within the county to 18 or 19 years of age sooner than the dates required in this act, and in doing so may choose to increase the age in a phased manner, provided that the authorities within the county agree that capacity exists within the county to provide for adequate safety, rehabilitative programming, and efficient court processing for the affected persons during the transition period. Each county and juvenile court shall cooperate with the office of juvenile justice within the department of children, youth, and families in its role as statewide monitor of the transition under section 24 of this act so that the office of juvenile justice may provide accurate information to the governor and the legislature.

(2) This section expires June 30, 2026.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The office of juvenile justice within the department shall monitor the implementation of this act across the state and report on the progress of counties and their readiness to move forward to full implementation while providing for adequate safety, rehabilitative programming, and efficient court processing for affected persons. The office of juvenile justice shall deliver a report to the governor and relevant committees of the legislature annually by December 1st regarding the implementation of this act, and may make recommendations if appropriate.

(2) This section expires June 30, 2026.

NEW SECTION. **Sec.**  The Washington state institute for public policy must assess the impact of this act on community safety, health impacts, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible, and submit, in compliance with RCW 43.01.036, a preliminary report to the governor and the appropriate committees of the legislature by December 1, 2028, and a final report to the governor and the appropriate committees of the legislature by December 1, 2033.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

(1) The office of juvenile justice within the department, in consultation with the department of corrections, Washington association of sheriffs and police chiefs, office of public defense, Washington association of prosecuting attorneys, superior court judges' association, association of juvenile court administrators, Washington state association of counties, minority and justice commission, two different community organizations representing the interests of incarcerated persons, and three different community organizations that offer services to youth that may be involved in the juvenile justice system, shall:

(a) Consider the implications, including necessary funding, of expanding juvenile jurisdiction by this act to encompass persons 18 years of age beginning in fiscal year 2023 and 19 years of age beginning in calendar year 2025;

(b) On or before December 1, 2022, report to the governor and appropriate committees of the legislature on the status and plan for the expansion, including necessary funding, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy, including:

(i) Identification of and a timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division, the department for children, youth, and families, the department of corrections, and the juvenile court pursuant to chapter 13.04 RCW;

(ii) An operations and business plan that defines benchmarks, including possible changes to resource allocations;

(iii) Review of the estimated costs avoided by the state with the reduction of recidivism and conduct an analysis of costs savings reinvestment options; and

(iv) A clearly defined path for geographic consistency and court alternatives and training needs; and

(c) Provide status update reports to the appropriate committees of the legislature on or before December 1, 2023, December 1, 2024, and December 1, 2025.

(2) The office of juvenile justice within the department shall review the December 1, 2022, report, the plan for expansion, the necessary funding, and the subsequent status reports as required by subsection (1) of this section to determine whether adequate funding and supports are in place to implement the expansion of juvenile jurisdiction to encompass persons 18 and 19 years of age in accordance with the effective date of this section, and shall:

(a) On or before December 1, 2023, December 1, 2024, and December 1, 2025, issue findings as to whether the milestones identified in subsection (1)(b) of this section related to operations and policy have been met and whether an appropriate funding plan has been developed; and

(b) On or before December 1, 2022, December 1, 2023, December 1, 2024, and December 1, 2025, recommend legislation to amend the timeline for the rollout of the expansion unless adequate funding and supports for the expansion are available and milestones related to policy and operations have been met.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec.**  Sections 3, 5, 7, 9, 11, 13, 15, 17, 19, and 21 of this act take effect July 1, 2023.

NEW SECTION. **Sec.**  Sections 3, 5, 7, 9, 11, 13, 15, 17, 19, and 21 of this act expire January 1, 2025.

NEW SECTION. **Sec.**  Sections 4, 6, 8, 10, 12, 14, 16, 18, 20, and 22 of this act take effect January 1, 2025.

**--- END ---**