
SENATE BILL 5122

State of Washington

67th Legislature

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By Senators Darneille, Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, and Wilson, C.

Prefiled 01/08/21. Read first time 01/11/21. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to the jurisdiction of juvenile court; amending
2 RCW 9A.04.050, 13.04.030, 13.04.030, 13.40.020, 13.40.020,
3 13.40.0357, 13.40.0357, 13.40.080, 13.40.080, 13.40.193, 13.40.193,
4 13.40.300, 13.40.300, 13.40.511, 13.40.511, 13.40.590, 13.40.590,
5 13.40.600, and 13.40.600; reenacting and amending RCW 13.04.011 and
6 13.04.011; adding a new section to chapter 13.04 RCW; adding a new
7 section to chapter 43.216 RCW; providing effective dates; and
8 providing expiration dates.

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

10 **Sec. 1.** RCW 9A.04.050 and 2011 c 336 s 347 are each amended to
11 read as follows:

12 Children under the age of (~~eight~~) thirteen years are incapable
13 of committing crime(~~(.—Children)~~), except that children of eight
14 (~~and under~~) through twelve years of age who are charged with murder
15 in the first or second degree are presumed to be incapable of
16 committing crime, but this presumption may be removed by proof that
17 they have sufficient capacity to understand the act or neglect, and
18 to know that it was wrong. Whenever in legal proceedings it becomes
19 necessary to determine the age of a child, he or she may be produced
20 for inspection, to enable the court or jury to determine the age
21 thereby; and the court may also direct his or her examination by one

1 or more physicians, whose opinion shall be competent evidence upon
2 the question of his or her age.

3 **Sec. 2.** RCW 13.04.011 and 2017 3rd sp.s. c 6 s 601 are each
4 reenacted and amended to read as follows:

5 For purposes of this title:

6 (1) "Adjudication" has the same meaning as "conviction" in RCW
7 9.94A.030, but only for the purposes of sentencing under chapter
8 9.94A RCW;

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

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

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

15 (5) Except as specifically provided in RCW 13.40.020 and chapters
16 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
17 individual who is under the chronological age of (~~eighteen~~)
18 nineteen years;

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

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

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

26 For purposes of this title:

27 (1) "Adjudication" has the same meaning as "conviction" in RCW
28 9.94A.030, but only for the purposes of sentencing under chapter
29 9.94A RCW;

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

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

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

36 (5) Except as specifically provided in RCW 13.40.020 and chapters
37 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any

1 individual who is under the chronological age of (~~eighteen~~) twenty
2 years;

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

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

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

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

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

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

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

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

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

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

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

29 (iii) The alleged offense or infraction is a traffic, fish,
30 boating, or game offense, or traffic or civil infraction committed by
31 a juvenile sixteen years of age or older and would, if committed by
32 an adult, be tried or heard in a court of limited jurisdiction, in
33 which instance the appropriate court of limited jurisdiction shall
34 have jurisdiction over the alleged offense or infraction, and no
35 guardian ad litem is required in any such proceeding due to the
36 juvenile's age. If such an alleged offense or infraction and an
37 alleged offense or infraction subject to juvenile court jurisdiction
38 arise out of the same event or incident, the juvenile court may have
39 jurisdiction of both matters. The jurisdiction under this subsection

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

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

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

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

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

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

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

27 (II) The juvenile court shall have exclusive jurisdiction over
28 the disposition of any remaining charges in any case in which the
29 juvenile is found not guilty in the adult criminal court of the
30 charge or charges for which he or she was transferred, or is
31 convicted in the adult criminal court of an offense that is not also
32 an offense listed in (e)(v) of this subsection. The juvenile court
33 shall maintain residual juvenile court jurisdiction up to age twenty-
34 five if the juvenile has turned (~~eighteen~~) nineteen years of age
35 during the adult criminal court proceedings but only for the purpose
36 of returning a case to juvenile court for disposition pursuant to RCW
37 13.40.300(3)(d).

38 (III) The prosecutor and respondent may agree to juvenile court
39 jurisdiction and waive application of exclusive adult criminal

1 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
2 the proceeding back to juvenile court with the court's approval.

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

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

11 (g) Relating to termination of a diversion agreement under RCW
12 13.40.080, including a proceeding in which the divertee has attained
13 ((eighteen)) nineteen years of age;

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

20 (i) Relating to petitions to compel disclosure of information
21 filed by the department of social and health services pursuant to RCW
22 74.13.042.

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

27 (3) The juvenile court shall have concurrent original
28 jurisdiction with the family court over child custody proceedings
29 under chapter 26.10 RCW and parenting plans or residential schedules
30 under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW
31 13.34.155.

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

36 **Sec. 5.** RCW 13.04.030 and 2020 c 41 s 4 are each amended to read
37 as follows:

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

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

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

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

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

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

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

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

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

37 (iv) The alleged offense is a traffic or civil infraction, a
38 violation of compulsory school attendance provisions under chapter
39 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction

1 has assumed concurrent jurisdiction over those offenses as provided
2 in RCW 13.04.0301; or

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

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

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

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

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

18 (II) The juvenile court shall have exclusive jurisdiction over
19 the disposition of any remaining charges in any case in which the
20 juvenile is found not guilty in the adult criminal court of the
21 charge or charges for which he or she was transferred, or is
22 convicted in the adult criminal court of an offense that is not also
23 an offense listed in (e)(v) of this subsection. The juvenile court
24 shall maintain residual juvenile court jurisdiction up to age twenty-
25 five if the juvenile has turned (~~eighteen~~) twenty years of age
26 during the adult criminal court proceedings but only for the purpose
27 of returning a case to juvenile court for disposition pursuant to RCW
28 13.40.300(3)(d).

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

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

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

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

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

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

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

17 (3) The juvenile court shall have concurrent original
18 jurisdiction with the family court over child custody proceedings
19 under chapter 26.10 RCW and parenting plans or residential schedules
20 under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW
21 13.34.155.

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

26 **Sec. 6.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to
27 read as follows:

28 For the purposes of this chapter:

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

37 (2) "Community-based rehabilitation" means one or more of the
38 following: Employment; attendance of information classes; literacy
39 classes; counseling, outpatient substance abuse treatment programs,

1 outpatient mental health programs, anger management classes,
2 education or outpatient treatment programs to prevent animal cruelty,
3 or other services including, when appropriate, restorative justice
4 programs; or attendance at school or other educational programs
5 appropriate for the juvenile as determined by the school district.
6 Placement in community-based rehabilitation programs is subject to
7 available funds;

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

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

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

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

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

31 (a) Community-based sanctions;

32 (b) Community-based rehabilitation;

33 (c) Monitoring and reporting requirements;

34 (d) Posting of a probation bond;

35 (e) Residential treatment, where substance abuse, mental health,
36 and/or co-occurring disorders have been identified in an assessment
37 by a qualified mental health professional, psychologist,
38 psychiatrist, co-occurring disorder specialist, or substance use
39 disorder professional and a funded bed is available. If a child
40 agrees to voluntary placement in a state-funded long-term evaluation

1 and treatment facility, the case must follow the existing placement
2 procedure including consideration of less restrictive treatment
3 options and medical necessity.

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

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

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

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

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

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

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

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

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

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

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

38 (b) The criminal complaint was diverted by a prosecutor pursuant
39 to the provisions of this chapter on agreement of the respondent and
40 after an advisement to the respondent that the criminal complaint

1 would be considered as part of the respondent's criminal history. A
2 successfully completed deferred adjudication that was entered before
3 July 1, 1998, or a deferred disposition shall not be considered part
4 of the respondent's criminal history;

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

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

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

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

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

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

1 (15) "Juvenile," "youth," and "child" mean any individual who is
2 under the chronological age of (~~eighteen~~) nineteen years and who
3 has not been previously transferred to adult court pursuant to RCW
4 13.40.110, unless the individual was convicted of a lesser charge or
5 acquitted of the charge for which he or she was previously
6 transferred pursuant to RCW 13.40.110 or who is not otherwise under
7 adult court jurisdiction;

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

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

15 (18) "Local sanctions" means one or more of the following: (a)
16 0-30 days of confinement; (b) 0-12 months of community supervision;
17 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (a) Physical restraint; or

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

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

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

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

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

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

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

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

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

35 (37) "Violent offense" means a violent offense as defined in RCW
36 9.94A.030;

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

1 **Sec. 7.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to
2 read as follows:

3 For the purposes of this chapter:

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

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

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

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

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

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

32 (5) "Community supervision" means an order of disposition by the
33 court of an adjudicated youth not committed to the department or an
34 order granting a deferred disposition. A community supervision order
35 for a single offense may be for a period of up to two years for a sex
36 offense as defined by RCW 9.94A.030 and up to one year for other
37 offenses. As a mandatory condition of any term of community
38 supervision, the court shall order the juvenile to refrain from
39 committing new offenses. As a mandatory condition of community
40 supervision, the court shall order the juvenile to comply with the

1 mandatory school attendance provisions of chapter 28A.225 RCW and to
2 inform the school of the existence of this requirement. Community
3 supervision is an individualized program comprised of one or more of
4 the following:

- 5 (a) Community-based sanctions;
- 6 (b) Community-based rehabilitation;
- 7 (c) Monitoring and reporting requirements;
- 8 (d) Posting of a probation bond;

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

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

- 20 (A) The referral is necessary to rehabilitate the child;
- 21 (B) The referral is necessary to protect the public or the child;
- 22 (C) The referral is in the child's best interest;

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

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

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

32 (6) "Confinement" means physical custody by the department of
33 children, youth, and families in a facility operated by or pursuant
34 to a contract with the state, or physical custody in a detention
35 facility operated by or pursuant to a contract with any county. The
36 county may operate or contract with vendors to operate county
37 detention facilities. The department may operate or contract to
38 operate detention facilities for juveniles committed to the
39 department. Pretrial confinement or confinement of less than thirty-
40 one days imposed as part of a disposition or modification order may

1 be served consecutively or intermittently, in the discretion of the
2 court;

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

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

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

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

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

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

27 (11) "Diversion unit" means any probation counselor who enters
28 into a diversion agreement with an alleged youthful offender, or any
29 other person, community accountability board, youth court under the
30 supervision of the juvenile court, or other entity with whom the
31 juvenile court administrator has contracted to arrange and supervise
32 such agreements pursuant to RCW 13.40.080, or any person, community
33 accountability board, or other entity specially funded by the
34 legislature to arrange and supervise diversion agreements in
35 accordance with the requirements of this chapter. For purposes of
36 this subsection, "community accountability board" means a board
37 comprised of members of the local community in which the juvenile
38 offender resides. The superior court shall appoint the members. The
39 boards shall consist of at least three and not more than seven
40 members. If possible, the board should include a variety of

1 representatives from the community, such as a law enforcement
2 officer, teacher or school administrator, high school student,
3 parent, and business owner, and should represent the cultural
4 diversity of the local community;

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

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

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

15 (15) "Juvenile," "youth," and "child" mean any individual who is
16 under the chronological age of (~~eighteen~~) twenty years and who has
17 not been previously transferred to adult court pursuant to RCW
18 13.40.110, unless the individual was convicted of a lesser charge or
19 acquitted of the charge for which he or she was previously
20 transferred pursuant to RCW 13.40.110 or who is not otherwise under
21 adult court jurisdiction;

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

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

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

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

36 (20) "Monitoring and reporting requirements" means one or more of
37 the following: Curfews; requirements to remain at home, school, work,
38 or court-ordered treatment programs during specified hours;
39 restrictions from leaving or entering specified geographical areas;
40 requirements to report to the probation officer as directed and to

1 remain under the probation officer's supervision; and other
2 conditions or limitations as the court may require which may not
3 include confinement;

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

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

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

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

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

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

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

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

34 (26) "Restitution" means financial reimbursement by the offender
35 to the victim, and shall be limited to easily ascertainable damages
36 for injury to or loss of property, actual expenses incurred for
37 medical treatment for physical injury to persons, lost wages
38 resulting from physical injury, and costs of the victim's counseling
39 reasonably related to the offense. Restitution shall not include
40 reimbursement for damages for mental anguish, pain and suffering, or

1 other intangible losses. Nothing in this chapter shall limit or
2 replace civil remedies or defenses available to the victim or
3 offender;

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

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

13 (a) Physical restraint; or

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

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

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

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

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

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

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

38 (35) "Transportation" means the conveying, by any means, of an
39 incarcerated pregnant youth from the institution or detention
40 facility to another location from the moment she leaves the

1 institution or detention facility to the time of arrival at the other
2 location, and includes the escorting of the pregnant incarcerated
3 youth from the institution or detention facility to a transport
4 vehicle and from the vehicle to the other location;

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

8 (37) "Violent offense" means a violent offense as defined in RCW
9 9.94A.030;

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

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

14 **DESCRIPTION AND OFFENSE CATEGORY**

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

15
16
17
18
19
20 **Arson and Malicious Mischief**

21	A	Arson 1 (9A.48.020)	B+
22	B	Arson 2 (9A.48.030)	C
23	C	Reckless Burning 1 (9A.48.040)	D
24	D	Reckless Burning 2 (9A.48.050)	E
25	B	Malicious Mischief 1 (9A.48.070)	C
26	C	Malicious Mischief 2 (9A.48.080)	D
27	D	Malicious Mischief 3 (9A.48.090)	E
28	E	Tampering with Fire Alarm Apparatus (9.40.100)	E
29	E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
30	A	Possession of Incendiary Device (9.40.120)	B+

31
32
33
34 **Assault and Other Crimes Involving**
35 **Physical Harm**

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

1	B+	Violation of Uniform Controlled	B+
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Sale (69.50.401(2) (a) or (b))	
5	C	Violation of Uniform Controlled	C
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(2)(c))	
8	E	Possession of Marihuana <40 grams	E
9		(69.50.4014)	
10	C	Fraudulently Obtaining Controlled	C
11		Substance (69.50.403)	
12	C+	Sale of Controlled Substance for Profit	C+
13		(69.50.410)	
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	B
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam	
18		Counterfeit Substances (69.50.4011(2)	
19		(a) or (b))	
20	C	Violation of Uniform Controlled	C
21		Substances Act - Nonnarcotic Counterfeit	
22		Substances (69.50.4011(2) (c), (d), or (e))	
23	C	Violation of Uniform Controlled	C
24		Substances Act - Possession of a	
25		Controlled Substance (69.50.4013)	
26	C	Violation of Uniform Controlled	C
27		Substances Act - Possession of a	
28		Controlled Substance (69.50.4012)	
29		Firearms and Weapons	
30	B	Theft of Firearm (9A.56.300)	C
31	B	Possession of Stolen Firearm	C
32		(9A.56.310)	
33	E	Carrying Loaded Pistol Without Permit	E
34		(9.41.050)	
35	C	Possession of Firearms by Minor (<18)	C
36		(9.41.040(2)(a) (vi))	
37	D+	Possession of Dangerous Weapon	E
38		(9.41.250)	

1	D	Intimidating Another Person by use of	E
2		Weapon (9.41.270)	
3		Homicide	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		Kidnapping	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment (9A.40.040)	D+
13		Obstructing Governmental Operation	
14	D	Obstructing a Law Enforcement Officer	E
15		(9A.76.020)	
16	E	Resisting Arrest (9A.76.040)	E
17	B	Introducing Contraband 1 (9A.76.140)	C
18	C	Introducing Contraband 2 (9A.76.150)	D
19	E	Introducing Contraband 3 (9A.76.160)	E
20	B+	Intimidating a Public Servant	C+
21		(9A.76.180)	
22	B+	Intimidating a Witness (9A.72.110)	C+
23		Public Disturbance	
24	C+	Criminal Mischief with Weapon	D+
25		(9A.84.010(2)(b))	
26	D+	Criminal Mischief Without Weapon	E
27		(9A.84.010(2)(a))	
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		Sex Crimes	
31	A	Rape 1 (9A.44.040)	B+
32	B++	Rape 2 (9A.44.050) committed at age 14	B+
33		or under	
34	A-	Rape 2 (9A.44.050) committed at age 15	B+
35		through age ((17)) 18	
36	C+	Rape 3 (9A.44.060)	D+

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

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

1	B	Bomb Threat (9.61.160)	C
2	C	Escape 1 ¹ (9A.76.110)	C
3	C	Escape 2 ¹ (9A.76.120)	C
4	D	Escape 3 (9A.76.130)	E
5	E	Obscene, Harassing, Etc., Phone Calls	E
6		(9.61.230)	
7	A	Other Offense Equivalent to an Adult	B+
8		Class A Felony	
9	B	Other Offense Equivalent to an Adult	C
10		Class B Felony	
11	C	Other Offense Equivalent to an Adult	D
12		Class C Felony	
13	D	Other Offense Equivalent to an Adult	E
14		Gross Misdemeanor	
15	E	Other Offense Equivalent to an Adult	E
16		Misdemeanor	
17	V	Violation of Order of Restitution,	V
18		Community Supervision, or Confinement	
19		(13.40.200) ²	

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

22 1st escape or attempted escape during 12-month period - 28 days
23 confinement

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

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

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

30 **JUVENILE SENTENCING STANDARDS**

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

33 **OPTION A**

34 **JUVENILE OFFENDER SENTENCING GRID**

35 **STANDARD RANGE**

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

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

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

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

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

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

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

34 OR

35 OPTION B

1 **SUSPENDED DISPOSITION ALTERNATIVE**

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

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

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

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

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

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

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

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

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

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

37 (iv) Violation of the uniform controlled substances act (RCW
38 69.50.401(2) (a) and (b)), when the offense includes infliction of
39 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly
2 weapon;

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

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

7 (e) Has a prior option B disposition.

8 **OR**

9 **OPTION C**

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

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

15 **OR**

16 **OPTION D**

17 **MANIFEST INJUSTICE**

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

21 **Sec. 9.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
22 read as follows:

23 **DESCRIPTION AND OFFENSE CATEGORY**

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

24 **Arson and Malicious Mischief**

25	A	Arson 1 (9A.48.020)	B+
26	B	Arson 2 (9A.48.030)	C
27	C	Reckless Burning 1 (9A.48.040)	D
28	D	Reckless Burning 2 (9A.48.050)	E
29	B	Malicious Mischief 1 (9A.48.070)	C
30	C	Malicious Mischief 2 (9A.48.080)	D

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

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

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

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

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

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

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

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

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

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

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

JUVENILE SENTENCING STANDARDS

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

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

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

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

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

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

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

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

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

9 **OR**

10 **OPTION B**

11 **SUSPENDED DISPOSITION ALTERNATIVE**

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (e) Has a prior option B disposition.

19 **OR**

20 **OPTION C**

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

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

26 **OR**

27 **OPTION D**

28 **MANIFEST INJUSTICE**

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

32 **Sec. 10.** RCW 13.40.080 and 2018 c 82 s 4 are each amended to
33 read as follows:

34 (1) A diversion agreement shall be a contract between a juvenile
35 accused of an offense and a diversion unit whereby the juvenile
36 agrees to fulfill certain conditions in lieu of prosecution. Such
37 agreements may be entered into only after the prosecutor, or

1 probation counselor pursuant to this chapter, has determined that
2 probable cause exists to believe that a crime has been committed and
3 that the juvenile committed it. Such agreements shall be entered into
4 as expeditiously as possible.

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

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

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

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

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

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

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

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

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

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

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

1 obligation to pay restitution may petition the court for modification
2 of the restitution order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (e) The facts of the alleged offense.

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

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

26 (15) A diversion unit may supervise the fulfillment of a
27 diversion agreement entered into before the juvenile's (~~eighteenth~~)
28 nineteenth birthday and which includes a period extending beyond the
29 diverttee's (~~eighteenth~~) nineteenth birthday.

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

1 **Sec. 11.** RCW 13.40.080 and 2018 c 82 s 4 are each amended to
2 read as follows:

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

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

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

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

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

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

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

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

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

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

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

25 (c) If the juvenile has not paid the full amount of restitution
26 by the end of the additional six-month period, then the juvenile
27 shall be referred to the juvenile court for entry of a civil order
28 establishing the amount of restitution still owed to the victim. In
29 this order, the court shall also determine the terms and conditions
30 of the restitution, including a payment plan extending up to ten
31 years if the court determines that the juvenile does not have the
32 means to make full restitution over a shorter period. For the
33 purposes of this subsection (5)(c), the juvenile shall remain under
34 the court's jurisdiction for a maximum term of ten years after the
35 juvenile's eighteenth birthday. Prior to the expiration of the
36 initial ten-year period, the juvenile court may extend the judgment
37 for restitution an additional ten years. The court may relieve the
38 juvenile of the requirement to pay full or partial restitution if the
39 juvenile reasonably satisfies the court that he or she does not have
40 the means to make full or partial restitution and could not

1 reasonably acquire the means to pay the restitution over a ten-year
2 period. If the court relieves the juvenile of the requirement to pay
3 full or partial restitution, the court may order an amount of
4 community restitution that the court deems appropriate. The county
5 clerk shall make disbursements to victims named in the order. The
6 restitution to victims named in the order shall be paid prior to any
7 payment for other penalties or monetary assessments. A juvenile under
8 obligation to pay restitution may petition the court for modification
9 of the restitution order.

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

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

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

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

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

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

26 (ii) Disclosure of all evidence to be offered against the
27 diverttee;

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

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

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

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

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

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

39 (i) In juvenile court if the diverttee is under (~~eighteen~~)
40 twenty years of age; or

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

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

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

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

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

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

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

- 33 (a) The fact that a charge or charges were made;
- 34 (b) The fact that a diversion agreement was entered into;
- 35 (c) The juvenile's obligations under such agreement;
- 36 (d) Whether the alleged offender performed his or her obligations
37 under such agreement; and
- 38 (e) The facts of the alleged offense.

39 (13) A diversion unit may refuse to enter into a diversion
40 agreement with a juvenile. When a diversion unit refuses to enter a

1 diversion agreement with a juvenile, it shall immediately refer such
2 juvenile to the court for action and shall forward to the court the
3 criminal complaint and a detailed statement of its reasons for
4 refusing to enter into a diversion agreement. The diversion unit
5 shall also immediately refer the case to the prosecuting attorney for
6 action if such juvenile violates the terms of the diversion
7 agreement.

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

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

37 (16) If restitution required by a diversion agreement cannot
38 reasonably be paid due to a change of circumstance, the diversion
39 agreement may be modified at the request of the divertee and with the
40 concurrence of the diversion unit to convert unpaid restitution into

1 community restitution. The modification of the diversion agreement
2 shall be in writing and signed by the divertee and the diversion
3 unit. The number of hours of community restitution in lieu of a
4 monetary penalty shall be converted at the rate of the prevailing
5 state minimum wage per hour.

6 **Sec. 12.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
7 read as follows:

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

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

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

30 (3) If the court finds that the respondent or an accomplice was
31 armed with a firearm, the court shall determine the standard range
32 disposition for the offense pursuant to RCW 13.40.160. If the
33 offender or an accomplice was armed with a firearm when the offender
34 committed any felony other than possession of a machine gun or bump-
35 fire stock, possession of a stolen firearm, drive-by shooting, theft
36 of a firearm, unlawful possession of a firearm in the first and
37 second degree, or use of a machine gun or bump-fire stock in a
38 felony, the following periods of total confinement must be added to
39 the sentence: (a) Except for (b) of this subsection, for a class A

1 felony, six months; for a class B felony, four months; and for a
2 class C felony, two months; (b) for any violent offense as defined in
3 RCW 9.94A.030, committed by a respondent who is sixteen (~~or~~
4 ~~seventeen~~) through eighteen years old at the time of the offense, a
5 period of twelve months. The additional time shall be imposed
6 regardless of the offense's juvenile disposition offense category as
7 designated in RCW 13.40.0357.

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

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

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

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

4 **Sec. 13.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
5 read as follows:

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

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

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

28 (3) If the court finds that the respondent or an accomplice was
29 armed with a firearm, the court shall determine the standard range
30 disposition for the offense pursuant to RCW 13.40.160. If the
31 offender or an accomplice was armed with a firearm when the offender
32 committed any felony other than possession of a machine gun or bump-
33 fire stock, possession of a stolen firearm, drive-by shooting, theft
34 of a firearm, unlawful possession of a firearm in the first and
35 second degree, or use of a machine gun or bump-fire stock in a
36 felony, the following periods of total confinement must be added to
37 the sentence: (a) Except for (b) of this subsection, for a class A
38 felony, six months; for a class B felony, four months; and for a
39 class C felony, two months; (b) for any violent offense as defined in

1 RCW 9.94A.030, committed by a respondent who is sixteen (~~or~~
2 ~~seventeen~~) through nineteen years old at the time of the offense, a
3 period of twelve months. The additional time shall be imposed
4 regardless of the offense's juvenile disposition offense category as
5 designated in RCW 13.40.0357.

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

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

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

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

1 **Sec. 14.** RCW 13.40.300 and 2019 c 322 s 3 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section, a
4 juvenile offender may not be committed by the juvenile court to the
5 department of children, youth, and families for placement in a
6 juvenile rehabilitation facility beyond the juvenile offender's
7 twenty-first birthday for an adjudicated offense committed under the
8 age of eighteen, or beyond the juvenile offender's twenty-second
9 birthday for an adjudicated offense committed while eighteen years of
10 age.

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

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

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

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

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

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

37 ~~(b))~~ until the judgment expires or the juvenile offender reaches
38 the maximum age of commitment under subsections (1) and (2) of this
39 section, whichever is sooner, unless the juvenile court declines
40 jurisdiction under RCW 13.40.110. The juvenile court may extend its

1 jurisdiction beyond the juvenile offender's maximum date of
2 commitment only if:

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

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

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

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

17 (c) The juvenile offender is found to be armed with a firearm and
18 sentenced to an additional twelve months pursuant to RCW
19 13.40.193(3)(b), ~~((then))~~ in which case jurisdiction for parole is
20 automatically extended to include a period of up to twenty-four
21 months of parole, in no case extending beyond the offender's twenty-
22 fifth birthday;

23 (d) ~~((While))~~ The juvenile turns nineteen years of age while
24 proceedings are pending in a case in which jurisdiction is vested in
25 the adult criminal court pursuant to RCW 13.04.030~~(, the juvenile~~
26 ~~turns eighteen years of age))~~ and is subsequently found not guilty of
27 the charge for which he or she was transferred, or is convicted in
28 the adult criminal court of an offense that is not also an offense
29 listed in RCW 13.04.030(1)(e)(v), and an automatic extension is
30 necessary to impose the juvenile disposition as required by RCW
31 13.04.030(1)(e)(v)(C)(II); or

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

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

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

5 **Sec. 15.** RCW 13.40.300 and 2019 c 322 s 3 are each amended to
6 read as follows:

7 (1) Except as provided in subsection (2) of this section, a
8 juvenile offender may not be committed by the juvenile court to the
9 department of children, youth, and families for placement in a
10 juvenile rehabilitation facility beyond the juvenile offender's
11 twenty-first birthday for an adjudicated offense committed under the
12 age of eighteen, beyond the juvenile offender's twenty-second
13 birthday for an adjudicated offense committed while eighteen years of
14 age, or beyond the juvenile offender's twenty-third birthday for an
15 adjudicated offense committed while nineteen years of age.

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

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

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

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

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

38 ~~(iii) If the juvenile court previously extended jurisdiction~~
39 ~~beyond the juvenile's eighteenth birthday, and that period of~~

1 ~~extension has not expired, the court may further extend jurisdiction~~
2 ~~by written order setting forth its reasons;~~

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

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

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

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

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

23 (c) The juvenile offender is found to be armed with a firearm and
24 sentenced to an additional twelve months pursuant to RCW
25 13.40.193(3)(b), ~~((then))~~ in which case jurisdiction for parole is
26 automatically extended to include a period of up to twenty-four
27 months of parole, in no case extending beyond the offender's twenty-
28 fifth birthday;

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

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

1 (~~twenty-first birthday~~) maximum age of commitment for the purpose
2 of enforcing an order of restitution or penalty assessment.

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

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

11 **Sec. 16.** RCW 13.40.511 and 2019 c 461 s 3 are each amended to
12 read as follows:

13 (1) As of July 28, 2019, the block grant oversight committee must
14 implement a stop loss policy when allocating funding under RCW
15 13.40.510. The stop loss policy must limit the loss in funding for
16 any juvenile court from one year to the next. The block grant
17 oversight committee must establish a minimum base level of funding
18 for juvenile courts with lower numbers of at-risk youth ten years of
19 age and over but under (~~eighteen~~) nineteen years of age. The
20 department of children, youth, and families must report, in
21 compliance with RCW 43.01.036, to the legislature by December 1,
22 2019, about how funding is used for referred youth and the impact of
23 that use on overall use of funding.

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

37 **Sec. 17.** RCW 13.40.511 and 2019 c 461 s 3 are each amended to
38 read as follows:

1 (1) As of July 28, 2019, the block grant oversight committee must
2 implement a stop loss policy when allocating funding under RCW
3 13.40.510. The stop loss policy must limit the loss in funding for
4 any juvenile court from one year to the next. The block grant
5 oversight committee must establish a minimum base level of funding
6 for juvenile courts with lower numbers of at-risk youth ten years of
7 age and over but under (~~eighteen~~) twenty years of age. The
8 department of children, youth, and families must report, in
9 compliance with RCW 43.01.036, to the legislature by December 1,
10 2019, about how funding is used for referred youth and the impact of
11 that use on overall use of funding.

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

25 **Sec. 18.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to
26 read as follows:

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

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

36 (b) Target offenders age (~~eight~~) thirteen through (~~seventeen~~)
37 eighteen; and

38 (c) Emphasize the following principles:

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

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

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

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

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

11 **Sec. 19.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to
12 read as follows:

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

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

22 (b) Target offenders age (~~eight~~) thirteen through (~~seventeen~~)
23 nineteen; and

24 (c) Emphasize the following principles:

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

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

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

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

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

36 **Sec. 20.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to
37 read as follows:

1 (1) Youth courts have authority over juveniles ages (~~eight~~)
2 thirteen through (~~seventeen~~) eighteen who:

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

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

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

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

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

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

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

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

22 **Sec. 21.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to
23 read as follows:

24 (1) Youth courts have authority over juveniles ages (~~eight~~)
25 thirteen through (~~seventeen~~) nineteen who:

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

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

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

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

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

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

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

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

6 NEW SECTION. **Sec. 22.** A new section is added to chapter 13.04
7 RCW to read as follows:

8 (1) A county may choose to increase the age of juvenile court
9 jurisdiction within the county to eighteen or nineteen years of age
10 sooner than the dates required in this act, and in doing so may
11 choose to increase the age in a phased manner, provided that the
12 authorities within the county agree that capacity exists within the
13 county to provide for adequate safety, rehabilitative programming,
14 and efficient court processing for the affected persons during the
15 transition period. Each county and juvenile court shall cooperate
16 with the office of juvenile justice within the department of
17 children, youth, and families in its role as statewide monitor of the
18 transition under section 23 of this act so that the office of
19 juvenile justice may provide accurate information to the governor and
20 the legislature.

21 (2) This section expires June 30, 2025.

22 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.216
23 RCW to read as follows:

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

33 (2) This section expires June 30, 2025.

34 NEW SECTION. **Sec. 24.** Sections 2, 4, 6, 8, 10, 12, 14, 16, 18,
35 and 20 of this act take effect July 1, 2022.

1 NEW SECTION. **Sec. 25.** Sections 2, 4, 6, 8, 10, 12, 14, 16, 18,
2 and 20 of this act expire July 1, 2024.

3 NEW SECTION. **Sec. 26.** Sections 3, 5, 7, 9, 11, 13, 15, 17, 19,
4 and 21 of this act take effect July 1, 2024.

--- **END** ---