
SUBSTITUTE SENATE BILL 5434

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators Trudeau, C. Wilson, Frame, Hasegawa, Kuderer, Nguyen, and Saldaña)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to the jurisdiction of juvenile court; amending
2 RCW 9A.04.050, 13.40.590, and 13.40.600; adding a new section to
3 chapter 43.216 RCW; creating new sections; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the goal of the
7 juvenile justice system should be to protect public safety, connect
8 youth with age-appropriate services that reduce the risk of
9 recidivism, and provide meaningful rehabilitation so all youth can
10 have the opportunity for success in life. The legislature declares
11 that responses to problematic behaviors of youth should be guided by
12 evidence-based practices and that policy changes to the system should
13 be strongly rooted in eliminating racial inequities.

14 The legislature recognizes that a scientific consensus has
15 developed that demonstrates that youth continue to develop
16 neurologically until age 26. The legislature finds that young
17 children, ages eight through 12, are less capable of making fully
18 informed, reasoned decisions. The legislature further finds that
19 young adults ages 18 and 19 are particularly susceptible to outside
20 factors influencing their decision making.

1 The legislature recognizes that on January 18, 2021, the
2 Washington state board of health released a review regarding the
3 health impacts of raising the age of the juvenile court's
4 jurisdiction to likely decrease the juvenile criminal legal system's
5 involvement for some youth ages eight through 12 and to likely
6 decrease the adult criminal legal system's involvement for some
7 emerging adults ages 18 and 19. The board further found very strong
8 evidence that this would decrease juvenile recidivism and improve
9 health outcomes, access to employment opportunities, housing access,
10 and economic stability.

11 The legislature resolves to amend jurisdiction of juvenile court
12 to include youth ages 13 through 19, with certain exceptions. The
13 legislature recognizes the important role that local governments play
14 in ensuring access to justice in the juvenile court system. The
15 legislature recognizes that amended jurisdiction in juvenile court
16 may increase expenses for juvenile court systems despite significant
17 offset savings in the adult system through reduced adult caseloads.
18 The legislature intends to partner with local governments, courts,
19 and other stakeholders to ensure successful expansion of juvenile
20 court jurisdiction. The legislature therefore resolves to convene the
21 raise the age juvenile justice task force to examine and plan for
22 implementation of expanded juvenile court jurisdiction.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216
24 RCW to read as follows:

25 (1) The raise the age juvenile justice task force is established,
26 with members as provided in this subsection.

27 (a) The president of the senate shall appoint one member from
28 each of the two largest caucuses of the senate.

29 (b) The speaker of the house of representatives shall appoint one
30 member from each of the two largest caucuses of the house of
31 representatives.

32 (c) The remaining juvenile justice task force representatives
33 shall include:

34 (i) Department of children, youth, and families juvenile
35 rehabilitation;

36 (ii) Department of corrections;

37 (iii) Washington association of sheriffs and police chiefs;

38 (iv) Office of public defense;

39 (v) Washington association of prosecuting attorneys;

- 1 (vi) District and municipal court judges' association;
2 (vii) Administrative office of the courts;
3 (viii) Washington state association of counties;
4 (ix) Association of Washington cities;
5 (x) Washington state council of county and city employees;
6 (xi) Office of the superintendent of public instruction;
7 (xii) Minority and justice commission;
8 (xiii) Superior court judges' association, one member
9 representing western Washington and one representing eastern
10 Washington;
11 (xiv) Washington association of juvenile court administrators,
12 one member representing western Washington and one representing
13 eastern Washington;
14 (xv) Washington state school directors' association, a member
15 representing a school district that provides education services to a
16 juvenile rehabilitation residential facility;
17 (xvi) Organizations with interests in incarcerated persons, with
18 two representatives each representing different programs and serving
19 different constituencies; and
20 (xvii) Organizations with interests of youth involved in the
21 juvenile justice system, with three representatives from different
22 regions of the state or representing different programs.
- 23 (2) The legislative membership shall convene the initial meeting
24 of the task force no later than September 1, 2023. The task force
25 shall choose its chair from among its legislative membership.
- 26 (3) Staff support for the task force must be provided by the
27 office of juvenile justice.
- 28 (4) The task force shall consider and provide recommendations
29 regarding implementation of juvenile court jurisdiction expansion to
30 encompass persons 18 and 19 years old.
- 31 (5) On or before December 1, 2025, the task force shall report to
32 the governor and appropriate committees of the legislature on the
33 status and plan for the expansion, including necessary funding,
34 essential personnel and programmatic resources, measures necessary to
35 avoid a negative impact on the state's child protection response, and
36 specific milestones related to operations and policy, including:
- 37 (a) A timeline for structural and systemic changes within the
38 juvenile justice system for the juvenile rehabilitation division, the
39 department of children, youth, and families, the department of
40 corrections, and the juvenile court pursuant to chapter 13.04 RCW;

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

3 (c) Review of the estimated costs avoided by local and state
4 governments with the reduction of recidivism and an analysis of cost
5 savings reinvestment options;

6 (d) Estimated new costs incurred to provide juvenile justice
7 services to persons 18 and 19 years old; and

8 (e) A clearly defined path for geographic consistency given
9 varying local resources, staff, physical plant limitations, training,
10 services, and partnering needs.

11 (6)(a) Legislative members of the task force may be reimbursed
12 for travel expenses in accordance with RCW 44.04.120. Except as
13 provided in (b) of this subsection, nonlegislative members are not
14 entitled to be reimbursed for travel expenses if they are elected
15 officials or are participating on behalf of an employer, governmental
16 entity, or other organization. Any reimbursement for other
17 nonlegislative members is subject to chapter 43.03 RCW.

18 (b) Nonlegislative members of the task force who demonstrate
19 financial hardship must be reimbursed for travel expenses as provided
20 in RCW 43.03.050 and 43.03.060, as well as other expenses as needed
21 for each day a nonlegislative task force member attends a task force
22 meeting to provide consultative assistance. Nonlegislative members of
23 the task force are members of a class one group under RCW 43.03.220
24 and may be eligible for stipends and reasonable allowances for child
25 and adult care reimbursement.

26 (7) The expenses of the task force must be paid jointly by the
27 senate and the house of representatives. Task force expenditures are
28 subject to approval by the senate facilities and operations committee
29 and the house of representatives executive rules committee, or their
30 successor committees.

31 (8) The task force must hold at least one meeting a month. The
32 task force may form work groups and may consult experts in fields
33 that will inform and assist the work of the task force.

34 (9) This section expires January 1, 2026.

35 **Sec. 3.** RCW 9A.04.050 and 2011 c 336 s 347 are each amended to
36 read as follows:

37 Children under the age of (~~eight years~~) 13 are incapable of
38 committing crime. (~~Children of eight and under twelve years of age~~
39 ~~are presumed to be incapable of committing crime, but this~~

1 ~~presumption may be removed by proof that they have sufficient~~
2 ~~capacity to understand the act or neglect, and to know that it was~~
3 ~~wrong.)) Children of eight through 12 years of age who are charged~~
4 ~~with murder in the first or second degree are presumed to be~~
5 ~~incapable of committing crime, but this presumption may be rebutted~~
6 ~~by clear and convincing evidence that they have sufficient capacity~~
7 ~~to understand the act or neglect, and to know that it was wrong.~~
8 Whenever in legal proceedings it becomes necessary to determine the
9 age of a child, he or she may be produced for inspection, to enable
10 the court or jury to determine the age thereby; and the court may
11 also direct his or her examination by one or more physicians, whose
12 opinion shall be competent evidence upon the question of his or her
13 age.

14 **Sec. 4.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to
15 read as follows:

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

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

25 (b) Target offenders age (~~eight~~) 13 through (~~seventeen~~) 17;
26 and

27 (c) Emphasize the following principles:

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

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

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

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

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

1 **Sec. 5.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to
2 read as follows:

3 (1) Youth courts have authority over juveniles ages (~~eight~~) 13
4 through (~~seventeen~~) 17 who:

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

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

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

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

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

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

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

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

24 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 2023, in the omnibus appropriations act, this
27 act is null and void.

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