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**SENATE BILL 5434**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Trudeau, C. Wilson, Frame, Hasegawa, Kuderer, Nguyen, and Saldaña

Read first time 01/18/23. Referred to Committee on Human Services.

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 13, are less capable of making fully  
18 informed, reasoned decisions. The legislature further finds that  
19 young adults ages 18, 19, and 20 are particularly susceptible to  
20 outside 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 young children and to likely decrease the adult  
6 criminal legal system's involvement for young adults. The board  
7 further found very strong evidence that this would decrease juvenile  
8 recidivism and improve health outcomes, access to employment  
9 opportunities, housing access, and economic stability.

10 The legislature resolves to amend jurisdiction of juvenile court  
11 to include youth ages 14 through 20 by July 1, 2027. The legislature  
12 recognizes the important role that local governments play in ensuring  
13 access to justice in the juvenile court system. The legislature  
14 recognizes that amended jurisdiction in juvenile court may increase  
15 expenses for juvenile court systems despite significant offset  
16 savings in the adult system through reduced adult caseloads. The  
17 legislature intends to partner with local governments, courts, and  
18 other stakeholders to ensure successful expansion of juvenile court  
19 jurisdiction. The legislature therefore resolves to convene the raise  
20 the age juvenile justice task force to examine and plan for  
21 implementation of expanded juvenile court jurisdiction.

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

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

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

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

31 (c) The president of the senate and the speaker of the house of  
32 representatives jointly shall appoint one member as follows unless  
33 specified representing the:

34 (i) Juvenile rehabilitation administration;

35 (ii) Department of corrections;

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

37 (iv) Office of public defense;

38 (v) Washington association of prosecuting attorneys;

39 (vi) District and municipal court judges' association;

1 (vii) Administrative office of the courts;  
2 (viii) Washington state association of counties;  
3 (ix) Association of Washington cities;  
4 (x) Washington state council of county and city employees;  
5 (xi) Office of the superintendent of public instruction;  
6 (xii) Minority and justice commission;  
7 (xiii) Superior court judges' association, one member  
8 representing western Washington and one representing eastern  
9 Washington;  
10 (xiv) Washington association of juvenile court administrators,  
11 one member representing western Washington and one representing  
12 eastern Washington;  
13 (xv) Washington state school directors' association, a member  
14 representing a school district that provides education services to a  
15 juvenile rehabilitation residential facility;  
16 (xvi) Organizations with interests in incarcerated persons, with  
17 two representatives each representing different programs and serving  
18 different constituencies; and  
19 (xvii) Organizations with interests of youth involved in the  
20 juvenile justice system, with three representatives from different  
21 regions of the state or representing different programs.  
22 (2) The legislative membership shall convene the initial meeting  
23 of the task force no later than September 1, 2023. The task force  
24 shall choose its chair from among its legislative membership.  
25 (3) Staff support for the task force must be provided by the  
26 office of juvenile justice.  
27 (4) The task force shall provide recommendations and an  
28 implementation plan to expand juvenile court jurisdiction to also  
29 include persons 18, 19, and 20 years old by July 1, 2027.  
30 (5) On or before December 1, 2024, the task force shall transmit  
31 a progress report to the governor and appropriate committees of the  
32 legislature regarding its proceedings.  
33 (6) On or before December 1, 2025, the task force shall transmit  
34 a final report regarding the implementation plan for the expansion,  
35 including recommended legislative action, necessary funding,  
36 essential personnel and programmatic resources, measures necessary to  
37 avoid a negative impact on the state's child protection response, and  
38 specific milestones related to operations and policy, including but  
39 not limited to:

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

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

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

10 (d) Estimated new costs incurred to provide juvenile justice  
11 services to persons 18, 19, and 20 years old; and

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

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

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

30 (8) The expenses of the task force must be paid jointly by the  
31 senate and the house of representatives. Task force expenditures are  
32 subject to approval by the senate facilities and operations committee  
33 and the house of representatives executive rules committee, or their  
34 successor committees.

35 (9) The task force must hold at least one meeting a month. The  
36 task force may form work groups and may consult experts in fields  
37 that will inform and assist the work of the task force.

38 (10) This section expires January 1, 2025.

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

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

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

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

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

30       (b) Target offenders age ~~((eight))~~ 14 through ~~((seventeen))~~ 17;  
31 and

32       (c) Emphasize the following principles:

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

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

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

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

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

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

8 (1) Youth courts have authority over juveniles ages (~~eight~~) 14  
9 through (~~seventeen~~) 17 who:

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

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

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

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

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

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

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

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

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

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