
SENATE BILL 6119

State of Washington

53rd Legislature

1994 Regular Session

By Senators Nelson, A. Smith, Oke, L. Smith, Sellar, Roach, Schow, Haugen, Quigley, West, M. Rasmussen, Winsley, Hochstatter, Skratek, Deccio, McDonald, Anderson, McCaslin, Ludwig and Moyer

Read first time 01/12/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to juvenile court jurisdiction; and amending RCW
2 13.04.030 and 13.40.110.

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

4 **Sec. 1.** RCW 13.04.030 and 1988 c 14 s 1 are each amended to read
5 as follows:

6 The juvenile courts in the several counties of this state, shall
7 have exclusive original jurisdiction over all proceedings:

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

10 (2) Relating to children alleged or found to be dependent as
11 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170,
12 as now or hereafter amended;

13 (3) Relating to the termination of a parent and child relationship
14 as provided in RCW 13.34.180 through 13.34.210, as now or hereafter
15 amended;

16 (4) To approve or disapprove alternative residential placement as
17 provided in RCW 13.32A.170;

1 (5) Relating to juveniles alleged or found to have committed
2 offenses, traffic infractions, or violations as provided in RCW
3 13.40.020 through 13.40.230, as now or hereafter amended, unless:

4 (a) The juvenile is sixteen or seventeen years of age and the
5 information alleges a class A felony or an attempt, solicitation, or
6 conspiracy to commit a class A felony as provided in RCW 13.40.0357; or

7 (b) The juvenile is fourteen, fifteen, sixteen, or seventeen years
8 of age and the information alleges assault in the second degree,
9 extortion in the first degree, indecent liberties, child molestation in
10 the second degree, kidnapping in the second degree, or robbery in the
11 second degree, and the offender has two prior juvenile dispositions for
12 a violent offense as defined by RCW 9.94A.030(36); or

13 (c) The juvenile court transfers jurisdiction of a particular
14 juvenile to adult criminal court pursuant to RCW 13.40.110, as now or
15 hereafter amended; or

16 (~~(b)~~) (d) The statute of limitations applicable to adult
17 prosecution for the offense, traffic infraction, or violation has
18 expired; or

19 (~~(e)~~) (e) The alleged offense or infraction is a traffic, fish,
20 boating, or game offense or traffic infraction committed by a juvenile
21 sixteen years of age or older and would, if committed by an adult, be
22 tried or heard in a court of limited jurisdiction, in which instance
23 the appropriate court of limited jurisdiction shall have jurisdiction
24 over the alleged offense or infraction: PROVIDED, That if such an
25 alleged offense or infraction and an alleged offense or infraction
26 subject to juvenile court jurisdiction arise out of the same event or
27 incident, the juvenile court may have jurisdiction of both matters:
28 PROVIDED FURTHER, That the jurisdiction under this subsection does not
29 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
30 or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of
31 limited jurisdiction which confine juveniles for an alleged offense or
32 infraction may place juveniles in juvenile detention facilities under
33 an agreement with the officials responsible for the administration of
34 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

35 (6) Under the interstate compact on juveniles as provided in
36 chapter 13.24 RCW;

37 (7) Relating to termination of a diversion agreement under RCW
38 13.40.080 as now or hereafter amended, including a proceeding in which
39 the divertee has attained eighteen years of age; and

1 (8) Relating to court validation of a voluntary consent to foster
2 care placement under chapter 13.34 RCW, by the parent or Indian
3 custodian of an Indian child, except if the parent or Indian custodian
4 and child are residents of or domiciled within the boundaries of a
5 federally recognized Indian reservation over which the tribe exercises
6 exclusive jurisdiction.

7 **Sec. 2.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read
8 as follows:

9 (1) The prosecutor, respondent, or the court on its own motion may,
10 before a hearing on the information on its merits, file a motion
11 requesting the court to transfer the respondent for adult criminal
12 prosecution and the matter shall be set for a hearing on the question
13 of declining jurisdiction. Unless waived by the court, the parties,
14 and their counsel, a decline hearing shall be held where:

15 (~~((a))~~) The respondent is fourteen, fifteen, sixteen, or seventeen
16 years of age and the information alleges (~~((a class A felony or an
17 attempt, solicitation, or conspiracy to commit a class A felony; or~~

18 ~~(b) The respondent is seventeen years of age and the information
19 alleges assault in the second degree, extortion in the first degree,
20 indecent liberties, child molestation in the second degree, kidnapping
21 in the second degree, or robbery in the second degree)) assault in the
22 second degree, extortion in the first degree, indecent liberties, child
23 molestation in the second degree, kidnapping in the second degree, or
24 robbery in the second degree.~~

25 (2) The court after a decline hearing may order the case
26 transferred for adult criminal prosecution upon a finding that the
27 declination would be in the best interest of the juvenile or the
28 public. The court shall consider the relevant reports, facts,
29 opinions, and arguments presented by the parties and their counsel.

30 (3) When the respondent is transferred for criminal prosecution or
31 retained for prosecution in juvenile court, the court shall set forth
32 in writing its finding which shall be supported by relevant facts and
33 opinions produced at the hearing.

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