
HOUSE BILL 1021

State of Washington

54th Legislature

1995 Regular Session

By Representatives Delvin, Hickel, Robertson, Smith, Padden, Sherstad, Dyer, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Chandler, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, K. Schmidt, Chappell, Basich, Grant, Sehlin, Honeyford, Van Luven, Ballasiotes, Pelesky, Blanton, Hankins, Lambert, D. Schmidt, Mulliken, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Casada

Prefiled 12/30/94. Read first time 01/09/95. Referred to Committee on Corrections.

1 AN ACT Relating to juveniles; and amending RCW 13.04.030.

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

3 **Sec. 1.** RCW 13.04.030 and 1994 1st sp.s. c 7 s 519 are each
4 amended to read as follows:

5 (1) Except as provided in subsection (2) of this section, the
6 juvenile courts in the several counties of this state, shall have
7 exclusive original jurisdiction over all proceedings:

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

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

14 (d) To approve or disapprove alternative residential placement as
15 provided in RCW 13.32A.170;

16 (e) Relating to juveniles alleged or found to have committed
17 offenses, traffic infractions, or violations as provided in RCW
18 13.40.020 through 13.40.230, unless:

1 (i) The juvenile court transfers jurisdiction of a particular
2 juvenile to adult criminal court pursuant to RCW 13.40.110; or
3 (ii) The statute of limitations applicable to adult prosecution for
4 the offense, traffic infraction, or violation has expired; or
5 (iii) The alleged offense or infraction is a traffic, fish,
6 boating, or game offense or traffic infraction committed by a juvenile
7 sixteen years of age or older and would, if committed by an adult, be
8 tried or heard in a court of limited jurisdiction, in which instance
9 the appropriate court of limited jurisdiction shall have jurisdiction
10 over the alleged offense or infraction: PROVIDED, That if such an
11 alleged offense or infraction and an alleged offense or infraction
12 subject to juvenile court jurisdiction arise out of the same event or
13 incident, the juvenile court may have jurisdiction of both matters:
14 PROVIDED FURTHER, That the jurisdiction under this subsection does not
15 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)
16 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
17 jurisdiction which confine juveniles for an alleged offense or
18 infraction may place juveniles in juvenile detention facilities under
19 an agreement with the officials responsible for the administration of
20 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or
21 (iv) (A) The alleged offense is a violent offense and the offender
22 or an accomplice allegedly was armed with a firearm and discharged,
23 aimed, or displayed the firearm during the commission of the crime; or
24 (B) The juvenile is sixteen or seventeen years old and the alleged
25 offense is: ((+A+)) (I) A serious violent offense as defined in RCW
26 9.94A.030 committed on or after June 13, 1994; or ((+B+)) (II) a
27 violent offense as defined in RCW 9.94A.030 committed on or after June
28 13, 1994, and the juvenile has a criminal history consisting of:
29 ((+I+)) One or more prior serious violent offenses; ((+II+)) two or
30 more prior violent offenses; or ((+III+)) three or more of any
31 combination of the following offenses: Any class A felony, any class
32 B felony, vehicular assault, or manslaughter in the second degree, all
33 of which must have been committed after the juvenile's thirteenth
34 birthday and prosecuted separately. In such a case the adult criminal
35 court shall have exclusive original jurisdiction.
36 If the juvenile challenges the state's determination of the
37 juvenile's criminal history, the state may establish the offender's
38 criminal history by a preponderance of the evidence. If the criminal
39 history consists of adjudications entered upon a plea of guilty, the

1 state shall not bear a burden of establishing the knowing and
2 voluntariness of the plea;

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

5 (g) Relating to termination of a diversion agreement under RCW
6 13.40.080, including a proceeding in which the divertee has attained
7 eighteen years of age; and

8 (h) Relating to court validation of a voluntary consent to foster
9 care placement under chapter 13.34 RCW, by the parent or Indian
10 custodian of an Indian child, except if the parent or Indian custodian
11 and child are residents of or domiciled within the boundaries of a
12 federally recognized Indian reservation over which the tribe exercises
13 exclusive jurisdiction.

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

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

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