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HOUSE BILL 2411

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Hickel and Mitchell

Read first time 01/10/96. Referred to Committee on Law & Justice.

1            AN ACT Relating to court jurisdiction; amending RCW 35.20.030;  
2 reenacting and amending RCW 13.04.030; adding a new section to chapter  
3 28A.225 RCW; and declaring an emergency.

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

5            **Sec. 1.** RCW 13.04.030 and 1995 c 312 s 39 and 1995 c 311 s 15 are  
6 each reenacted and amended to read as follows:

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

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

12            (b) Relating to children alleged or found to be dependent as  
13 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

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

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

1 (e) 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, unless:

4 (i) The juvenile court transfers jurisdiction of a particular  
5 juvenile to adult criminal court pursuant to RCW 13.40.110; or

6 (ii) The statute of limitations applicable to adult prosecution for  
7 the offense, traffic infraction, or violation has expired; or

8 (iii) The alleged offense or infraction is a traffic, fish,  
9 boating, or game offense or traffic infraction committed by a juvenile  
10 sixteen years of age or older and would, if committed by an adult, be  
11 tried or heard in a court of limited jurisdiction, in which instance  
12 the appropriate court of limited jurisdiction shall have jurisdiction  
13 over the alleged offense or infraction: PROVIDED, That if such an  
14 alleged offense or infraction and an alleged offense or infraction  
15 subject to juvenile court jurisdiction arise out of the same event or  
16 incident, the juvenile court may have jurisdiction of both matters:  
17 PROVIDED FURTHER, That the jurisdiction under this subsection does not  
18 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)  
19 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited  
20 jurisdiction which confine juveniles for an alleged offense or  
21 infraction may place juveniles in juvenile detention facilities under  
22 an agreement with the officials responsible for the administration of  
23 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

24 (iv) The juvenile is sixteen or seventeen years old and the alleged  
25 offense is: (A) A serious violent offense as defined in RCW 9.94A.030  
26 committed on or after June 13, 1994; or (B) a violent offense as  
27 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the  
28 juvenile has a criminal history consisting of: (I) One or more prior  
29 serious violent offenses; (II) two or more prior violent offenses; or  
30 (III) three or more of any combination of the following offenses: Any  
31 class A felony, any class B felony, vehicular assault, or manslaughter  
32 in the second degree, all of which must have been committed after the  
33 juvenile's thirteenth birthday and prosecuted separately. In such a  
34 case the adult criminal court shall have exclusive original  
35 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;

8 (h) Relating to court validation of a voluntary consent to an out-  
9 of-home 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; and

14 (i) Relating to petitions to compel disclosure of information filed  
15 by the department of social and health services pursuant to RCW  
16 74.13.042.

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

21 (b) Courts of limited jurisdiction have concurrent original  
22 jurisdiction with the juvenile court over all proceedings involving  
23 compulsory school attendance provisions under chapter 28A.225 RCW.

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

28 **Sec. 2.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read  
29 as follows:

30 The municipal court shall have jurisdiction to try violations of  
31 all city ordinances and all other actions brought to enforce or recover  
32 license penalties or forfeitures declared or given by any such  
33 ordinances. It is empowered to forfeit cash bail or bail bonds and  
34 issue execution thereon, to hear and determine all causes, civil or  
35 criminal, arising under such ordinances, and to pronounce judgment in  
36 accordance therewith: PROVIDED, That for a violation of the criminal  
37 provisions of an ordinance no greater punishment shall be imposed than  
38 a fine of five thousand dollars or imprisonment in the city jail not to

1 exceed one year, or both such fine and imprisonment, but the punishment  
2 for any criminal ordinance shall be the same as the punishment provided  
3 in state law for the same crime. The municipal court shall also have  
4 original concurrent jurisdiction with the juvenile court over all  
5 proceedings involving compulsory school attendance provisions under  
6 chapter 28A.225 RCW. All civil and criminal proceedings in municipal  
7 court, and judgments rendered therein, shall be subject to review in  
8 the superior court by writ of review or on appeal: PROVIDED, That an  
9 appeal from the court's determination or order in a traffic infraction  
10 proceeding may be taken only in accordance with RCW 46.63.090(5).  
11 Costs in civil and criminal cases may be taxed as provided in district  
12 courts.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.225  
14 RCW to read as follows:

15 References to juvenile court in this chapter mean, in addition to  
16 the juvenile court of the superior court, courts of limited  
17 jurisdiction. If a court of limited jurisdiction has jurisdiction over  
18 juveniles who violate this chapter, that court also has jurisdiction  
19 over parents charged with violations of this chapter.

20 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and shall take  
23 effect immediately.

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