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**SUBSTITUTE HOUSE BILL 2906**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Stambaugh, Kagi, Magendanz, Tharinger, Ortiz-Self, Frame, Goodman, and Ormsby)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to strengthening opportunities for the  
2 rehabilitation and reintegration of juvenile offenders; and amending  
3 RCW 13.40.010, 13.40.127, 13.40.308, 10.99.030, 13.40.265, 9.41.040,  
4 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070.

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

6 **Sec. 1.** RCW 13.40.010 and 2004 c 120 s 1 are each amended to  
7 read as follows:

8 (1) This chapter shall be known and cited as the Juvenile Justice  
9 Act of 1977.

10 (2) It is the intent of the legislature that a system capable of  
11 having primary responsibility for, being accountable for, and  
12 responding to the needs of youthful offenders and their victims, as  
13 defined by this chapter, be established. It is the further intent of  
14 the legislature that youth, in turn, be held accountable for their  
15 offenses and that communities, families, and the juvenile courts  
16 carry out their functions consistent with this intent. To effectuate  
17 these policies, the legislature declares the following to be equally  
18 important purposes of this chapter:

19 (a) Protect the citizenry from criminal behavior;

20 (b) Provide for determining whether accused juveniles have  
21 committed offenses as defined by this chapter;

1 (c) Make the juvenile offender accountable for his or her  
2 criminal behavior;

3 (d) Provide for punishment commensurate with the age, crime, and  
4 criminal history of the juvenile offender;

5 (e) Provide due process for juveniles alleged to have committed  
6 an offense;

7 (f) Provide for the rehabilitation and reintegration of juvenile  
8 offenders;

9 (g) Provide necessary treatment, supervision, and custody for  
10 juvenile offenders;

11 ~~((g))~~ (h) Provide for the handling of juvenile offenders by  
12 communities whenever consistent with public safety;

13 ~~((h))~~ (i) Provide for restitution to victims of crime;

14 ~~((i))~~ (j) Develop effective standards and goals for the  
15 operation, funding, and evaluation of all components of the juvenile  
16 justice system and related services at the state and local levels;

17 ~~((j))~~ (k) Provide for a clear policy to determine what types of  
18 offenders shall receive punishment, treatment, or both, and to  
19 determine the jurisdictional limitations of the courts, institutions,  
20 and community services;

21 ~~((k))~~ (l) Provide opportunities for victim participation in  
22 juvenile justice process, including court hearings on juvenile  
23 offender matters, and ensure that Article I, section 35 of the  
24 Washington state Constitution, the victim bill of rights, is fully  
25 observed; and

26 ~~((l))~~ (m) Encourage the parents, guardian, or custodian of the  
27 juvenile to actively participate in the juvenile justice process.

28 **Sec. 2.** RCW 13.40.127 and 2015 c 265 s 26 are each amended to  
29 read as follows:

30 (1) A juvenile is eligible for deferred disposition unless he or  
31 she:

32 (a) Is charged with a sex or violent offense;

33 (b) Has a criminal history which includes any felony;

34 (c) Has a prior deferred disposition or deferred adjudication; or

35 (d) Has two or more adjudications.

36 (2) The juvenile court ~~((may))~~ shall, except as provided by  
37 subsection (3) of this section, upon motion at least fourteen days  
38 before commencement of trial and, after consulting the juvenile's  
39 custodial parent or parents or guardian and with the consent of the

1 juvenile, continue the case for disposition for a period not to  
2 exceed one year from the date the juvenile is found guilty. ((The  
3 court shall consider whether the offender and the community will  
4 benefit from a deferred disposition before deferring the  
5 disposition.)) The court may waive the fourteen-day period anytime  
6 before the commencement of trial for good cause.

7 (3) If a juvenile offender is charged with animal cruelty in the  
8 first degree, the juvenile court may deny granting a deferred  
9 disposition to the juvenile, even if the juvenile otherwise may  
10 qualify for a deferred disposition. The judge shall consider whether  
11 the community will benefit from granting a deferred disposition to  
12 the juvenile offender.

13 (4) Any juvenile who agrees to a deferral of disposition shall:

14 (a) Stipulate to the admissibility of the facts contained in the  
15 written police report;

16 (b) Acknowledge that the report will be entered and used to  
17 support a finding of guilt and to impose a disposition if the  
18 juvenile fails to comply with terms of supervision;

19 (c) Waive the following rights to: (i) A speedy disposition; and  
20 (ii) call and confront witnesses; and

21 (d) Acknowledge the direct consequences of being found guilty and  
22 the direct consequences that will happen if an order of disposition  
23 is entered.

24 The adjudicatory hearing shall be limited to a reading of the  
25 court's record.

26 ~~((4))~~ (5) Following the stipulation, acknowledgment, waiver,  
27 and entry of a finding or plea of guilt, the court shall defer entry  
28 of an order of disposition of the juvenile.

29 ~~((5))~~ (6) Any juvenile granted a deferral of disposition under  
30 this section shall be placed under community supervision. The court  
31 may impose any conditions of supervision that it deems appropriate  
32 including posting a probation bond. Payment of restitution under RCW  
33 13.40.190 shall be a condition of community supervision under this  
34 section.

35 The court may require a juvenile offender convicted of animal  
36 cruelty in the first degree to submit to a mental health evaluation  
37 to determine if the offender would benefit from treatment and such  
38 intervention would promote the safety of the community. After  
39 consideration of the results of the evaluation, as a condition of

1 community supervision, the court may order the offender to attend  
2 treatment to address issues pertinent to the offense.

3 The court may require the juvenile to undergo a mental health or  
4 substance abuse assessment, or both. If the assessment identifies a  
5 need for treatment, conditions of supervision may include treatment  
6 for the assessed need that has been demonstrated to improve  
7 behavioral health and reduce recidivism.

8 The court shall require a juvenile granted a deferral of  
9 disposition for unlawful possession of a firearm in violation of RCW  
10 9.41.040 to participate in a qualifying program as described in RCW  
11 13.40.193(2)(b), when available, unless the court makes a written  
12 finding based on the outcome of the juvenile court risk assessment  
13 that participation in a qualifying program would not be appropriate.

14 ~~((+6))~~ (7) A parent who signed for a probation bond has the  
15 right to notify the counselor if the juvenile fails to comply with  
16 the bond or conditions of supervision. The counselor shall notify the  
17 court and surety of any failure to comply. A surety shall notify the  
18 court of the juvenile's failure to comply with the probation bond.  
19 The state shall bear the burden to prove, by a preponderance of the  
20 evidence, that the juvenile has failed to comply with the terms of  
21 community supervision.

22 ~~((+7))~~ (8)(a) Anytime prior to the conclusion of the period of  
23 supervision, the prosecutor or the juvenile's juvenile court  
24 community supervision counselor may file a motion with the court  
25 requesting the court revoke the deferred disposition based on the  
26 juvenile's lack of compliance or treat the juvenile's lack of  
27 compliance as a violation pursuant to RCW 13.40.200.

28 (b) If the court finds the juvenile failed to comply with the  
29 terms of the deferred disposition, the court may:

30 (i) Revoke the deferred disposition and enter an order of  
31 disposition; or

32 (ii) Impose sanctions for the violation pursuant to RCW  
33 13.40.200.

34 ~~((+8))~~ (9) At any time following deferral of disposition the  
35 court may, following a hearing, continue supervision for an  
36 additional one-year period for good cause.

37 ~~((+9))~~ (10)(a) At the conclusion of the period of supervision,  
38 the court shall determine whether the juvenile is entitled to  
39 dismissal of the deferred disposition only when the court finds:

40 (i) The deferred disposition has not been previously revoked;

1 (ii) The juvenile has completed the terms of supervision;  
2 (iii) There are no pending motions concerning lack of compliance  
3 pursuant to subsection ~~((7))~~ (8) of this section; and

4 (iv) The juvenile has either paid the full amount of restitution,  
5 or, made a good faith effort to pay the full amount of restitution  
6 during the period of supervision.

7 (b) If the court finds the juvenile is entitled to dismissal of  
8 the deferred disposition pursuant to (a) of this subsection, the  
9 juvenile's conviction shall be vacated and the court shall dismiss  
10 the case with prejudice, except that a conviction under RCW 16.52.205  
11 shall not be vacated. Whenever a case is dismissed with restitution  
12 still owing, the court shall enter a restitution order pursuant to  
13 RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce  
14 payment and modify terms of the restitution order shall be the same  
15 as those set forth in RCW 7.80.130.

16 (c) If the court finds the juvenile is not entitled to dismissal  
17 of the deferred disposition pursuant to (a) of this subsection, the  
18 court shall revoke the deferred disposition and enter an order of  
19 disposition. A deferred disposition shall remain a conviction unless  
20 the case is dismissed and the conviction is vacated pursuant to (b)  
21 of this subsection or sealed pursuant to RCW 13.50.260.

22 ~~((10))~~ (11)(a)(i) Any time the court vacates a conviction  
23 pursuant to subsection ~~((9))~~ (10) of this section, if the juvenile  
24 is eighteen years of age or older and the full amount of restitution  
25 owing to the individual victim named in the restitution order,  
26 excluding restitution owed to any insurance provider authorized under  
27 Title 48 RCW has been paid, the court shall enter a written order  
28 sealing the case.

29 (ii) Any time the court vacates a conviction pursuant to  
30 subsection ~~((9))~~ (10) of this section, if the juvenile is not  
31 eighteen years of age or older and full restitution ordered has been  
32 paid, the court shall schedule an administrative sealing hearing to  
33 take place no later than thirty days after the respondent's  
34 eighteenth birthday, at which time the court shall enter a written  
35 order sealing the case. The respondent's presence at the  
36 administrative sealing hearing is not required.

37 (iii) Any deferred disposition vacated prior to June 7, 2012, is  
38 not subject to sealing under this subsection.

1 (b) Nothing in this subsection shall preclude a juvenile from  
2 petitioning the court to have the records of his or her deferred  
3 dispositions sealed under RCW 13.50.260.

4 (c) Records sealed under this provision shall have the same legal  
5 status as records sealed under RCW 13.50.260.

6 **Sec. 3.** RCW 13.40.308 and 2009 c 454 s 4 are each amended to  
7 read as follows:

8 (1) If a respondent is adjudicated of taking a motor vehicle  
9 without permission in the first degree as defined in RCW 9A.56.070,  
10 the court shall impose the following minimum sentence, in addition to  
11 any restitution the court may order payable to the victim:

12 (a) Juveniles with a prior criminal history score of zero to one-  
13 half points shall be sentenced to a standard range sentence that  
14 includes no less than three months of community supervision,  
15 forty-five hours of community restitution, (~~(a two hundred dollar~~  
16 ~~fine,)~~) and a requirement that the juvenile remain at home such that  
17 the juvenile is confined to a private residence for no less than five  
18 days. (~~The juvenile may be subject to electronic monitoring where~~  
19 ~~available.~~) If the juvenile is enrolled in school, the confinement  
20 shall be served on nonschool days;

21 (b) Juveniles with a prior criminal history score of three-  
22 quarters to one and one-half points shall be sentenced to a standard  
23 range sentence that includes six months of community supervision, no  
24 less than ten days of detention, and ninety hours of community  
25 restitution(~~(, and a four hundred dollar fine)~~); and

26 (c) Juveniles with a prior criminal history score of two or more  
27 points shall be sentenced to no less than fifteen to thirty-six weeks  
28 commitment to the juvenile rehabilitation administration, four months  
29 of parole supervision, and ninety hours of community restitution(~~(, and a four hundred dollar fine)~~).

31 (2) If a respondent is adjudicated of theft of a motor vehicle as  
32 defined under RCW 9A.56.065, or possession of a stolen vehicle as  
33 defined under RCW 9A.56.068, the court shall impose the following  
34 minimum sentence, in addition to any restitution the court may order  
35 payable to the victim:

36 (a) Juveniles with a prior criminal history score of zero to one-  
37 half points shall be sentenced to a standard range sentence that  
38 includes no less than three months of community supervision(~~(, forty-~~  
39 ~~five hours of community restitution, a two hundred dollar fine,)~~) and

1 either ninety hours of community restitution or a requirement that  
2 the juvenile remain at home such that the juvenile is confined in a  
3 private residence for no less than five days(~~(. The juvenile may be~~  
4 ~~subject to electronic monitoring where available)), or a combination  
5 thereof that includes a minimum of three days home confinement and a  
6 maximum of forty hours of community restitution;~~

7 (b) Juveniles with a prior criminal history score of three-  
8 quarters to one and one-half points shall be sentenced to a standard  
9 range sentence that includes no less than six months of community  
10 supervision, no less than ten days of detention, and ninety hours of  
11 community restitution(~~(, and a four hundred dollar fine)); and~~

12 (c) Juveniles with a prior criminal history score of two or more  
13 points shall be sentenced to no less than fifteen to thirty-six weeks  
14 commitment to the juvenile rehabilitation administration, four months  
15 of parole supervision, and ninety hours of community restitution(~~(,~~  
16 ~~and a four hundred dollar fine)).~~

17 (3) If a respondent is adjudicated of taking a motor vehicle  
18 without permission in the second degree as defined in RCW 9A.56.075,  
19 the court shall impose a standard range as follows:

20 (a) Juveniles with a prior criminal history score of zero to one-  
21 half points shall be sentenced to a standard range sentence that  
22 includes three months of community supervision, fifteen hours of  
23 community restitution, and a requirement that the juvenile remain at  
24 home such that the juvenile is confined in a private residence for no  
25 less than one day. If the juvenile is enrolled in school, the  
26 confinement shall be served on nonschool days(~~(. The juvenile may be~~  
27 ~~subject to electronic monitoring where available));~~

28 (b) Juveniles with a prior criminal history score of three-  
29 quarters to one and one-half points shall be sentenced to a standard  
30 range sentence that includes no less than one day of detention, three  
31 months of community supervision, thirty hours of community  
32 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
33 that the juvenile remain at home such that the juvenile is confined  
34 in a private residence for no less than two days. If the juvenile is  
35 enrolled in school, the confinement shall be served on nonschool  
36 days(~~(. The juvenile may be subject to electronic monitoring where~~  
37 ~~available)); and~~

38 (c) Juveniles with a prior criminal history score of two or more  
39 points shall be sentenced to no less than three days of detention,  
40 six months of community supervision, forty-five hours of community

1 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
2 that the juvenile remain at home such that the juvenile is confined  
3 in a private residence for no less than seven days. If the juvenile  
4 is enrolled in school, the confinement shall be served on nonschool  
5 days. (~~(The juvenile may be subject to electronic monitoring where~~  
6 ~~available.)~~)

7 **Sec. 4.** RCW 10.99.030 and 1996 c 248 s 6 are each amended to  
8 read as follows:

9 (1) All training relating to the handling of domestic violence  
10 complaints by law enforcement officers shall stress enforcement of  
11 criminal laws in domestic situations, availability of community  
12 resources, and protection of the victim. Law enforcement agencies and  
13 community organizations with expertise in the issue of domestic  
14 violence shall cooperate in all aspects of such training.

15 (2) The criminal justice training commission shall implement by  
16 January 1, 1997, a course of instruction for the training of law  
17 enforcement officers in Washington in the handling of domestic  
18 violence complaints. The basic law enforcement curriculum of the  
19 criminal justice training commission shall include at least twenty  
20 hours of basic training instruction on the law enforcement response  
21 to domestic violence. The course of instruction, the learning and  
22 performance objectives, and the standards for the training shall be  
23 developed by the commission and focus on enforcing the criminal laws,  
24 safety of the victim, and holding the perpetrator accountable for the  
25 violence. The curriculum shall include training on the extent and  
26 prevalence of domestic violence, the importance of criminal justice  
27 intervention, techniques for responding to incidents that minimize  
28 the likelihood of officer injury and that promote victim safety,  
29 investigation and interviewing skills, evidence gathering and report  
30 writing, assistance to and services for victims and children,  
31 verification and enforcement of court orders, liability, and any  
32 additional provisions that are necessary to carry out the intention  
33 of this subsection.

34 (3) The criminal justice training commission shall develop and  
35 update annually an in-service training program to familiarize law  
36 enforcement officers with the domestic violence laws. The program  
37 shall include techniques for handling incidents of domestic violence  
38 that minimize the likelihood of injury to the officer and that  
39 promote the safety of all parties. The commission shall make the

1 training program available to all law enforcement agencies in the  
2 state.

3 (4) Development of the training in subsections (2) and (3) of  
4 this section shall be conducted in conjunction with agencies having a  
5 primary responsibility for serving victims of domestic violence with  
6 emergency shelter and other services, and representatives to the  
7 statewide organization providing training and education to these  
8 organizations and to the general public.

9 (5) The primary duty of peace officers, when responding to a  
10 domestic violence situation, is to enforce the laws allegedly  
11 violated and to protect the complaining party.

12 (6)(a) When a peace officer responds to a domestic violence call  
13 and has probable cause to believe that a crime has been committed,  
14 the peace officer shall exercise arrest powers with reference to the  
15 criteria in RCW 10.31.100. The officer shall notify the victim of the  
16 victim's right to initiate a criminal proceeding in all cases where  
17 the officer has not exercised arrest powers or decided to initiate  
18 criminal proceedings by citation or otherwise. The parties in such  
19 cases shall also be advised of the importance of preserving evidence.

20 (b) A peace officer responding to a domestic violence call shall  
21 take a complete offense report including the officer's disposition of  
22 the case.

23 (7) When a peace officer responds to a domestic violence call,  
24 the officer shall advise victims of all reasonable means to prevent  
25 further abuse, including advising each person of the availability of  
26 a shelter or other services in the community, and giving each person  
27 immediate notice of the legal rights and remedies available. The  
28 notice shall include handing each person a copy of the following  
29 statement:

30 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
31 city or county prosecuting attorney to file a criminal  
32 complaint. You also have the right to file a petition in  
33 superior, district, or municipal court requesting an order  
34 for protection from domestic abuse which could include any of  
35 the following: (a) An order restraining your abuser from  
36 further acts of abuse; (b) an order directing your abuser to  
37 leave your household; (c) an order preventing your abuser  
38 from entering your residence, school, business, or place of  
39 employment; (d) an order awarding you or the other parent

1 custody of or visitation with your minor child or children;  
2 and (e) an order restraining your abuser from molesting or  
3 interfering with minor children in your custody. The forms  
4 you need to obtain a protection order are available in any  
5 municipal, district, or superior court.

6 Information about shelters and alternatives to domestic  
7 violence is available from a statewide twenty-four-hour toll-  
8 free hot line at (include appropriate phone number). The  
9 battered women's shelter and other resources in your area  
10 are . . . . (include local information)"

11 (8) The peace officer may offer, arrange, or facilitate  
12 transportation for the victim to a hospital for treatment of injuries  
13 or to a place of safety or shelter.

14 (9) The law enforcement agency shall forward the offense report  
15 to the appropriate prosecutor within ten days of making such report  
16 if there is probable cause to believe that an offense has been  
17 committed, unless the case is under active investigation. Upon  
18 receiving the offense report, the prosecuting agency may, in its  
19 discretion, choose not to file the information as a domestic violence  
20 offense, if the offense was committed against a sibling, parent,  
21 stepparent, or grandparent.

22 (10) Each law enforcement agency shall make as soon as  
23 practicable a written record and shall maintain records of all  
24 incidents of domestic violence reported to it.

25 (11) Records kept pursuant to subsections (6) and (10) of this  
26 section shall be made identifiable by means of a departmental code  
27 for domestic violence.

28 (12) Commencing January 1, 1994, records of incidents of domestic  
29 violence shall be submitted, in accordance with procedures described  
30 in this subsection, to the Washington association of sheriffs and  
31 police chiefs by all law enforcement agencies. The Washington  
32 criminal justice training commission shall amend its contract for  
33 collection of statewide crime data with the Washington association of  
34 sheriffs and police chiefs:

35 (a) To include a table, in the annual report of crime in  
36 Washington produced by the Washington association of sheriffs and  
37 police chiefs pursuant to the contract, showing the total number of  
38 actual offenses and the number and percent of the offenses that are  
39 domestic violence incidents for the following crimes: (i) Criminal

1 homicide, with subtotals for murder and nonnegligent homicide and  
2 manslaughter by negligence; (ii) forcible rape, with subtotals for  
3 rape by force and attempted forcible rape; (iii) robbery, with  
4 subtotals for firearm, knife or cutting instrument, or other  
5 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals  
6 for firearm, knife or cutting instrument, other dangerous weapon,  
7 hands, feet, aggravated, and other nonaggravated assaults; (v)  
8 burglary, with subtotals for forcible entry, nonforcible unlawful  
9 entry, and attempted forcible entry; (vi) larceny theft, except motor  
10 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,  
11 trucks and buses, and other vehicles; (viii) arson; and (ix)  
12 violations of the provisions of a protection order or no-contact  
13 order restraining the person from going onto the grounds of or  
14 entering a residence, workplace, school, or day care, provided that  
15 specific appropriations are subsequently made for the collection and  
16 compilation of data regarding violations of protection orders or no-  
17 contact orders;

18 (b) To require that the table shall continue to be prepared and  
19 contained in the annual report of crime in Washington until that time  
20 as comparable or more detailed information about domestic violence  
21 incidents is available through the Washington state incident based  
22 reporting system and the information is prepared and contained in the  
23 annual report of crime in Washington; and

24 (c) To require that, in consultation with interested persons, the  
25 Washington association of sheriffs and police chiefs prepare and  
26 disseminate procedures to all law enforcement agencies in the state  
27 as to how the agencies shall code and report domestic violence  
28 incidents to the Washington association of sheriffs and police  
29 chiefs.

30 **Sec. 5.** RCW 13.40.265 and 2003 c 53 s 101 are each amended to  
31 read as follows:

32 (1)~~((a))~~ If a juvenile thirteen years of age or older is found  
33 by juvenile court to have committed an offense while armed with a  
34 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
35 ~~((iii))~~ (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
36 court shall notify the department of licensing within twenty-four  
37 hours after entry of the judgment, unless the offense is the  
38 juvenile's first offense while armed with a firearm, first unlawful

1 possession of a firearm offense, or first offense in violation of  
2 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

3 ~~((b))~~ (2) Except as otherwise provided in ~~((c) of this)~~  
4 subsection (3) of this section, upon petition of a juvenile who has  
5 been found by the court to have committed an offense that is a  
6 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may  
7 at any time the court deems appropriate notify the department of  
8 licensing that the juvenile's driving privileges should be  
9 reinstated.

10 ~~((c) If the offense is the juvenile's first violation of chapter~~  
11 ~~66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the~~  
12 ~~court for reinstatement of the juvenile's privilege to drive revoked~~  
13 ~~pursuant to RCW 46.20.265 until ninety days after the date the~~  
14 ~~juvenile turns sixteen or ninety days after the judgment was entered,~~  
15 ~~whichever is later.))~~ (3) If the offense is the juvenile's second or  
16 subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW,  
17 the juvenile may not petition the court for reinstatement of the  
18 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until  
19 the date the juvenile turns seventeen or one year after the date  
20 judgment was entered, whichever is later.

21 ~~((2)(a) If a juvenile enters into a diversion agreement with a~~  
22 ~~diversion unit pursuant to RCW 13.40.080 concerning an offense that~~  
23 ~~is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the~~  
24 ~~diversion unit shall notify the department of licensing within~~  
25 ~~twenty four hours after the diversion agreement is signed.~~

26 ~~(b) If a diversion unit has notified the department pursuant to~~  
27 ~~(a) of this subsection, the diversion unit shall notify the~~  
28 ~~department of licensing when the juvenile has completed the~~  
29 ~~agreement.))~~

30 **Sec. 6.** RCW 9.41.040 and 2014 c 111 s 1 are each amended to read  
31 as follows:

32 (1)(a) A person, whether an adult or juvenile, is guilty of the  
33 crime of unlawful possession of a firearm in the first degree, if the  
34 person owns, has in his or her possession, or has in his or her  
35 control any firearm after having previously been convicted or found  
36 not guilty by reason of insanity in this state or elsewhere of any  
37 serious offense as defined in this chapter.

38 (b) Unlawful possession of a firearm in the first degree is a  
39 class B felony punishable according to chapter 9A.20 RCW.

1 (2)(a) A person, whether an adult or juvenile, is guilty of the  
2 crime of unlawful possession of a firearm in the second degree, if  
3 the person does not qualify under subsection (1) of this section for  
4 the crime of unlawful possession of a firearm in the first degree and  
5 the person owns, has in his or her possession, or has in his or her  
6 control any firearm:

7 (i) After having previously been convicted or found not guilty by  
8 reason of insanity in this state or elsewhere of any felony not  
9 specifically listed as prohibiting firearm possession under  
10 subsection (1) of this section, or any of the following crimes when  
11 committed by one family or household member against another,  
12 committed on or after July 1, 1993: Assault in the fourth degree,  
13 coercion, stalking, reckless endangerment, criminal trespass in the  
14 first degree, or violation of the provisions of a protection order or  
15 no-contact order restraining the person or excluding the person from  
16 a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

17 (ii) During any period of time that the person is subject to a  
18 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,  
19 26.09, 26.10, 26.26, or 26.50 RCW that:

20 (A) Was issued after a hearing of which the person received  
21 actual notice, and at which the person had an opportunity to  
22 participate;

23 (B) Restrains the person from harassing, stalking, or threatening  
24 an intimate partner of the person or child of the intimate partner or  
25 person, or engaging in other conduct that would place an intimate  
26 partner in reasonable fear of bodily injury to the partner or child;  
27 and

28 (C)(I) Includes a finding that the person represents a credible  
29 threat to the physical safety of the intimate partner or child; and

30 (II) By its terms, explicitly prohibits the use, attempted use,  
31 or threatened use of physical force against the intimate partner or  
32 child that would reasonably be expected to cause bodily injury;

33 (iii) After having previously been involuntarily committed for  
34 mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740,  
35 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
36 jurisdiction, unless his or her right to possess a firearm has been  
37 restored as provided in RCW 9.41.047;

38 (iv) If the person is under eighteen years of age, except as  
39 provided in RCW 9.41.042; and/or

1 (v) If the person is free on bond or personal recognizance  
2 pending trial, appeal, or sentencing for a serious offense as defined  
3 in RCW 9.41.010.

4 (b) Unlawful possession of a firearm in the second degree is a  
5 class C felony punishable according to chapter 9A.20 RCW.

6 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
7 as used in this chapter, a person has been "convicted", whether in an  
8 adult court or adjudicated in a juvenile court, at such time as a  
9 plea of guilty has been accepted, or a verdict of guilty has been  
10 filed, notwithstanding the pendency of any future proceedings  
11 including but not limited to sentencing or disposition, post-trial or  
12 post-fact-finding motions, and appeals. Conviction includes a  
13 dismissal entered after a period of probation, suspension or deferral  
14 of sentence, and also includes equivalent dispositions by courts in  
15 jurisdictions other than Washington state. A person shall not be  
16 precluded from possession of a firearm if the conviction has been the  
17 subject of a pardon, annulment, certificate of rehabilitation, or  
18 other equivalent procedure based on a finding of the rehabilitation  
19 of the person convicted or the conviction or disposition has been the  
20 subject of a pardon, annulment, or other equivalent procedure based  
21 on a finding of innocence. Where no record of the court's disposition  
22 of the charges can be found, there shall be a rebuttable presumption  
23 that the person was not convicted of the charge.

24 (4)(a) Notwithstanding subsection (1) or (2) of this section, a  
25 person convicted or found not guilty by reason of insanity of an  
26 offense prohibiting the possession of a firearm under this section  
27 other than murder, manslaughter, robbery, rape, indecent liberties,  
28 arson, assault, kidnapping, extortion, burglary, or violations with  
29 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
30 who received a probationary sentence under RCW 9.95.200, and who  
31 received a dismissal of the charge under RCW 9.95.240, shall not be  
32 precluded from possession of a firearm as a result of the conviction  
33 or finding of not guilty by reason of insanity. Notwithstanding any  
34 other provisions of this section, if a person is prohibited from  
35 possession of a firearm under subsection (1) or (2) of this section  
36 and has not previously been convicted or found not guilty by reason  
37 of insanity of a sex offense prohibiting firearm ownership under  
38 subsection (1) or (2) of this section and/or any felony defined under  
39 any law as a class A felony or with a maximum sentence of at least

1 twenty years, or both, the individual may petition a court of record  
2 to have his or her right to possess a firearm restored:

3 (i) Under RCW 9.41.047; and/or

4 (ii)(A) If the conviction or finding of not guilty by reason of  
5 insanity was for a felony offense, after five or more consecutive  
6 years in the community without being convicted or found not guilty by  
7 reason of insanity or currently charged with any felony, gross  
8 misdemeanor, or misdemeanor crimes, if the individual has no prior  
9 felony convictions that prohibit the possession of a firearm counted  
10 as part of the offender score under RCW 9.94A.525; or

11 (B) If the conviction or finding of not guilty by reason of  
12 insanity was for a nonfelony offense, after three or more consecutive  
13 years in the community without being convicted or found not guilty by  
14 reason of insanity or currently charged with any felony, gross  
15 misdemeanor, or misdemeanor crimes, if the individual has no prior  
16 felony convictions that prohibit the possession of a firearm counted  
17 as part of the offender score under RCW 9.94A.525 and the individual  
18 has completed all conditions of the sentence.

19 (b) An individual may petition a court of record to have his or  
20 her right to possess a firearm restored under (a) of this subsection  
21 (4) only at:

22 (i) The court of record that ordered the petitioner's prohibition  
23 on possession of a firearm; or

24 (ii) The superior court in the county in which the petitioner  
25 resides.

26 (5) In addition to any other penalty provided for by law, if a  
27 person under the age of eighteen years is found by a court to have  
28 possessed a firearm in a vehicle in violation of subsection (1) or  
29 (2) of this section or to have committed an offense while armed with  
30 a firearm during which offense a motor vehicle served an integral  
31 function, the court shall notify the department of licensing within  
32 twenty-four hours and the person's privilege to drive shall be  
33 revoked under RCW 46.20.265, unless the offense is the juvenile's  
34 first offense in violation of this section and has not committed an  
35 offense while armed with a firearm, an unlawful possession of a  
36 firearm offense, or an offense in violation of chapter 66.44, 69.52,  
37 69.41, or 69.50 RCW.

38 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
39 or interpreted as preventing an offender from being charged and  
40 subsequently convicted for the separate felony crimes of theft of a

1 firearm or possession of a stolen firearm, or both, in addition to  
2 being charged and subsequently convicted under this section for  
3 unlawful possession of a firearm in the first or second degree.  
4 Notwithstanding any other law, if the offender is convicted under  
5 this section for unlawful possession of a firearm in the first or  
6 second degree and for the felony crimes of theft of a firearm or  
7 possession of a stolen firearm, or both, then the offender shall  
8 serve consecutive sentences for each of the felony crimes of  
9 conviction listed in this subsection.

10 (7) Each firearm unlawfully possessed under this section shall be  
11 a separate offense.

12 (8) For purposes of this section, "intimate partner" includes: A  
13 spouse, a domestic partner, a former spouse, a former domestic  
14 partner, a person with whom the restrained person has a child in  
15 common, or a person with whom the restrained person has cohabitated  
16 or is cohabitating as part of a dating relationship.

17 **Sec. 7.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to  
18 read as follows:

19 (1) In addition to any other authority to revoke driving  
20 privileges under this chapter, the department shall revoke all  
21 driving privileges of a juvenile when the department receives notice  
22 from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365,  
23 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal  
24 ordinance adopted by a local legislative authority, or from a  
25 diversion unit pursuant to RCW 13.40.265.

26 (2) The driving privileges of the juvenile revoked under  
27 subsection (1) of this section shall be revoked in the following  
28 manner:

29 (a) Upon receipt of the first notice, the department shall impose  
30 a revocation for one year, or until the juvenile reaches seventeen  
31 years of age, whichever is longer.

32 (b) Upon receipt of a second or subsequent notice, the department  
33 shall impose a revocation for two years or until the juvenile reaches  
34 eighteen years of age, whichever is longer.

35 (c) Each offense for which the department receives notice shall  
36 result in a separate period of revocation. All periods of revocation  
37 imposed under this section that could otherwise overlap shall run  
38 consecutively up to the juvenile's twenty-first birthday, and no  
39 period of revocation imposed under this section shall begin before

1 the expiration of all other periods of revocation imposed under this  
2 section or other law. Periods of revocation imposed consecutively  
3 under this section shall not extend beyond the juvenile's twenty-  
4 first birthday.

5 (3)(a) If the department receives notice from a court that the  
6 juvenile's privilege to drive should be reinstated, the department  
7 shall immediately reinstate any driving privileges that have been  
8 revoked under this section if the minimum term of revocation as  
9 specified in RCW 13.40.265(~~((1)(e))~~) (3), 66.44.365(3), 69.41.065(3),  
10 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
11 subject to subsection (2)(c) of this section.

12 (b) The juvenile may seek reinstatement of his or her driving  
13 privileges from the department when the juvenile reaches the age of  
14 twenty-one. A notice from the court reinstating the juvenile's  
15 driving privilege shall not be required if reinstatement is pursuant  
16 to this subsection.

17 ~~((4)(a) If the department receives notice pursuant to RCW  
18 13.40.265(2)(b) from a diversion unit that a juvenile has completed a  
19 diversion agreement for which the juvenile's driving privileges were  
20 revoked, the department shall reinstate any driving privileges  
21 revoked under this section as provided in (b) of this subsection,  
22 subject to subsection (2)(c) of this section.~~

23 ~~(b) If the diversion agreement was for the juvenile's first  
24 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
25 department shall not reinstate the juvenile's privilege to drive  
26 until the later of ninety days after the date the juvenile turns  
27 sixteen or ninety days after the juvenile entered into a diversion  
28 agreement for the offense. If the diversion agreement was for the  
29 juvenile's second or subsequent violation of chapter 66.44, 69.41,  
30 69.50, or 69.52 RCW, the department shall not reinstate the  
31 juvenile's privilege to drive until the later of the date the  
32 juvenile turns seventeen or one year after the juvenile entered into  
33 the second or subsequent diversion agreement.))~~

34 **Sec. 8.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to  
35 read as follows:

36 (1) If a juvenile thirteen years of age or older and under the  
37 age of eighteen is found by a court to have committed any offense  
38 that is a violation of this chapter, the court shall notify the  
39 department of licensing within twenty-four hours after entry of the

1 judgment, unless the offense is the juvenile's first offense in  
2 violation of this chapter and has not committed an offense while  
3 armed with a firearm, an unlawful possession of a firearm offense, or  
4 an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

5 (2) Except as otherwise provided in subsection (3) of this  
6 section, upon petition of a juvenile whose privilege to drive has  
7 been revoked pursuant to RCW 46.20.265, the court may notify the  
8 department of licensing that the juvenile's privilege to drive should  
9 be reinstated.

10 (3) If the conviction is for the juvenile's first violation of  
11 this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may  
12 not petition the court for reinstatement of the juvenile's privilege  
13 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
14 days after the date the juvenile turns sixteen or ninety days after  
15 the judgment was entered. If the conviction was for the juvenile's  
16 second or subsequent violation of this chapter or chapter 69.41,  
17 69.50, or 69.52 RCW, the juvenile may not petition the court for  
18 reinstatement of the juvenile's privilege to drive revoked pursuant  
19 to RCW 46.20.265 until the later of the date the juvenile turns  
20 seventeen or one year after the date judgment was entered.

21 **Sec. 9.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to  
22 read as follows:

23 (1) If a juvenile thirteen years of age or older and under the  
24 age of twenty-one is found by a court to have committed any offense  
25 that is a violation of this chapter, the court shall notify the  
26 department of licensing within twenty-four hours after entry of the  
27 judgment, unless the offense is the juvenile's first offense in  
28 violation of this chapter and has not committed an offense while  
29 armed with a firearm, an unlawful possession of a firearm offense, or  
30 an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

31 (2) Except as otherwise provided in subsection (3) of this  
32 section, upon petition of a juvenile whose privilege to drive has  
33 been revoked pursuant to RCW 46.20.265, the court may notify the  
34 department of licensing that the juvenile's privilege to drive should  
35 be reinstated.

36 (3) If the conviction is for the juvenile's first violation of  
37 this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may  
38 not petition the court for reinstatement of the juvenile's privilege  
39 to drive revoked pursuant to RCW 46.20.265 until the later of ninety

1 days after the date the juvenile turns sixteen or ninety days after  
2 the judgment was entered. If the conviction was for the juvenile's  
3 second or subsequent violation of this chapter or chapter 66.44,  
4 69.50, or 69.52 RCW, the juvenile may not petition the court for  
5 reinstatement of the juvenile's privilege to drive revoked pursuant  
6 to RCW 46.20.265 until the later of the date the juvenile turns  
7 seventeen or one year after the date judgment was entered.

8       **Sec. 10.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to  
9 read as follows:

10       (1) If a juvenile thirteen years of age or older and under the  
11 age of twenty-one is found by a court to have committed any offense  
12 that is a violation of this chapter, the court shall notify the  
13 department of licensing within twenty-four hours after entry of the  
14 judgment, unless the offense is the juvenile's first offense in  
15 violation of this chapter and has not committed an offense while  
16 armed with a firearm, an unlawful possession of a firearm offense, or  
17 an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

18       (2) Except as otherwise provided in subsection (3) of this  
19 section, upon petition of a juvenile whose privilege to drive has  
20 been revoked pursuant to RCW 46.20.265, the court may at any time the  
21 court deems appropriate notify the department of licensing to  
22 reinstate the juvenile's privilege to drive.

23       (3) If the conviction is for the juvenile's first violation of  
24 this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may  
25 not petition the court for reinstatement of the juvenile's privilege  
26 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
27 days after the date the juvenile turns sixteen or ninety days after  
28 the judgment was entered. If the conviction was for the juvenile's  
29 second or subsequent violation of this chapter or chapter 66.44,  
30 69.41, or 69.52 RCW, the juvenile may not petition the court for  
31 reinstatement of the juvenile's privilege to drive revoked pursuant  
32 to RCW 46.20.265 until the later of the date the juvenile turns  
33 seventeen or one year after the date judgment was entered.

34       **Sec. 11.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to  
35 read as follows:

36       (1) If a juvenile thirteen years of age or older and under the  
37 age of twenty-one is found by a court to have committed any offense  
38 that is a violation of this chapter, the court shall notify the

1 department of licensing within twenty-four hours after entry of the  
2 judgment, unless the offense is the juvenile's first offense in  
3 violation of this chapter and has not committed an offense while  
4 armed with a firearm, an unlawful possession of a firearm offense, or  
5 an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

6 (2) Except as otherwise provided in subsection (3) of this  
7 section, upon petition of a juvenile whose privilege to drive has  
8 been revoked pursuant to RCW 46.20.265, the court may at any time the  
9 court deems appropriate notify the department of licensing to  
10 reinstate the juvenile's privilege to drive.

11 (3) If the conviction is for the juvenile's first violation of  
12 this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may  
13 not petition the court for reinstatement of the juvenile's privilege  
14 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
15 days after the date the juvenile turns sixteen or ninety days after  
16 the judgment was entered. If the conviction was for the juvenile's  
17 second or subsequent violation of this chapter or chapter 66.44,  
18 69.41, or 69.50 RCW, the juvenile may not petition the court for  
19 reinstatement of the juvenile's privilege to drive revoked pursuant  
20 to RCW 46.20.265 until the later of the date the juvenile turns  
21 seventeen or one year after the date judgment was entered.

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