
HOUSE BILL 2906

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By Representatives Stambaugh, Kagi, Magendanz, Tharinger, Ortiz-Self, Frame, Goodman, and Ormsby

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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, and 13.40.265.

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

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

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

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

18 (a) Protect the citizenry from criminal behavior;

19 (b) Provide for determining whether accused juveniles have
20 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));~~);

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

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

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

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

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

36 (c) Juveniles with a prior criminal history score of two or more
37 points shall be sentenced to no less than three days of detention,
38 six months of community supervision, forty-five hours of community
39 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement
40 that the juvenile remain at home such that the juvenile is confined

1 in a private residence for no less than seven days. If the juvenile
2 is enrolled in school, the confinement shall be served on nonschool
3 days. (~~The juvenile may be subject to electronic monitoring where~~
4 ~~available.~~)

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

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

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

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

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

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

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

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

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

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

1 interfering with minor children in your custody. The forms
2 you need to obtain a protection order are available in any
3 municipal, district, or superior court.

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

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

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

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

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

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

33 (a) To include a table, in the annual report of crime in
34 Washington produced by the Washington association of sheriffs and
35 police chiefs pursuant to the contract, showing the total number of
36 actual offenses and the number and percent of the offenses that are
37 domestic violence incidents for the following crimes: (i) Criminal
38 homicide, with subtotals for murder and nonnegligent homicide and
39 manslaughter by negligence; (ii) forcible rape, with subtotals for

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

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

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

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

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

38 ~~((b))~~ (2) Except as otherwise provided in ~~((c) of this)~~
39 subsection (3) of this section, upon petition of a juvenile who has

1 been found by the court to have committed an offense that is a
2 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may
3 at any time the court deems appropriate notify the department of
4 licensing that the juvenile's driving privileges should be
5 reinstated.

6 ~~((c) If the offense is the juvenile's first violation of chapter
7 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the
8 court for reinstatement of the juvenile's privilege to drive revoked
9 pursuant to RCW 46.20.265 until ninety days after the date the
10 juvenile turns sixteen or ninety days after the judgment was entered,
11 whichever is later.)) (3) If the offense is the juvenile's second or
12 subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW,
13 the juvenile may not petition the court for reinstatement of the
14 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until
15 the date the juvenile turns seventeen or one year after the date
16 judgment was entered, whichever is later.~~

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

22 ~~(b) If a diversion unit has notified the department pursuant to
23 (a) of this subsection, the diversion unit shall notify the
24 department of licensing when the juvenile has completed the
25 agreement.))~~

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