

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6160

Chapter 162, Laws of 2018

65th Legislature
2018 Regular Session

JUVENILE COURT JURISDICTION

EFFECTIVE DATE: June 7, 2018—Except for sections 2 and 7, which become effective July 1, 2019.

Passed by the Senate March 5, 2018
Yeas 31 Nays 18

CYRUS HABIB

President of the Senate

Passed by the House February 28, 2018
Yeas 58 Nays 40

FRANK CHOPP

Speaker of the House of Representatives

Approved March 22, 2018 10:40 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6160** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 26, 2018

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6160

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By Senate Ways & Means (originally sponsored by Senators Kuderer, Darneille, and Palumbo)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to revising conditions under which a person is
2 subject to exclusive adult jurisdiction and extending juvenile court
3 jurisdiction over serious cases to age twenty-five; amending RCW
4 13.04.030, 13.40.0357, 13.40.110, 13.40.193, 13.40.300, and
5 13.40.300; reenacting and amending RCW 13.04.030; adding a new
6 section to chapter 13.40 RCW; creating a new section; prescribing
7 penalties; providing an effective date; and providing an expiration
8 date.

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

10 **Sec. 1.** RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are
11 each reenacted and amended to read as follows:

12 (1) Except as provided in this section, the juvenile courts in
13 this state shall have exclusive original jurisdiction over all
14 proceedings:

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

17 (b) Relating to children alleged or found to be dependent as
18 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

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

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

3 (e) Relating to juveniles alleged or found to have committed
4 offenses, traffic or civil infractions, or violations as provided in
5 RCW 13.40.020 through 13.40.230, unless:

6 (i) The juvenile court transfers jurisdiction of a particular
7 juvenile to adult criminal court pursuant to RCW 13.40.110;

8 (ii) The statute of limitations applicable to adult prosecution
9 for the offense, traffic or civil infraction, or violation has
10 expired;

11 (iii) The alleged offense or infraction is a traffic, fish,
12 boating, or game offense, or traffic or civil infraction committed by
13 a juvenile sixteen years of age or older and would, if committed by
14 an adult, be tried or heard in a court of limited jurisdiction, in
15 which instance the appropriate court of limited jurisdiction shall
16 have jurisdiction over the alleged offense or infraction, and no
17 guardian ad litem is required in any such proceeding due to the
18 juvenile's age. If such an alleged offense or infraction and an
19 alleged offense or infraction subject to juvenile court jurisdiction
20 arise out of the same event or incident, the juvenile court may have
21 jurisdiction of both matters. The jurisdiction under this subsection
22 does not constitute "transfer" or a "decline" for purposes of RCW
23 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited
24 jurisdiction which confine juveniles for an alleged offense or
25 infraction may place juveniles in juvenile detention facilities under
26 an agreement with the officials responsible for the administration of
27 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

28 (iv) The alleged offense is a traffic or civil infraction, a
29 violation of compulsory school attendance provisions under chapter
30 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
31 has assumed concurrent jurisdiction over those offenses as provided
32 in RCW 13.04.0301; or

33 (v) The juvenile is sixteen or seventeen years old on the date
34 the alleged offense is committed and the alleged offense is:

35 (A) A serious violent offense as defined in RCW 9.94A.030;

36 (B) A violent offense as defined in RCW 9.94A.030 and the
37 juvenile has a criminal history consisting of: ~~((I))~~ One or more
38 prior serious violent offenses; ~~((II))~~ two or more prior violent
39 offenses; or ~~((III))~~ three or more of any combination of the
40 following offenses: Any class A felony, any class B felony, vehicular

1 assault, or manslaughter in the second degree, all of which must have
2 been committed after the juvenile's thirteenth birthday and
3 prosecuted separately; or

4 ~~(C) ((Robbery in the first degree, rape of a child in the first
5 degree, or drive by shooting, committed on or after July 1, 1997;~~

6 ~~(D) Burglary in the first degree committed on or after July 1,
7 1997, and the juvenile has a criminal history consisting of one or
8 more prior felony or misdemeanor offenses; or~~

9 ~~(E) Any violent offense as defined in RCW 9.94A.030 committed on
10 or after July 1, 1997, and the juvenile is alleged to have been armed
11 with a firearm)) Rape of a child in the first degree.~~

12 (I) In such a case the adult criminal court shall have exclusive
13 original jurisdiction, except as provided in (e)(v)((~~E~~)) (C)(II)
14 and (III) of this subsection.

15 (II) The juvenile court shall have exclusive jurisdiction over
16 the disposition of any remaining charges in any case in which the
17 juvenile is found not guilty in the adult criminal court of the
18 charge or charges for which he or she was transferred, or is
19 convicted in the adult criminal court of a lesser included offense
20 that is not also an offense listed in (e)(v) of this subsection. The
21 juvenile court shall ~~((enter an order extending))~~ maintain residual
22 juvenile court jurisdiction up to age twenty-five if the juvenile has
23 turned eighteen years of age during the adult criminal court
24 proceedings but only for the purpose of returning a case to juvenile
25 court for disposition pursuant to RCW 13.40.300 (3)(d). However, once
26 the case is returned to juvenile court, the court may hold a decline
27 hearing pursuant to RCW 13.40.110 to determine whether to retain the
28 case in juvenile court for the purpose of disposition or return the
29 case to adult criminal court for sentencing.

30 (III) The prosecutor and respondent may agree to juvenile court
31 jurisdiction and waive application of exclusive adult criminal
32 jurisdiction in (e)(v)(A) through ~~((E))~~ (C) of this subsection and
33 remove the proceeding back to juvenile court with the court's
34 approval.

35 If the juvenile challenges the state's determination of the
36 juvenile's criminal history under (e)(v) of this subsection, the
37 state may establish the offender's criminal history by a
38 preponderance of the evidence. If the criminal history consists of
39 adjudications entered upon a plea of guilty, the state shall not bear
40 a burden of establishing the knowing and voluntariness of the plea;

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

3 (g) Relating to termination of a diversion agreement under RCW
4 13.40.080, including a proceeding in which the divertee has attained
5 eighteen years of age;

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

12 (i) Relating to petitions to compel disclosure of information
13 filed by the department of social and health services pursuant to RCW
14 74.13.042; and

15 (j) Relating to judicial determinations and permanency planning
16 hearings involving developmentally disabled children who have been
17 placed in out-of-home care pursuant to a voluntary placement
18 agreement between the child's parent, guardian, or legal custodian
19 and the department of social and health services.

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

24 (3) The juvenile court shall have concurrent original
25 jurisdiction with the family court over child custody proceedings
26 under chapter 26.10 RCW and parenting plans or residential schedules
27 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

28 (4) A juvenile subject to adult superior court jurisdiction under
29 subsection (1)(e)(i) through (v) of this section, who is detained
30 pending trial, may be detained in a detention facility as defined in
31 RCW 13.40.020 pending sentencing or a dismissal.

32 **Sec. 2.** RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each
33 amended to read as follows:

34 (1) Except as provided in this section, the juvenile courts in
35 this state shall have exclusive original jurisdiction over all
36 proceedings:

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38 provided in chapter 26.34 RCW;

1 (b) Relating to children alleged or found to be dependent as
2 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

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

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

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8 offenses, traffic or civil infractions, or violations as provided in
9 RCW 13.40.020 through 13.40.230, unless:

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11 juvenile to adult criminal court pursuant to RCW 13.40.110;

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14 expired;

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16 boating, or game offense, or traffic or civil infraction committed by
17 a juvenile sixteen years of age or older and would, if committed by
18 an adult, be tried or heard in a court of limited jurisdiction, in
19 which instance the appropriate court of limited jurisdiction shall
20 have jurisdiction over the alleged offense or infraction, and no
21 guardian ad litem is required in any such proceeding due to the
22 juvenile's age. If such an alleged offense or infraction and an
23 alleged offense or infraction subject to juvenile court jurisdiction
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25 jurisdiction of both matters. The jurisdiction under this subsection
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27 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
28 jurisdiction which confine juveniles for an alleged offense or
29 infraction may place juveniles in juvenile detention facilities under
30 an agreement with the officials responsible for the administration of
31 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

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3 prior serious violent offenses; ~~((II))~~ two or more prior violent
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6 assault, or manslaughter in the second degree, all of which must have
7 been committed after the juvenile's thirteenth birthday and
8 prosecuted separately; or

9 ~~(C) (Robbery in the first degree, rape of a child in the first
10 degree, or drive by shooting, committed on or after July 1, 1997;~~

11 ~~(D) Burglary in the first degree committed on or after July 1,
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13 more prior felony or misdemeanor offenses; or~~

14 ~~(E) Any violent offense as defined in RCW 9.94A.030 committed on
15 or after July 1, 1997, and the juvenile is alleged to have been armed
16 with a firearm)) Rape of a child in the first degree.~~

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18 original jurisdiction, except as provided in (e)(v)~~((E))~~ (C)(II)
19 and (III) of this subsection.

20 (II) The juvenile court shall have exclusive jurisdiction over
21 the disposition of any remaining charges in any case in which the
22 juvenile is found not guilty in the adult criminal court of the
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24 convicted in the adult criminal court of a lesser included offense
25 that is not also an offense listed in (e)(v) of this subsection. The
26 juvenile court shall ~~((enter an order extending))~~ maintain residual
27 juvenile court jurisdiction up to age twenty-five if the juvenile has
28 turned eighteen years of age during the adult criminal court
29 proceedings but only for the purpose of returning a case to juvenile
30 court for disposition pursuant to RCW 13.40.300 (3)(d). However, once
31 the case is returned to juvenile court, the court may hold a decline
32 hearing pursuant to RCW 13.40.110 to determine whether to retain the
33 case in juvenile court for the purpose of disposition or return the
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36 jurisdiction and waive application of exclusive adult criminal
37 jurisdiction in (e)(v)(A) through ~~((E))~~ (C) of this subsection and
38 remove the proceeding back to juvenile court with the court's
39 approval.

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2 juvenile's criminal history under (e)(v) of this subsection, the
3 state may establish the offender's criminal history by a
4 preponderance of the evidence. If the criminal history consists of
5 adjudications entered upon a plea of guilty, the state shall not bear
6 a burden of establishing the knowing and voluntariness of the plea;

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8 chapter 13.24 RCW;

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10 13.40.080, including a proceeding in which the divertee has attained
11 eighteen years of age;

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14 Indian custodian of an Indian child, except if the parent or Indian
15 custodian and child are residents of or domiciled within the
16 boundaries of a federally recognized Indian reservation over which
17 the tribe exercises exclusive jurisdiction;

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19 filed by the department of social and health services pursuant to RCW
20 74.13.042; and

21 (j) Relating to judicial determinations and permanency planning
22 hearings involving developmentally disabled children who have been
23 placed in out-of-home care pursuant to a voluntary placement
24 agreement between the child's parent, guardian, or legal custodian
25 and the department of social and health services and the department
26 of children, youth, and families.

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

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34 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

35 (4) A juvenile subject to adult superior court jurisdiction under
36 subsection (1)(e)(i) through (v) of this section, who is detained
37 pending trial, may be detained in a detention facility as defined in
38 RCW 13.40.020 pending sentencing or a dismissal.

| | | | |
|----|----|--|----|
| 1 | | Burglary and Trespass | |
| 2 | B+ | Burglary 1 (9A.52.020) <u>committed at age</u> | |
| 3 | | <u>15 or under</u> | C+ |
| 4 | A- | <u>Burglary 1 (9A.52.020) committed at age</u> | |
| 5 | | <u>16 or 17</u> | B+ |
| 6 | B | Residential Burglary (9A.52.025) | C |
| 7 | B | Burglary 2 (9A.52.030) | C |
| 8 | D | Burglary Tools (Possession of) (9A.52.060) | E |
| 9 | D | Criminal Trespass 1 (9A.52.070) | E |
| 10 | E | Criminal Trespass 2 (9A.52.080) | E |
| 11 | C | Mineral Trespass (78.44.330) | C |
| 12 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 13 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 14 | | Drugs | |
| 15 | E | Possession/Consumption of Alcohol | |
| 16 | | (66.44.270) | E |
| 17 | C | Illegally Obtaining Legend Drug | |
| 18 | | (69.41.020) | D |
| 19 | C+ | Sale, Delivery, Possession of Legend Drug | |
| 20 | | with Intent to Sell (69.41.030(2)(a)) | D+ |
| 21 | E | Possession of Legend Drug | |
| 22 | | (69.41.030(2)(b)) | E |
| 23 | B+ | Violation of Uniform Controlled | |
| 24 | | Substances Act - Narcotic, | |
| 25 | | Methamphetamine, or Flunitrazepam Sale | |
| 26 | | (69.50.401(2) (a) or (b)) | B+ |
| 27 | C | Violation of Uniform Controlled | |
| 28 | | Substances Act - Nonnarcotic Sale | |
| 29 | | (69.50.401(2)(c)) | C |
| 30 | E | Possession of Marihuana <40 grams | |
| 31 | | (69.50.4014) | E |
| 32 | C | Fraudulently Obtaining Controlled | |
| 33 | | Substance (69.50.403) | C |
| 34 | C+ | Sale of Controlled Substance for Profit | |
| 35 | | (69.50.410) | C+ |
| 36 | E | Unlawful Inhalation (9.47A.020) | E |

| | | | |
|----|----|---|----|
| 1 | B | Violation of Uniform Controlled | |
| 2 | | Substances Act - Narcotic, | |
| 3 | | Methamphetamine, or Flunitrazepam | |
| 4 | | Counterfeit Substances (69.50.4011(2) (a) | |
| 5 | | or (b)) | B |
| 6 | C | Violation of Uniform Controlled | |
| 7 | | Substances Act - Nonnarcotic Counterfeit | |
| 8 | | Substances (69.50.4011(2) (c), (d), or (e)) | C |
| 9 | C | Violation of Uniform Controlled | |
| 10 | | Substances Act - Possession of a Controlled | |
| 11 | | Substance (69.50.4013) | C |
| 12 | C | Violation of Uniform Controlled | |
| 13 | | Substances Act - Possession of a Controlled | |
| 14 | | Substance (69.50.4012) | C |
| 15 | | Firearms and Weapons | |
| 16 | B | Theft of Firearm (9A.56.300) | C |
| 17 | B | Possession of Stolen Firearm (9A.56.310) | C |
| 18 | E | Carrying Loaded Pistol Without Permit | |
| 19 | | (9.41.050) | E |
| 20 | C | Possession of Firearms by Minor (<18) | |
| 21 | | (9.41.040(2)(a) (iv)) | C |
| 22 | D+ | Possession of Dangerous Weapon | |
| 23 | | (9.41.250) | E |
| 24 | D | Intimidating Another Person by use of | |
| 25 | | Weapon (9.41.270) | E |
| 26 | | Homicide | |
| 27 | A+ | Murder 1 (9A.32.030) | A |
| 28 | A+ | Murder 2 (9A.32.050) | B+ |
| 29 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 30 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 31 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 32 | | Kidnapping | |
| 33 | A | Kidnap 1 (9A.40.020) | B+ |
| 34 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 35 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 36 | | Obstructing Governmental Operation | |

| | | | |
|----|-----|---|----|
| 1 | D | Obstructing a Law Enforcement Officer (9A.76.020) | E |
| 2 | | | |
| 3 | E | Resisting Arrest (9A.76.040) | E |
| 4 | B | Introducing Contraband 1 (9A.76.140) | C |
| 5 | C | Introducing Contraband 2 (9A.76.150) | D |
| 6 | E | Introducing Contraband 3 (9A.76.160) | E |
| 7 | B+ | Intimidating a Public Servant (9A.76.180) | C+ |
| 8 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 9 | | Public Disturbance | |
| 10 | C+ | Criminal Mischief with Weapon (9A.84.010(2)(b)) | D+ |
| 11 | | | |
| 12 | D+ | Criminal Mischief Without Weapon (9A.84.010(2)(a)) | E |
| 13 | | | |
| 14 | E | Failure to Disperse (9A.84.020) | E |
| 15 | E | Disorderly Conduct (9A.84.030) | E |
| 16 | | Sex Crimes | |
| 17 | A | Rape 1 (9A.44.040) | B+ |
| 18 | B++ | <u>Rape 2 (9A.44.050) committed at age 14 or</u> | |
| 19 | | <u>under</u> | B+ |
| 20 | A- | Rape 2 (9A.44.050) <u>committed at age 15</u> | |
| 21 | | <u>through age 17</u> | B+ |
| 22 | C+ | Rape 3 (9A.44.060) | D+ |
| 23 | B++ | <u>Rape of a Child 1 (9A.44.073) committed at</u> | |
| 24 | | <u>age 14 or under</u> | B+ |
| 25 | A- | Rape of a Child 1 (9A.44.073) <u>committed at</u> | |
| 26 | | <u>age 15</u> | B+ |
| 27 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 28 | B | Incest 1 (9A.64.020(1)) | C |
| 29 | C | Incest 2 (9A.64.020(2)) | D |
| 30 | D+ | Indecent Exposure (Victim <14) (9A.88.010) | E |
| 31 | | | |
| 32 | E | Indecent Exposure (Victim 14 or over) (9A.88.010) | E |
| 33 | | | |
| 34 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 35 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 36 | E | O & A (Prostitution) (9A.88.030) | E |

| | | | |
|----|-----|--|----|
| 1 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 2 | B++ | <u>Child Molestation 1 (9A.44.083) committed</u> | |
| 3 | | <u>at age 14 or under</u> | B+ |
| 4 | A- | Child Molestation 1 (9A.44.083) <u>committed</u> | |
| 5 | | <u>at age 15 through age 17</u> | B+ |
| 6 | B | Child Molestation 2 (9A.44.086) | C+ |
| 7 | C | Failure to Register as a Sex Offender | |
| 8 | | (9A.44.132) | D |
| 9 | | Theft, Robbery, Extortion, and Forgery | |
| 10 | B | Theft 1 (9A.56.030) | C |
| 11 | C | Theft 2 (9A.56.040) | D |
| 12 | D | Theft 3 (9A.56.050) | E |
| 13 | B | Theft of Livestock 1 and 2 (9A.56.080 and | |
| 14 | | 9A.56.083) | C |
| 15 | C | Forgery (9A.60.020) | D |
| 16 | A | Robbery 1 (9A.56.200) <u>committed at age</u> | |
| 17 | | <u>15 or under</u> | B+ |
| 18 | A++ | <u>Robbery 1 (9A.56.200) committed at age</u> | |
| 19 | | <u>16 or 17</u> | A+ |
| 20 | B+ | Robbery 2 (9A.56.210) | C+ |
| 21 | B+ | Extortion 1 (9A.56.120) | C+ |
| 22 | C+ | Extortion 2 (9A.56.130) | D+ |
| 23 | C | Identity Theft 1 (9.35.020(2)) | D |
| 24 | D | Identity Theft 2 (9.35.020(3)) | E |
| 25 | D | Improperly Obtaining Financial | |
| 26 | | Information (9.35.010) | E |
| 27 | B | Possession of a Stolen Vehicle (9A.56.068) | C |
| 28 | B | Possession of Stolen Property 1 | |
| 29 | | (9A.56.150) | C |
| 30 | C | Possession of Stolen Property 2 | |
| 31 | | (9A.56.160) | D |
| 32 | D | Possession of Stolen Property 3 | |
| 33 | | (9A.56.170) | E |
| 34 | B | Taking Motor Vehicle Without Permission | |
| 35 | | 1 (9A.56.070) | C |
| 36 | C | Taking Motor Vehicle Without Permission | |
| 37 | | 2 (9A.56.075) | D |

| | | | |
|----|----|--|----|
| 1 | B | Theft of a Motor Vehicle (9A.56.065) | C |
| 2 | | Motor Vehicle Related Crimes | |
| 3 | E | Driving Without a License (46.20.005) | E |
| 4 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 5 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 6 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 7 | E | Hit and Run-Unattended (46.52.010) | E |
| 8 | C | Vehicular Assault (46.61.522) | D |
| 9 | C | Attempting to Elude Pursuing Police | |
| 10 | | Vehicle (46.61.024) | D |
| 11 | E | Reckless Driving (46.61.500) | E |
| 12 | D | Driving While Under the Influence | |
| 13 | | (46.61.502 and 46.61.504) | E |
| 14 | B+ | Felony Driving While Under the Influence | |
| 15 | | (46.61.502(6)) | B |
| 16 | B+ | Felony Physical Control of a Vehicle While | |
| 17 | | Under the Influence (46.61.504(6)) | B |
| 18 | | Other | |
| 19 | B | Animal Cruelty 1 (16.52.205) | C |
| 20 | B | Bomb Threat (9.61.160) | C |
| 21 | C | Escape 1 ¹ (9A.76.110) | C |
| 22 | C | Escape 2 ¹ (9A.76.120) | C |
| 23 | D | Escape 3 (9A.76.130) | E |
| 24 | E | Obscene, Harassing, Etc., Phone Calls | |
| 25 | | (9.61.230) | E |
| 26 | A | Other Offense Equivalent to an Adult Class | |
| 27 | | A Felony | B+ |
| 28 | B | Other Offense Equivalent to an Adult Class | |
| 29 | | B Felony | C |
| 30 | C | Other Offense Equivalent to an Adult Class | |
| 31 | | C Felony | D |
| 32 | D | Other Offense Equivalent to an Adult Gross | |
| 33 | | Misdemeanor | E |
| 34 | E | Other Offense Equivalent to an Adult | |
| 35 | | Misdemeanor | E |

V Violation of Order of Restitution,
 Community Supervision, or Confinement
 (13.40.200)²

V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - ((4 weeks)) 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

| | | | | | | |
|----------|-----|---|--------------------|---------------------|----------------------|----------------------|
| | A++ | <u>129 to 260 weeks for all category A++ offenses</u> | | | | |
| | A+ | 180 weeks to age 21 for all category A+ offenses | | | | |
| | A | 103-129 weeks for all category A offenses | | | | |
| | A- | <u>30-40 weeks</u> | <u>52-65 weeks</u> | <u>80-100 weeks</u> | <u>103-129 weeks</u> | <u>103-129 weeks</u> |
| | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks |
| | | ((Except 30-40 weeks for 15 to 17-year olds)) | | | | |
| CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |
| CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
| | C | LS | LS | LS | LS | 15-36 weeks |
| | D+ | LS | LS | LS | LS | LS |
| | D | LS | LS | LS | LS | LS |
| | E | LS | LS | LS | LS | LS |

1 PRIOR 0 1 2 3 4 or more
2 ADJUDICATIONS

3 NOTE: References in the grid to days or weeks mean periods of
4 confinement. "LS" means "local sanctions" as defined in RCW
5 13.40.020.

6 (1) The vertical axis of the grid is the current offense
7 category. The current offense category is determined by the offense
8 of adjudication.

9 (2) The horizontal axis of the grid is the number of prior
10 adjudications included in the juvenile's criminal history. Each prior
11 felony adjudication shall count as one point. Each prior violation,
12 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
13 point. Fractional points shall be rounded down.

14 (3) The standard range disposition for each offense is determined
15 by the intersection of the column defined by the prior adjudications
16 and the row defined by the current offense category.

17 (4) RCW 13.40.180 applies if the offender is being sentenced for
18 more than one offense.

19 (5) A current offense that is a violation is equivalent to an
20 offense category of E. However, a disposition for a violation shall
21 not include confinement.

22 OR

23 OPTION B

24 **SUSPENDED DISPOSITION ALTERNATIVE**

25 (1) If the offender is subject to a standard range disposition
26 involving confinement by the department, the court may impose the
27 standard range and suspend the disposition on condition that the
28 offender comply with one or more local sanctions and any educational
29 or treatment requirement. The treatment programs provided to the
30 offender must be either research-based best practice programs as
31 identified by the Washington state institute for public policy or the
32 joint legislative audit and review committee, or for chemical
33 dependency treatment programs or services, they must be evidence-
34 based or research-based best practice programs. For the purposes of
35 this subsection:

36 (a) "Evidence-based" means a program or practice that has had
37 multiple site random controlled trials across heterogeneous

1 populations demonstrating that the program or practice is effective
2 for the population; and

3 (b) "Research-based" means a program or practice that has some
4 research demonstrating effectiveness, but that does not yet meet the
5 standard of evidence-based practices.

6 (2) If the offender fails to comply with the suspended
7 disposition, the court may impose sanctions pursuant to RCW 13.40.200
8 or may revoke the suspended disposition and order the disposition's
9 execution.

10 (3) An offender is ineligible for the suspended disposition
11 option under this section if the offender (~~is~~):

12 (a) Is adjudicated of an A+ or A++ offense;

13 (b) Is fourteen years of age or older and is adjudicated of one
14 or more of the following offenses:

15 (i) A class A offense, or an attempt, conspiracy, or solicitation
16 to commit a class A offense;

17 (ii) Manslaughter in the first degree (RCW 9A.32.060); (~~or~~)

18 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
19 the first degree (RCW 9A.56.120), kidnapping in the second degree
20 (RCW 9A.40.030), (~~robbery in the second degree (RCW 9A.56.210),~~
21 ~~residential burglary (RCW 9A.52.025), burglary in the second degree~~
22 ~~(RCW 9A.52.030),~~) drive-by shooting (RCW 9A.36.045), vehicular
23 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)),
24 (~~intimidating a witness (RCW 9A.72.110), violation of the uniform~~
25 ~~controlled substances act (RCW 69.50.401 (2)(a) and (b)),~~) or
26 manslaughter 2 (RCW 9A.32.070)(~~, when the offense includes~~
27 ~~infliction of bodily harm upon another or when during the commission~~
28 ~~or immediate withdrawal from the offense the respondent was armed~~
29 ~~with a deadly weapon~~); or

30 (iv) Violation of the uniform controlled substances act (RCW
31 69.50.401(2) (a) and (b)), when the offense includes infliction of
32 bodily harm upon another or when during the commission or immediate
33 withdrawal from the offense the respondent was armed with a deadly
34 weapon;

35 (c) Is ordered to serve a disposition for a firearm violation
36 under RCW 13.40.193; (~~or~~)

37 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
38 or

39 (e) Has a prior option B disposition.

1 OR

2 OPTION C

3 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

4 If the juvenile offender is subject to a standard range
5 disposition of local sanctions or 15 to 36 weeks of confinement and
6 has not committed (~~(an A or)~~) a B++ or B+ offense, the court may
7 impose a disposition under RCW 13.40.160(4) and 13.40.165.

8 OR

9 OPTION D

10 MANIFEST INJUSTICE

11 If the court determines that a disposition under option A, B, or C
12 would effectuate a manifest injustice, the court shall impose a
13 disposition outside the standard range under RCW 13.40.160(2).

14 **Sec. 4.** RCW 13.40.110 and 2009 c 454 s 3 are each amended to
15 read as follows:

16 (1) Discretionary decline hearing - The prosecutor, respondent,
17 or the court on its own motion may, before a hearing on the
18 information on its merits, file a motion requesting the court to
19 transfer the respondent for adult criminal prosecution and the matter
20 shall be set for a hearing on the question of declining jurisdiction
21 only if:

22 (a) The respondent is, at the time of proceedings, at least
23 fifteen years of age or older and is charged with a serious violent
24 offense as defined in RCW 9.94A.030; or

25 (b) The respondent is, at the time of proceedings, fourteen years
26 of age or younger and is charged with murder in the first degree (RCW
27 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

28 (2) Mandatory decline hearing - Unless waived by the court, the
29 parties, and their counsel, a decline hearing shall be held when(~~(+~~

30 ~~(a) The respondent is sixteen or seventeen years of age and the~~
31 ~~information alleges a class A felony or an attempt, solicitation, or~~
32 ~~conspiracy to commit a class A felony;~~

33 ~~(b) The respondent is seventeen years of age and the information~~
34 ~~alleges assault in the second degree, extortion in the first degree,~~
35 ~~indecent liberties, child molestation in the second degree,~~
36 ~~kidnapping in the second degree, or robbery in the second degree; or~~

1 ~~(e)~~) the information alleges an escape by the respondent and the
2 respondent is serving a minimum juvenile sentence to age twenty-one.

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

8 (4) When the respondent is transferred for criminal prosecution
9 or retained for prosecution in juvenile court, the court shall set
10 forth in writing its finding which shall be supported by relevant
11 facts and opinions produced at the hearing.

12 **Sec. 5.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to
13 read as follows:

14 (1) If a respondent is found to have been in possession of a
15 firearm in violation of RCW 9.41.040(2)(a)~~((+iii))~~ (iv), the court
16 shall impose a minimum disposition of ten days of confinement. If the
17 offender's standard range of disposition for the offense as indicated
18 in RCW 13.40.0357 is more than thirty days of confinement, the court
19 shall commit the offender to the department for the standard range
20 disposition. The offender shall not be released until the offender
21 has served a minimum of ten days in confinement.

22 (2)(a) If a respondent is found to have been in possession of a
23 firearm in violation of RCW 9.41.040, the disposition must include a
24 requirement that the respondent participate in a qualifying program
25 as described in (b) of this subsection, when available, unless the
26 court makes a written finding based on the outcome of the juvenile
27 court risk assessment that participation in a qualifying program
28 would not be appropriate.

29 (b) For purposes of this section, "qualifying program" means an
30 aggression replacement training program, a functional family therapy
31 program, or another program applicable to the juvenile firearm
32 offender population that has been identified as evidence-based or
33 research-based and cost-beneficial in the current list prepared at
34 the direction of the legislature by the Washington state institute
35 for public policy.

36 (3) If the court finds that the respondent or an accomplice was
37 armed with a firearm, the court shall determine the standard range
38 disposition for the offense pursuant to RCW 13.40.160. If the
39 offender or an accomplice was armed with a firearm when the offender

1 committed any felony other than possession of a machine gun,
2 possession of a stolen firearm, drive-by shooting, theft of a
3 firearm, unlawful possession of a firearm in the first and second
4 degree, or use of a machine gun in a felony, the following periods of
5 total confinement must be added to the sentence: ~~((For a))~~ (a) Except
6 for (b) of this subsection, for a class A felony, six months; for a
7 class B felony, four months; and for a class C felony, two months;
8 (b) for any violent offense as defined in RCW 9.94A.030, committed by
9 a respondent who is sixteen or seventeen years old at the time of the
10 offense, a period of twelve months. The additional time shall be
11 imposed regardless of the offense's juvenile disposition offense
12 category as designated in RCW 13.40.0357.

13 (4)(a) If the court finds that the respondent who is sixteen or
14 seventeen years old and committed the offense of robbery in the first
15 degree, drive-by shooting, burglary in the first degree, or any
16 violent offense as defined in RCW 9.94A.030 and was armed with a
17 firearm, and the court finds that the respondent's participation was
18 related to membership in a criminal street gang or advancing the
19 benefit, aggrandizement, gain, profit, or other advantage for a
20 criminal street gang, a period of three months total confinement must
21 be added to the sentence. The additional time must be imposed
22 regardless of the offense's juvenile disposition offense category as
23 designated in RCW 13.40.0357 and must be served consecutively with
24 any other sentencing enhancement.

25 (b) For the purposes of this section, "criminal street gang"
26 means any ongoing organization, association, or group of three or
27 more persons, whether formal or informal, having a common name or
28 common identifying sign or symbol, having as one of its primary
29 activities the commission of criminal acts, and whose members or
30 associates individually or collectively engage in or have engaged in
31 a pattern of criminal street gang activity. This definition does not
32 apply to employees engaged in concerted activities for their mutual
33 aid and protection, or to the activities of labor and bona fide
34 nonprofit organizations or their members or agents.

35 (5) When a disposition under this section would effectuate a
36 manifest injustice, the court may impose another disposition. When a
37 judge finds a manifest injustice and imposes a disposition of
38 confinement exceeding thirty days, the court shall commit the
39 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
40 shall be used to determine the range. When a judge finds a manifest

1 injustice and imposes a disposition of confinement less than thirty
2 days, the disposition shall be comprised of confinement or community
3 supervision or both.

4 ~~((+5))~~ (6) Any term of confinement ordered pursuant to this
5 section shall run consecutively to any term of confinement imposed in
6 the same disposition for other offenses.

7 **Sec. 6.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to
8 read as follows:

9 (1) ~~((In no case may))~~ Except as provided in subsection (2) of
10 this section, a juvenile offender may not be committed by the
11 juvenile court to the department of social and health services for
12 placement in a juvenile correctional institution beyond the juvenile
13 offender's twenty-first birthday.

14 (2) A juvenile offender convicted of an A++ juvenile disposition
15 category offense listed in RCW 13.40.0357, or found to be armed with
16 a firearm and sentenced to an additional twelve months pursuant to
17 RCW 13.40.193(3)(b), may be committed by the juvenile court to the
18 department of social and health services for placement in a juvenile
19 correctional institution up to the juvenile offender's twenty-fifth
20 birthday, but not beyond.

21 (3) A juvenile may be under the jurisdiction of the juvenile
22 court or the authority of the department of social and health
23 services beyond the juvenile's eighteenth birthday only if prior to
24 the juvenile's eighteenth birthday:

25 (a) Proceedings are pending seeking the adjudication of a
26 juvenile offense and the court by written order setting forth its
27 reasons extends jurisdiction of juvenile court over the juvenile
28 beyond his or her eighteenth birthday, except:

29 (i) If the court enters a written order extending jurisdiction
30 under this subsection, it shall not extend jurisdiction beyond the
31 juvenile's twenty-first birthday;

32 (ii) If the order fails to specify a specific date, it shall be
33 presumed that jurisdiction is extended to age twenty-one; and

34 (iii) If the juvenile court previously extended jurisdiction
35 beyond the juvenile's eighteenth birthday, and that period of
36 extension has not expired, the court may further extend jurisdiction
37 by written order setting forth its reasons;

1 (b) The juvenile has been found guilty after a fact finding or
2 after a plea of guilty and an automatic extension is necessary to
3 allow for the imposition of disposition;

4 (c) Disposition has been held and an automatic extension is
5 necessary to allow for the execution and enforcement of the court's
6 order of disposition(~~(-)~~), subject to the following:

7 (i) If an order of disposition imposes commitment to the
8 department, then jurisdiction is automatically extended to include a
9 period of up to twelve months of parole, in no case extending beyond
10 the offender's twenty-first birthday, except;

11 (ii) If an order of disposition imposes a commitment to the
12 department for a juvenile offender convicted of an A++ juvenile
13 disposition category offense listed in RCW 13.40.0357, or found to be
14 armed with a firearm and sentenced to an additional twelve months
15 pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is
16 automatically extended to include a period of up to twenty-four
17 months of parole, in no case extending beyond the offender's twenty-
18 fifth birthday; (~~(e)~~)

19 (d) While proceedings are pending in a case in which jurisdiction
20 (~~(has been transferred to)~~) is vested in the adult criminal court
21 pursuant to RCW 13.04.030, the juvenile turns eighteen years of age
22 and is subsequently found not guilty of the charge for which he or
23 she was transferred, or is convicted in the adult criminal court of a
24 lesser included offense, and an automatic extension is necessary to
25 impose the disposition as required by RCW 13.04.030(1)(e)(v)(~~(+E)~~)
26 (C)(II); or

27 (e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the
28 juvenile court maintains jurisdiction beyond the juvenile offender's
29 twenty-first birthday for the purpose of enforcing an order of
30 restitution or penalty assessment.

31 (~~(2) If the juvenile court previously has extended jurisdiction~~
32 ~~beyond the juvenile offender's eighteenth birthday and that period of~~
33 ~~extension has not expired, the court may further extend jurisdiction~~
34 ~~by written order setting forth its reasons.~~

35 ~~(3))~~ (4) Except as otherwise provided herein, in no event may
36 the juvenile court have authority to extend jurisdiction over any
37 juvenile offender beyond the juvenile offender's twenty-first
38 birthday (~~(except for the purpose of enforcing an order of~~
39 restitution or penalty assessment)).

1 ~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a
2 person pursuant to this section, the juvenile court has no
3 jurisdiction over any offenses alleged to have been committed by a
4 person eighteen years of age or older.

5 **Sec. 7.** RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each
6 amended to read as follows:

7 (1) ~~((In no case may))~~ Except as provided in subsection (2) of
8 this section, a juvenile offender may not be committed by the
9 juvenile court to the department of children, youth, and families for
10 placement in a juvenile correctional institution beyond the juvenile
11 offender's twenty-first birthday.

12 (2) A juvenile offender convicted of an A++ juvenile disposition
13 category offense listed in RCW 13.40.0357, or found to be armed with
14 a firearm and sentenced to an additional twelve months pursuant to
15 RCW 13.40.193(3)(b), may be committed by the juvenile court to the
16 department of children, youth, and families for placement in a
17 juvenile correctional institution up to the juvenile offender's
18 twenty-fifth birthday, but not beyond.

19 (3) A juvenile may be under the jurisdiction of the juvenile
20 court or the authority of the department of children, youth, and
21 families beyond the juvenile's eighteenth birthday only if prior to
22 the juvenile's eighteenth birthday:

23 (a) Proceedings are pending seeking the adjudication of a
24 juvenile offense and the court by written order setting forth its
25 reasons extends jurisdiction of juvenile court over the juvenile
26 beyond his or her eighteenth birthday, except:

27 (i) If the court enters a written order extending jurisdiction
28 under this subsection, it shall not extend jurisdiction beyond the
29 juvenile's twenty-first birthday;

30 (ii) If the order fails to specify a specific date, it shall be
31 presumed that jurisdiction is extended to age twenty-one; and

32 (iii) If the juvenile court previously extended jurisdiction
33 beyond the juvenile's eighteenth birthday, and that period of
34 extension has not expired, the court may further extend jurisdiction
35 by written order setting forth its reasons;

36 (b) The juvenile has been found guilty after a fact finding or
37 after a plea of guilty and an automatic extension is necessary to
38 allow for the imposition of disposition;

1 (c) Disposition has been held and an automatic extension is
2 necessary to allow for the execution and enforcement of the court's
3 order of disposition(~~(-)~~), subject to the following:

4 (i) If an order of disposition imposes commitment to the
5 department, then jurisdiction is automatically extended to include a
6 period of up to twelve months of parole, in no case extending beyond
7 the offender's twenty-first birthday, except;

8 (ii) If an order of disposition imposes a commitment to the
9 department for a juvenile offender convicted of an A++ juvenile
10 disposition category offense listed in RCW 13.40.0357, or found to be
11 armed with a firearm and sentenced to an additional twelve months
12 pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is
13 automatically extended to include a period of up to twenty-four
14 months of parole, in no case extending beyond the offender's twenty-
15 fifth birthday; (~~(e)~~)

16 (d) While proceedings are pending in a case in which jurisdiction
17 (~~(has been transferred to)~~) is vested in the adult criminal court
18 pursuant to RCW 13.04.030, the juvenile turns eighteen years of age
19 and is subsequently found not guilty of the charge for which he or
20 she was transferred, or is convicted in the adult criminal court of a
21 lesser included offense, and an automatic extension is necessary to
22 impose the disposition as required by RCW 13.04.030(1)(e)(v)(~~(+E)~~)
23 (C)(II); or

24 (e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the
25 juvenile court maintains jurisdiction beyond the juvenile offender's
26 twenty-first birthday for the purpose of enforcing an order of
27 restitution or penalty assessment.

28 (~~(2) If the juvenile court previously has extended jurisdiction~~
29 ~~beyond the juvenile offender's eighteenth birthday and that period of~~
30 ~~extension has not expired, the court may further extend jurisdiction~~
31 ~~by written order setting forth its reasons.~~

32 ~~(3))~~ (4) Except as otherwise provided herein, in no event may
33 the juvenile court have authority to extend jurisdiction over any
34 juvenile offender beyond the juvenile offender's twenty-first
35 birthday (~~(except for the purpose of enforcing an order of~~
36 restitution or penalty assessment)).

37 (~~(4))~~ (5) Notwithstanding any extension of jurisdiction over a
38 person pursuant to this section, the juvenile court has no
39 jurisdiction over any offenses alleged to have been committed by a
40 person eighteen years of age or older.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.40
2 RCW to read as follows:

3 The department must take appropriate actions to protect younger
4 children in confinement from older youth who may be confined pursuant
5 to this act, recognizing both the potential for positive mentorship
6 and the potential risks relating to victimization and the exercise of
7 negative influence. The court may exercise oversight if needed to
8 accomplish the goals of this section.

9 NEW SECTION. **Sec. 9.** The Washington state institute for public
10 policy must assess the impact of this act on community safety, racial
11 disproportionality, recidivism, state expenditures, and youth
12 rehabilitation, to the extent possible, and submit, in compliance
13 with RCW 43.01.036, a preliminary report to the governor and the
14 appropriate committees of the legislature by December 1, 2023, and a
15 final report to the governor and the appropriate committees of the
16 legislature by December 1, 2031.

17 NEW SECTION. **Sec. 10.** Sections 1 and 6 of this act expire July
18 1, 2019.

19 NEW SECTION. **Sec. 11.** Sections 2 and 7 of this act take effect
20 July 1, 2019.

Passed by the Senate March 5, 2018.
Passed by the House February 28, 2018.
Approved by the Governor March 22, 2018.
Filed in Office of Secretary of State March 26, 2018.

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