

HB 2213 - H AMD 1059

By Representative Goodman

WITHDRAWN 02/13/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 10.95.030 and 2023 c 102 s 23 and 2023 c 102 s 20
4 are each reenacted and amended to read as follows:

5 (1) Except as provided in subsection (2) of this section, any
6 person convicted of the crime of aggravated first degree murder shall
7 be sentenced to life imprisonment without possibility of release or
8 parole. A person sentenced to life imprisonment under this section
9 shall not have that sentence suspended, deferred, or commuted by any
10 judicial officer and the indeterminate sentence review board or its
11 successor may not parole such prisoner nor reduce the period of
12 confinement in any manner whatsoever including but not limited to any
13 sort of good-time calculation. The department of social and health
14 services or its successor or any executive official may not permit
15 such prisoner to participate in any sort of release or furlough
16 program.

17 (2) (a) (i) Any person convicted of the crime of aggravated first
18 degree murder for an offense committed prior to the person's
19 (~~sixteenth~~) 16th birthday shall be sentenced to a maximum term of
20 life imprisonment and a minimum term of total confinement of
21 (~~twenty-five~~) 25 years.

22 (ii) Any person convicted of the crime of aggravated first degree
23 murder for an offense committed when the person is at least
24 (~~sixteen~~) 16 years old but less than (~~eighteen~~) 18 years old
25 shall be sentenced to a maximum term of life imprisonment and a
26 minimum term of total confinement of no less than (~~twenty-five~~) 25
27 years.

28 (iii) Any person convicted of the crime of aggravated first
29 degree murder for an offense committed when the person is at least 18
30 years old but less than 21 years old shall be sentenced to a maximum
31 term of life imprisonment and a minimum term of total confinement of
32 no less than 25 years if the court determines that the mitigating

1 factors that account for the diminished culpability of youth, as
2 described in (b) of this subsection, apply to the current offense. If
3 the court determines that such mitigating factors do not apply, the
4 person shall be sentenced to life imprisonment without possibility of
5 release or parole.

6 (b) In setting a minimum term, the court must take into account
7 mitigating factors that account for the diminished culpability of
8 youth as provided in *Miller v. Alabama*, 132 S.Ct. 2455 (2012)
9 including, but not limited to, the age of the individual, the youth's
10 childhood and life experience, the degree of responsibility the youth
11 was capable of exercising, and the youth's chances of becoming
12 rehabilitated.

13 (c) A person sentenced under this subsection shall serve the
14 sentence in a facility or institution operated, or utilized under
15 contract, by the state. During the minimum term of total confinement,
16 the person shall not be eligible for community custody, earned
17 release time, furlough, home detention, partial confinement, work
18 crew, work release, or any other form of early release authorized
19 under RCW 9.94A.728, or any other form of authorized leave or absence
20 from the correctional facility while not in the direct custody of a
21 corrections officer. The provisions of this subsection shall not
22 apply: (i) In the case of an offender in need of emergency medical
23 treatment; or (ii) for an extraordinary medical placement when
24 authorized under RCW 9.94A.728(1)(c).

25 (d) Any person sentenced pursuant to this subsection shall be
26 subject to community custody under the supervision of the department
27 of corrections and the authority of the indeterminate sentence review
28 board. As part of any sentence under this subsection, the court shall
29 require the person to comply with any conditions imposed by the
30 board.

31 (e) No later than five years prior to the expiration of the
32 person's minimum term, the department of corrections shall conduct an
33 assessment of the offender and identify programming and services that
34 would be appropriate to prepare the offender for return to the
35 community. To the extent possible, the department shall make
36 programming available as identified by the assessment.

37 (f) No later than (~~one hundred eighty~~) 180 days prior to the
38 expiration of the person's minimum term, the department of
39 corrections shall conduct, and the offender shall participate in, an
40 examination of the person, incorporating methodologies that are

1 recognized by experts in the prediction of dangerousness, and
2 including a prediction of the probability that the person will engage
3 in future criminal behavior if released on conditions to be set by
4 the board. The board may consider a person's failure to participate
5 in an evaluation under this subsection in determining whether to
6 release the person. The board shall order the person released, under
7 such affirmative and other conditions as the board determines
8 appropriate, unless the board determines by a preponderance of the
9 evidence that, despite such conditions, it is more likely than not
10 that the person will commit new criminal law violations if released.
11 If the board does not order the person released, the board shall set
12 a new minimum term not to exceed five additional years. The board
13 shall give public safety considerations the highest priority when
14 making all discretionary decisions regarding the ability for release
15 and conditions of release.

16 (g) In a hearing conducted under (f) of this subsection, the
17 board shall provide opportunities for victims and survivors of
18 victims of any crimes for which the offender has been convicted to
19 present statements as set forth in RCW 7.69.032. The procedures for
20 victim and survivor of victim input shall be provided by rule. To
21 facilitate victim and survivor of victim involvement, county
22 prosecutor's offices shall ensure that any victim impact statements
23 and known contact information for victims of record and survivors of
24 victims are forwarded as part of the judgment and sentence.

25 (h) An offender released by the board is subject to the
26 supervision of the department of corrections for a period of time to
27 be determined by the board. The department shall monitor the
28 offender's compliance with conditions of community custody imposed by
29 the court or board and promptly report any violations to the board.
30 Any violation of conditions of community custody established or
31 modified by the board are subject to the provisions of RCW 9.95.425
32 through 9.95.440.

33 (i) An offender released or discharged under this section may be
34 returned to the institution at the discretion of the board if the
35 offender is found to have violated a condition of community custody.
36 The offender is entitled to a hearing pursuant to RCW 9.95.435. The
37 board shall set a new minimum term of incarceration not to exceed
38 five years.

1		21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
2		27	34	41	48	54	61	89	102	116	144
3	VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
4		15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
5		20	27	34	41	48	54	75	89	102	116
6	VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
7		12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
8		14	20	27	34	41	48	61	75	89	102
9	V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
10		6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
11		12	14	17	20	29	43	54	68	82	96
12	IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
13		3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
14		9	12	14	17	20	29	43	57	70	84
15	III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
16		1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
17		3	8	12	12	16	22	29	43	57	68
18	II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
19		0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
20		Days	6	9	12	14	18	22	29	43	57
21	I			3m	4m	5m	8m	13m	16m	20m	2y2m
22		0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
23		Days	Days	5	6	8	12	14	18	22	29

24 Numbers in the first horizontal row of each seriousness category
 25 represent sentencing midpoints in years(y) and months(m). Numbers in
 26 the second and third rows represent standard sentence ranges in
 27 months, or in days if so designated. 12+ equals one year and one day.

28 **Sec. 3.** RCW 9.94A.540 and 2014 c 130 s 2 are each amended to
 29 read as follows:

30 (1) Except to the extent provided in subsection (3) of this
 31 section, the following minimum terms of total confinement are
 32 mandatory and shall not be varied or modified under RCW 9.94A.535:

1 (a) An offender convicted of the crime of murder in the first
2 degree shall be sentenced to a term of total confinement not less
3 than (~~twenty~~) 20 years.

4 (b) An offender convicted of the crime of assault in the first
5 degree or assault of a child in the first degree where the offender
6 used force or means likely to result in death or intended to kill the
7 victim shall be sentenced to a term of total confinement not less
8 than five years.

9 (c) An offender convicted of the crime of rape in the first
10 degree shall be sentenced to a term of total confinement not less
11 than five years.

12 (d) An offender convicted of the crime of sexually violent
13 predator escape shall be sentenced to a minimum term of total
14 confinement not less than (~~sixty~~) 60 months.

15 (e) An offender convicted of the crime of aggravated first degree
16 murder for a murder that was committed prior to the offender's
17 (~~eighteenth~~) 21st birthday shall be sentenced to a term of total
18 confinement (~~not less than twenty-five years~~) that is consistent
19 with RCW 10.95.030.

20 (2) During such minimum terms of total confinement, no offender
21 subject to the provisions of this section is eligible for community
22 custody, earned release time, furlough, home detention, partial
23 confinement, work crew, work release, or any other form of early
24 release authorized under RCW 9.94A.728, or any other form of
25 authorized leave of absence from the correctional facility while not
26 in the direct custody of a corrections officer. The provisions of
27 this subsection shall not apply: (a) In the case of an offender in
28 need of emergency medical treatment; (b) for the purpose of
29 commitment to an inpatient treatment facility in the case of an
30 offender convicted of the crime of rape in the first degree; or (c)
31 for an extraordinary medical placement when authorized under RCW
32 9.94A.728(~~(+3)~~) (1)(c).

33 (3) (a) Subsection (1)(a) through (d) of this section shall not be
34 applied in sentencing of juveniles tried as adults pursuant to RCW
35 13.04.030(1)(e)(i).

36 (b) This subsection (3) applies only to crimes committed on or
37 after July 24, 2005.

38 **Sec. 4.** RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to
39 read as follows:

1 The procedure for imposing sanctions for violations of sentence
2 conditions or requirements is as follows:

3 (1) If the offender was sentenced under the drug offender
4 sentencing alternative, any sanctions shall be imposed by the
5 department or the court pursuant to RCW 9.94A.660.

6 (2) If the offender was sentenced under the special sex offender
7 sentencing alternative, any sanctions shall be imposed by the
8 department or the court pursuant to RCW 9.94A.670.

9 (3) If the offender was sentenced under the parenting sentencing
10 alternative, any sanctions shall be imposed by the department or by
11 the court pursuant to RCW 9.94A.655.

12 (4) If the offender was sentenced under the mental health
13 sentencing alternative, any sanctions shall be imposed by the
14 department or the court pursuant to RCW 9.94A.695.

15 (5) If a sex offender was sentenced pursuant to RCW 9.94A.507,
16 any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

17 (6) If the offender was released pursuant to RCW 9.94A.730, any
18 sanctions shall be imposed by the board pursuant to RCW 9.95.435.

19 (7) If the offender was sentenced pursuant to RCW
20 10.95.030(~~(+3)~~) (2), section 6 of this act, or 10.95.035, any
21 sanctions shall be imposed by the board pursuant to RCW 9.95.435.

22 (8) In any other case, if the offender is being supervised by the
23 department, any sanctions shall be imposed by the department pursuant
24 to RCW 9.94A.737. If a probationer is being supervised by the
25 department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon
26 receipt of a violation hearing report from the department, the court
27 retains any authority that those statutes provide to respond to a
28 probationer's violation of conditions.

29 (9) If the offender is not being supervised by the department,
30 any sanctions shall be imposed by the court pursuant to RCW
31 9.94A.6333.

32 **Sec. 5.** RCW 9.94A.729 and 2022 c 29 s 1 are each amended to read
33 as follows:

34 (1)(a) The term of the sentence of an offender committed to a
35 correctional facility operated by the department may be reduced by
36 earned release time in accordance with procedures that shall be
37 developed and adopted by the correctional agency having jurisdiction
38 in which the offender is confined. The earned release time shall be
39 for good behavior and good performance, as determined by the

1 correctional agency having jurisdiction. The correctional agency
2 shall not credit the offender with earned release credits in advance
3 of the offender actually earning the credits.

4 (b) Any program established pursuant to this section shall allow
5 an offender to earn early release credits for presentence
6 incarceration. If an offender is transferred from a county jail to
7 the department, the administrator of a county jail facility shall
8 certify to the department the amount of time spent in custody at the
9 facility and the number of days of early release credits lost or not
10 earned. The department may approve a jail certification from a
11 correctional agency that calculates early release time based on the
12 actual amount of confinement time served by the offender before
13 sentencing when an erroneous calculation of confinement time served
14 by the offender before sentencing appears on the judgment and
15 sentence. The department must adjust an offender's rate of early
16 release listed on the jail certification to be consistent with the
17 rate applicable to offenders in the department's facilities. However,
18 the department is not authorized to adjust the number of presentence
19 early release days that the jail has certified as lost or not earned.

20 (2) (a) An offender who has been convicted of a felony committed
21 after July 23, 1995, that involves any applicable deadly weapon
22 enhancements under RCW 9.94A.533 (3) or (4), or both, shall not
23 receive any good time credits or earned release time for that portion
24 of his or her sentence that results from any deadly weapon
25 enhancements.

26 (b) An offender whose sentence includes any impaired driving
27 enhancements under RCW 9.94A.533(7), minor child enhancements under
28 RCW 9.94A.533(13), or both, shall not receive any good time credits
29 or earned release time for any portion of his or her sentence that
30 results from those enhancements.

31 (3) An offender may earn early release time as follows:

32 (a) In the case of an offender sentenced pursuant to RCW
33 10.95.030(~~((+3))~~) (2), section 6 of this act, or 10.95.035, the
34 offender may not receive any earned early release time during the
35 minimum term of confinement imposed by the court; for any remaining
36 portion of the sentence served by the offender, the aggregate earned
37 release time may not exceed 10 percent of the sentence.

38 (b) In the case of an offender convicted of a serious violent
39 offense, or a sex offense that is a class A felony, committed on or

1 after July 1, 1990, and before July 1, 2003, the aggregate earned
2 release time may not exceed 15 percent of the sentence.

3 (c) In the case of an offender convicted of a serious violent
4 offense, or a sex offense that is a class A felony, committed on or
5 after July 1, 2003, the aggregate earned release time may not exceed
6 10 percent of the sentence.

7 (d) An offender is qualified to earn up to 50 percent of
8 aggregate earned release time if he or she:

9 (i) Is not classified as an offender who is at a high risk to
10 reoffend as provided in subsection (4) of this section;

11 (ii) Is not confined pursuant to a sentence for:

12 (A) A sex offense;

13 (B) A violent offense;

14 (C) A crime against persons as defined in RCW 9.94A.411;

15 (D) A felony that is domestic violence as defined in RCW
16 10.99.020;

17 (E) A violation of RCW 9A.52.025 (residential burglary);

18 (F) A violation of, or an attempt, solicitation, or conspiracy to
19 violate, RCW 69.50.401 by manufacture or delivery or possession with
20 intent to deliver methamphetamine; or

21 (G) A violation of, or an attempt, solicitation, or conspiracy to
22 violate, RCW 69.50.406 (delivery of a controlled substance to a
23 minor);

24 (iii) Has no prior conviction for the offenses listed in (d)(ii)
25 of this subsection;

26 (iv) Participates in programming or activities as directed by the
27 offender's individual reentry plan as provided under RCW 72.09.270 to
28 the extent that such programming or activities are made available by
29 the department; and

30 (v) Has not committed a new felony after July 22, 2007, while
31 under community custody.

32 (e) In no other case shall the aggregate earned release time
33 exceed one-third of the total sentence.

34 (4) The department shall perform a risk assessment of each
35 offender who may qualify for earned early release under subsection
36 (3)(d) of this section utilizing the risk assessment tool recommended
37 by the Washington state institute for public policy. Subsection
38 (3)(d) of this section does not apply to offenders convicted after
39 July 1, 2010.

1 (5) (a) A person who is eligible for earned early release as
2 provided in this section and who will be supervised by the department
3 pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to
4 community custody in lieu of earned release time;

5 (b) The department shall, as a part of its program for release to
6 the community in lieu of earned release, require the offender to
7 propose a release plan that includes an approved residence and living
8 arrangement. All offenders with community custody terms eligible for
9 release to community custody in lieu of earned release shall provide
10 an approved residence and living arrangement prior to release to the
11 community;

12 (c) The department may deny transfer to community custody in lieu
13 of earned release time if the department determines an offender's
14 release plan, including proposed residence location and living
15 arrangements, may violate the conditions of the sentence or
16 conditions of supervision, place the offender at risk to violate the
17 conditions of the sentence, place the offender at risk to reoffend,
18 or present a risk to victim safety or community safety. The
19 department's authority under this section is independent of any
20 court-ordered condition of sentence or statutory provision regarding
21 conditions for community custody;

22 (d) If the department is unable to approve the offender's release
23 plan, the department may do one or more of the following:

24 (i) Transfer an offender to partial confinement in lieu of earned
25 early release for a period not to exceed three months. The three
26 months in partial confinement is in addition to that portion of the
27 offender's term of confinement that may be served in partial
28 confinement as provided in RCW 9.94A.728(1)(e);

29 (ii) Provide rental vouchers to the offender for a period not to
30 exceed six months if rental assistance will result in an approved
31 release plan.

32 A voucher must be provided in conjunction with additional
33 transition support programming or services that enable an offender to
34 participate in services including, but not limited to, substance
35 abuse treatment, mental health treatment, sex offender treatment,
36 educational programming, or employment programming;

37 (e) The department shall maintain a list of housing providers
38 that meets the requirements of RCW 72.09.285. If more than two
39 voucher recipients will be residing per dwelling unit, as defined in

1 RCW 59.18.030, rental vouchers for those recipients may only be paid
2 to a housing provider on the department's list;

3 (f) For each offender who is the recipient of a rental voucher,
4 the department shall gather data as recommended by the Washington
5 state institute for public policy in order to best demonstrate
6 whether rental vouchers are effective in reducing recidivism.

7 (6) An offender serving a term of confinement imposed under RCW
8 9.94A.670(5)(a) is not eligible for earned release credits under this
9 section.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 10.95
11 RCW to read as follows:

12 (1) A person, who was sentenced prior to May 1, 2024, under this
13 chapter or any prior law, to a term of life without the possibility
14 of parole for an offense committed when the person is at least 18
15 years old but less than 21 years old, shall be returned to the
16 sentencing court or the sentencing court's successor for sentencing
17 consistent with RCW 10.95.030. Release and supervision of a person
18 who receives a minimum term of less than life will be governed by RCW
19 10.95.030.

20 (2) The court shall provide an opportunity for victims and
21 survivors of victims of any crimes for which the offender has been
22 convicted to present a statement personally or by representation.

23 (3) The court's order setting a minimum term is subject to review
24 to the same extent as a minimum term decision by the parole board
25 before July 1, 1986.

26 (4) A resentencing under this section shall not reopen the
27 defendant's conviction to challenges that would otherwise be barred
28 by RCW 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.95
30 RCW to read as follows:

31 RCW 10.95.030, 9.94A.510, 9.94A.540, 9.94A.6332, and 9.94A.729
32 and section 6 of this act apply to all sentencing hearings conducted
33 on or after May 1, 2024, regardless of the date of an offender's
34 underlying offense.

35 **Sec. 8.** RCW 10.116.030 and 2021 c 320 s 4 are each amended to
36 read as follows:

1 (1) A law enforcement agency may not use or authorize its peace
2 officers or other employees to use tear gas unless necessary to
3 alleviate a present risk of serious harm posed by a: (a) Riot; (b)
4 barricaded subject; or (c) hostage situation.

5 (2) Prior to using tear gas as authorized under subsection (1) of
6 this section, the officer or employee shall:

7 (a) Exhaust alternatives to the use of tear gas that are
8 available and appropriate under the circumstances;

9 (b) Obtain authorization to use tear gas from a supervising
10 officer, who must determine whether the present circumstances warrant
11 the use of tear gas and whether available and appropriate
12 alternatives have been exhausted as provided under this section;

13 (c) Announce to the subject or subjects the intent to use tear
14 gas; and

15 (d) Allow sufficient time and space for the subject or subjects
16 to comply with the officer's or employee's directives.

17 (3) In the case of a riot outside of a correctional, jail, or
18 detention facility, the officer or employee may use tear gas only
19 after: (a) Receiving authorization from the highest elected official
20 of the jurisdiction in which the tear gas is to be used, and (b)
21 meeting the requirements of subsection (2) of this section.

22 (4) For the purposes of this section:

23 (a) "Barricaded subject" means an individual who is the focus of
24 a law enforcement intervention effort, has taken a position in a
25 physical location that does not allow immediate law enforcement
26 access, and is refusing law enforcement orders to exit.

27 (b) "Highest elected official" means the county executive in
28 those charter counties with an elective office of county executive,
29 however designated, and in the case of other counties, the (~~chair of~~
30 ~~the county legislative authority~~) county sheriff. In the case of
31 cities and towns, it means the mayor, regardless of whether the mayor
32 is directly elected, selected by the council or legislative body
33 pursuant to RCW 35.18.190 or 35A.13.030, or selected according to a
34 process in an established city charter. In the case of actions by the
35 Washington state patrol, it means the governor.

36 (c) "Hostage situation" means a scenario in which a person is
37 being held against his or her will by an armed, potentially armed, or
38 otherwise dangerous suspect.

39 (d) "Tear gas" means chloroacetophenone (CN), O-chlorobenzylidene
40 malononitrile (CS), and any similar chemical irritant dispersed in

1 the air for the purpose of producing temporary physical discomfort or
2 permanent injury, except "tear gas" does not include oleoresin
3 capsicum (OC).

4 **Sec. 9.** RCW 13.04.030 and 2022 c 243 s 2 are each amended to
5 read as follows:

6 (1) Except as provided in this section, the juvenile courts in
7 this state shall have exclusive original jurisdiction over all
8 proceedings:

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

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

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

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

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

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

22 (ii) The statute of limitations applicable to adult prosecution
23 for the offense, traffic or civil infraction, or violation has
24 expired;

25 (iii) The alleged offense or infraction is a traffic, fish,
26 boating, or game offense, or traffic or civil infraction committed by
27 a juvenile (~~sixteen~~) 16 years of age or older and would, if
28 committed by an adult, be tried or heard in a court of limited
29 jurisdiction, in which instance the appropriate court of limited
30 jurisdiction shall have jurisdiction over the alleged offense or
31 infraction, and no guardian ad litem is required in any such
32 proceeding due to the juvenile's age. If such an alleged offense or
33 infraction and an alleged offense or infraction subject to juvenile
34 court jurisdiction arise out of the same event or incident, the
35 juvenile court may have jurisdiction of both matters. The
36 jurisdiction under this subsection does not constitute "transfer" or
37 a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of
38 this subsection. Courts of limited jurisdiction which confine
39 juveniles for an alleged offense or infraction may place juveniles in

1 juvenile detention facilities under an agreement with the officials
2 responsible for the administration of the juvenile detention facility
3 in RCW 13.04.035 and 13.20.060;

4 (iv) The alleged offense is a traffic or civil infraction, a
5 violation of compulsory school attendance provisions under chapter
6 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
7 has assumed concurrent jurisdiction over those offenses as provided
8 in RCW 13.04.0301; or

9 (v) The juvenile is (~~sixteen~~) 16 or (~~seventeen~~) 17 years old
10 on the date the alleged offense is committed and the alleged offense
11 is:

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

13 (B) A violent offense as defined in RCW 9.94A.030 and the
14 juvenile has a criminal history consisting of: One or more prior
15 serious violent offenses; two or more prior violent offenses; or
16 three or more of any combination of the following offenses: Any class
17 A felony, any class B felony, vehicular assault, or manslaughter in
18 the second degree, all of which must have been committed after the
19 juvenile's (~~thirteenth~~) 13th birthday and prosecuted separately; or

20 (C) Rape of a child in the first degree.

21 (I) In such a case the adult criminal court shall have exclusive
22 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)
23 of this subsection.

24 (II) The juvenile court shall have exclusive jurisdiction over
25 the disposition of any remaining charges in any case in which the
26 juvenile is found not guilty in the adult criminal court of the
27 charge or charges for which he or she was transferred, or is
28 convicted in the adult criminal court of an offense that is not also
29 an offense listed in (e)(v) of this subsection. The juvenile court
30 shall maintain residual juvenile court jurisdiction up to age
31 (~~twenty-five~~) 25 if the juvenile has turned (~~eighteen~~) 18 years
32 of age during the adult criminal court proceedings but only for the
33 purpose of returning a case to juvenile court for disposition
34 pursuant to RCW 13.40.300(3)(d).

35 (III) The prosecutor and respondent may agree to juvenile court
36 jurisdiction and waive application of exclusive adult criminal
37 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
38 the proceeding back to juvenile court with the court's approval.

39 If the juvenile challenges the state's determination of the
40 juvenile's criminal history under (e)(v) of this subsection, the

1 state may establish the offender's criminal history by a
2 preponderance of the evidence. If the criminal history consists of
3 adjudications entered upon a plea of guilty, the state shall not bear
4 a burden of establishing the knowing and voluntariness of the plea;

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

7 (g) Relating to termination of a diversion agreement under RCW
8 13.40.080, including a proceeding in which the divertee has attained
9 (~~eighteen~~) 18 years of age;

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

16 (i) Relating to petitions to compel disclosure of information
17 filed by the department of social and health services pursuant to RCW
18 74.13.042.

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

23 (3) The juvenile court shall have concurrent original
24 jurisdiction with the family or probate court over minor guardianship
25 proceedings under chapter 11.130 RCW and parenting plans or
26 residential schedules under chapter 26.09, 26.26A, or 26.26B RCW as
27 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 (5) Nothing in subsection (1) of this section deprives the
33 superior courts in this state of original jurisdiction granted by the
34 Constitution or by other laws.

35 **Sec. 10.** RCW 21.20.380 and 2002 c 65 s 7 are each amended to
36 read as follows:

37 (1) For the purpose of any investigation or proceeding under this
38 chapter, the director or any officer designated by the director may
39 administer oaths and affirmations, subpoena witnesses, compel their

1 attendance, take evidence, and require the production of any books,
2 papers, correspondence, memoranda, agreements, or other documents or
3 records which the director deems relevant or material to the inquiry.

4 (2) If the activities constituting an alleged violation for which
5 the information is sought would be a violation of this chapter had
6 the activities occurred in this state, the director may issue and
7 apply to enforce subpoenas in this state at the request of a
8 securities agency or administrator of another state.

9 (3) A subpoena issued to a financial institution under this
10 section may, if the director finds it necessary or appropriate in the
11 public interest or for the protection of investors, include a
12 directive that the financial institution subpoenaed shall not
13 disclose to third parties that are not affiliated with the financial
14 institution, other than to the institution's legal counsel, the
15 existence or content of the subpoena.

16 (4) In case of disobedience on the part of any person to comply
17 with any subpoena lawfully issued by the director, the refusal of any
18 witness to testify to any matters regarding which the witness may be
19 lawfully interrogated, or the failure to comply with a nondisclosure
20 directive under subsection (3) of this section, a court of competent
21 jurisdiction of any county or the judge thereof, on application of
22 the director, and after satisfactory evidence of willful
23 disobedience, may compel obedience by proceedings for contempt, as in
24 the case of disobedience of the requirements of a subpoena issued
25 from such a court on a refusal to testify therein.

26 (5) Nothing in this section authorizes the director or officers
27 designated by the director to compel the production of customer
28 banking records.

29 **Sec. 11.** RCW 29A.80.061 and 2004 c 271 s 150 are each amended to
30 read as follows:

31 Within ((~~forty-five~~)) 45 days after the statewide general
32 election in even-numbered years, the county chair of each major
33 political party shall call separate meetings of all elected precinct
34 committee officers in each legislative district for the purpose of
35 ((~~electing~~)) selecting a legislative district chair in such district.
36 The district chair shall hold office until the next legislative
37 district reorganizational meeting two years later, or until a
38 successor is ((~~elected~~)) selected.

1 The legislative district chair may be removed only by the
2 majority vote of the elected precinct committee officers in the
3 chair's district.

4 NEW SECTION. **Sec. 12.** The legislature finds that Article IX,
5 section 1 of the state Constitution does not have a section caption
6 in the original source, and that the subsequently added caption of
7 "Preamble" does not accurately describe the section. Therefore, the
8 secretary of state is respectfully requested to publish Article IX,
9 section 1 of the state Constitution without a section caption.

10 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 9.68.060 ("Erotic material"—Determination by court—
13 Labeling—Penalties) and 2011 c 96 s 8, 2003 c 53 s 41, 1992 c 5 s 2,
14 & 1969 ex.s. c 256 s 14;

15 (2) RCW 9.68.070 (Prosecution for violation of RCW 9.68.060—
16 Defense) and 2011 c 336 s 318, 1992 c 5 s 4, & 1969 ex.s. c 256 s 15;
17 and

18 (3) RCW 9.68.090 (Civil liability of wholesaler or wholesaler-
19 distributor) and 2011 c 336 s 320, 1992 c 5 s 3, & 1969 ex.s. c 256 s
20 17.

21 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
22 each repealed:

23 (1) 2020 c 1 s 1 (uncodified);

24 (2) 2020 c 1 s 2 (uncodified);

25 (3) 2020 c 1 s 3 (uncodified);

26 (4) 2020 c 1 s 4 (uncodified);

27 (5) 2020 c 1 s 5 (uncodified);

28 (6) 2020 c 1 s 6 (uncodified);

29 (7) 2020 c 1 s 7 (uncodified);

30 (8) 2020 c 1 s 8 (uncodified);

31 (9) 2020 c 1 s 9 (uncodified);

32 (10) 2020 c 1 s 10 (uncodified);

33 (11) 2020 c 1 s 11 (uncodified);

34 (12) 2020 c 1 s 12 (uncodified);

35 (13) 2020 c 1 s 13 (uncodified);

36 (14) 2020 c 1 s 14 (uncodified);

1 (15) 2020 c 1 s 15 (uncodified);
2 (16) 2020 c 1 s 16 (uncodified); and
3 (17) 2020 c 1 s 17 (uncodified).

4 NEW SECTION. **Sec. 15.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 16.** Sections 1 through 7 of this act are
9 necessary for the immediate preservation of the public peace, health,
10 or safety, or support of the state government and its existing public
11 institutions, and take effect May 1, 2024."

12 Correct the title.

EFFECT: (1) Requires the sentencing court to impose a maximum term of life imprisonment and a minimum term of total confinement of no less than 25 years for Aggravated Murder in the first degree where the perpetrator committed the crime at age 18 to 20 if the court determines that certain mitigating factors of youthfulness apply, rather than under any circumstance; or to instead impose life imprisonment without possibility of release or parole if the court determines that such mitigating factors do not apply.

(2) Requires the resentencing of any person who was sentenced to life imprisonment without parole prior to May 1, 2024, for Aggravated Murder in the first degree committed at age 18 to 20.

(3) Provides that the changes to sentencing requirements for Aggravated Murder in the first degree apply to all sentencing hearings conducted on or after May 1, 2024, regardless of the date of an offender's underlying offense.

(4) Amends provisions of the Sentencing Reform Act to make language consistent with the changes to sentencing requirements for Aggravated Murder in the first degree and the opportunity for resentencing.

(5) Adds a severability clause.

(6) Adds an emergency clause and effective date of May 1, 2024, for the provisions related to sentencing requirements for Aggravated Murder in the first degree.

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