

RCW 13.40.110 Hearing on question of declining jurisdiction—

Held, when—Findings. (1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if:

(a) The respondent was, at the time of the alleged offense, at least 15 years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030;

(b) The respondent was, at the time of the alleged offense, 14 years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050); or

(c) The respondent is any age and is charged with custodial assault, RCW 9A.36.100, and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age 21.

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when the information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age 21.

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

(4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing. [2024 c 117 s 2; 2019 c 322 s 10; 2018 c 162 s 4; 2009 c 454 s 3; 1997 c 338 s 20; 1990 c 3 s 303; 1988 c 145 s 18; 1979 c 155 s 63; 1977 ex.s. c 291 s 65.]

Application—2024 c 117: See note following RCW 13.40.300.

Findings—Intent—2019 c 322: See note following RCW 72.01.410.

Report to legislature—2019 c 322 ss 2-6; 2018 c 162: See RCW 13.04.800.

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.