

SSB 6529 - H COMM AMD

By Committee on Early Learning & Human Services

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

3 "Sec. 1. RCW 13.40.010 and 2004 c 120 s 1 are each amended to  
4 read as follows:

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

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

16 (a) Protect the citizenry from criminal behavior;

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

19 (c) Make the juvenile offender accountable for his or her  
20 criminal behavior;

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

23 (e) Provide due process for juveniles alleged to have committed  
24 an offense;

25 (f) Provide for the rehabilitation and reintegration of juvenile  
26 offenders;

27 (g) Provide necessary treatment, supervision, and custody for  
28 juvenile offenders;

29 ((+g)) (h) Provide for the handling of juvenile offenders by  
30 communities whenever consistent with public safety;

31 ((+h)) (i) Provide for restitution to victims of crime;

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

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

8       ~~((k))~~ (l) Provide opportunities for victim participation in  
9 juvenile justice process, including court hearings on juvenile  
10 offender matters, and ensure that Article I, section 35 of the  
11 Washington state Constitution, the victim bill of rights, is fully  
12 observed; and

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

15       **Sec. 2.** RCW 13.40.020 and 2014 c 110 s 1 are each amended to  
16 read as follows:

17       For the purposes of this chapter:

18       (1) "Assessment" means an individualized examination of a child  
19 to determine the child's psychosocial needs and problems, including  
20 the type and extent of any mental health, substance abuse, or co-  
21 occurring mental health and substance abuse disorders, and  
22 recommendations for treatment. "Assessment" includes, but is not  
23 limited to, drug and alcohol evaluations, psychological and  
24 psychiatric evaluations, records review, clinical interview, and  
25 administration of a formal test or instrument;

26       (2) "Community-based rehabilitation" means one or more of the  
27 following: Employment; attendance of information classes; literacy  
28 classes; counseling, outpatient substance abuse treatment programs,  
29 outpatient mental health programs, anger management classes,  
30 education or outpatient treatment programs to prevent animal cruelty,  
31 or other services including, when appropriate, restorative justice  
32 programs; or attendance at school or other educational programs  
33 appropriate for the juvenile as determined by the school district.  
34 Placement in community-based rehabilitation programs is subject to  
35 available funds;

36       (3) "Community-based sanctions" may include one or more of the  
37 following:

38       (a) A fine, not to exceed five hundred dollars;

1 (b) Community restitution not to exceed one hundred fifty hours  
2 of community restitution;

3 (4) "Community restitution" means compulsory service, without  
4 compensation, performed for the benefit of the community by the  
5 offender as punishment for committing an offense. Community  
6 restitution may be performed through public or private organizations  
7 or through work crews;

8 (5) "Community supervision" means an order of disposition by the  
9 court of an adjudicated youth not committed to the department or an  
10 order granting a deferred disposition. A community supervision order  
11 for a single offense may be for a period of up to two years for a sex  
12 offense as defined by RCW 9.94A.030 and up to one year for other  
13 offenses. As a mandatory condition of any term of community  
14 supervision, the court shall order the juvenile to refrain from  
15 committing new offenses. As a mandatory condition of community  
16 supervision, the court shall order the juvenile to comply with the  
17 mandatory school attendance provisions of chapter 28A.225 RCW and to  
18 inform the school of the existence of this requirement. Community  
19 supervision is an individualized program comprised of one or more of  
20 the following:

21 (a) Community-based sanctions;

22 (b) Community-based rehabilitation;

23 (c) Monitoring and reporting requirements;

24 (d) Posting of a probation bond;

25 (6) "Confinement" means physical custody by the department of  
26 social and health services in a facility operated by or pursuant to a  
27 contract with the state, or physical custody in a detention facility  
28 operated by or pursuant to a contract with any county. The county may  
29 operate or contract with vendors to operate county detention  
30 facilities. The department may operate or contract to operate  
31 detention facilities for juveniles committed to the department.  
32 Pretrial confinement or confinement of less than thirty-one days  
33 imposed as part of a disposition or modification order may be served  
34 consecutively or intermittently, in the discretion of the court;

35 (7) "Court," when used without further qualification, means the  
36 juvenile court judge(s) or commissioner(s);

37 (8) "Criminal history" includes all criminal complaints against  
38 the respondent for which, prior to the commission of a current  
39 offense:

1 (a) The allegations were found correct by a court. If a  
2 respondent is convicted of two or more charges arising out of the  
3 same course of conduct, only the highest charge from among these  
4 shall count as an offense for the purposes of this chapter; or

5 (b) The criminal complaint was diverted by a prosecutor pursuant  
6 to the provisions of this chapter on agreement of the respondent and  
7 after an advisement to the respondent that the criminal complaint  
8 would be considered as part of the respondent's criminal history. A  
9 successfully completed deferred adjudication that was entered before  
10 July 1, 1998, or a deferred disposition shall not be considered part  
11 of the respondent's criminal history;

12 (9) "Department" means the department of social and health  
13 services;

14 (10) "Detention facility" means a county facility, paid for by  
15 the county, for the physical confinement of a juvenile alleged to  
16 have committed an offense or an adjudicated offender subject to a  
17 disposition or modification order. "Detention facility" includes  
18 county group homes, inpatient substance abuse programs, juvenile  
19 basic training camps, and electronic monitoring;

20 (11) "Diversion unit" means any probation counselor who enters  
21 into a diversion agreement with an alleged youthful offender, or any  
22 other person, community accountability board, youth court under the  
23 supervision of the juvenile court, or other entity except a law  
24 enforcement official or entity, with whom the juvenile court  
25 administrator has contracted to arrange and supervise such agreements  
26 pursuant to RCW 13.40.080, or any person, community accountability  
27 board, or other entity specially funded by the legislature to arrange  
28 and supervise diversion agreements in accordance with the  
29 requirements of this chapter. For purposes of this subsection,  
30 "community accountability board" means a board comprised of members  
31 of the local community in which the juvenile offender resides. The  
32 superior court shall appoint the members. The boards shall consist of  
33 at least three and not more than seven members. If possible, the  
34 board should include a variety of representatives from the community,  
35 such as a law enforcement officer, teacher or school administrator,  
36 high school student, parent, and business owner, and should represent  
37 the cultural diversity of the local community;

38 (12) "Foster care" means temporary physical care in a foster  
39 family home or group care facility as defined in RCW 74.15.020 and  
40 licensed by the department, or other legally authorized care;

1 (13) "Institution" means a juvenile facility established pursuant  
2 to chapters 72.05 and 72.16 through 72.20 RCW;

3 (14) "Intensive supervision program" means a parole program that  
4 requires intensive supervision and monitoring, offers an array of  
5 individualized treatment and transitional services, and emphasizes  
6 community involvement and support in order to reduce the likelihood a  
7 juvenile offender will commit further offenses;

8 (15) "Juvenile," "youth," and "child" mean any individual who is  
9 under the chronological age of eighteen years and who has not been  
10 previously transferred to adult court pursuant to RCW 13.40.110,  
11 unless the individual was convicted of a lesser charge or acquitted  
12 of the charge for which he or she was previously transferred pursuant  
13 to RCW 13.40.110 or who is not otherwise under adult court  
14 jurisdiction;

15 (16) "Juvenile offender" means any juvenile who has been found by  
16 the juvenile court to have committed an offense, including a person  
17 eighteen years of age or older over whom jurisdiction has been  
18 extended under RCW 13.40.300;

19 (17) "Labor" means the period of time before a birth during which  
20 contractions are of sufficient frequency, intensity, and duration to  
21 bring about effacement and progressive dilation of the cervix;

22 (18) "Local sanctions" means one or more of the following: (a)  
23 0-30 days of confinement; (b) 0-12 months of community supervision;  
24 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

25 (19) "Manifest injustice" means a disposition that would either  
26 impose an excessive penalty on the juvenile or would impose a  
27 serious, and clear danger to society in light of the purposes of this  
28 chapter;

29 (20) "Monitoring and reporting requirements" means one or more of  
30 the following: Curfews; requirements to remain at home, school, work,  
31 or court-ordered treatment programs during specified hours;  
32 restrictions from leaving or entering specified geographical areas;  
33 requirements to report to the probation officer as directed and to  
34 remain under the probation officer's supervision; and other  
35 conditions or limitations as the court may require which may not  
36 include confinement;

37 (21) "Offense" means an act designated a violation or a crime if  
38 committed by an adult under the law of this state, under any  
39 ordinance of any city or county of this state, under any federal law,  
40 or under the law of another state if the act occurred in that state;

1 (22) "Physical restraint" means the use of any bodily force or  
2 physical intervention to control a juvenile offender or limit a  
3 juvenile offender's freedom of movement in a way that does not  
4 involve a mechanical restraint. Physical restraint does not include  
5 momentary periods of minimal physical restriction by direct person-  
6 to-person contact, without the aid of mechanical restraint,  
7 accomplished with limited force and designed to:

8 (a) Prevent a juvenile offender from completing an act that would  
9 result in potential bodily harm to self or others or damage property;

10 (b) Remove a disruptive juvenile offender who is unwilling to  
11 leave the area voluntarily; or

12 (c) Guide a juvenile offender from one location to another;

13 (23) "Postpartum recovery" means (a) the entire period a woman or  
14 youth is in the hospital, birthing center, or clinic after giving  
15 birth and (b) an additional time period, if any, a treating physician  
16 determines is necessary for healing after the youth leaves the  
17 hospital, birthing center, or clinic;

18 (24) "Probation bond" means a bond, posted with sufficient  
19 security by a surety justified and approved by the court, to secure  
20 the offender's appearance at required court proceedings and  
21 compliance with court-ordered community supervision or conditions of  
22 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
23 a deposit of cash or posting of other collateral in lieu of a bond if  
24 approved by the court;

25 (25) "Respondent" means a juvenile who is alleged or proven to  
26 have committed an offense;

27 (26) "Restitution" means financial reimbursement by the offender  
28 to the victim, and shall be limited to easily ascertainable damages  
29 for injury to or loss of property, actual expenses incurred for  
30 medical treatment for physical injury to persons, lost wages  
31 resulting from physical injury, and costs of the victim's counseling  
32 reasonably related to the offense. Restitution shall not include  
33 reimbursement for damages for mental anguish, pain and suffering, or  
34 other intangible losses. Nothing in this chapter shall limit or  
35 replace civil remedies or defenses available to the victim or  
36 offender;

37 (27) "Restorative justice" means practices, policies, and  
38 programs informed by and sensitive to the needs of crime victims that  
39 are designed to encourage offenders to accept responsibility for  
40 repairing the harm caused by their offense by providing safe and

1 supportive opportunities for voluntary participation and  
2 communication between the victim, the offender, their families, and  
3 relevant community members;

4 (28) "Restraints" means anything used to control the movement of  
5 a person's body or limbs and includes:

6 (a) Physical restraint; or

7 (b) Mechanical device including but not limited to: Metal  
8 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
9 hospital-type restraints, tasers, or batons;

10 (29) "Screening" means a process that is designed to identify a  
11 child who is at risk of having mental health, substance abuse, or co-  
12 occurring mental health and substance abuse disorders that warrant  
13 immediate attention, intervention, or more comprehensive assessment.  
14 A screening may be undertaken with or without the administration of a  
15 formal instrument;

16 (30) "Secretary" means the secretary of the department of social  
17 and health services. "Assistant secretary" means the assistant  
18 secretary for juvenile rehabilitation for the department;

19 (31) "Services" means services which provide alternatives to  
20 incarceration for those juveniles who have pleaded or been  
21 adjudicated guilty of an offense or have signed a diversion agreement  
22 pursuant to this chapter;

23 (32) "Sex offense" means an offense defined as a sex offense in  
24 RCW 9.94A.030;

25 (33) "Sexual motivation" means that one of the purposes for which  
26 the respondent committed the offense was for the purpose of his or  
27 her sexual gratification;

28 (34) "Surety" means an entity licensed under state insurance laws  
29 or by the state department of licensing, to write corporate,  
30 property, or probation bonds within the state, and justified and  
31 approved by the superior court of the county having jurisdiction of  
32 the case;

33 (35) "Transportation" means the conveying, by any means, of an  
34 incarcerated pregnant youth from the institution or detention  
35 facility to another location from the moment she leaves the  
36 institution or detention facility to the time of arrival at the other  
37 location, and includes the escorting of the pregnant incarcerated  
38 youth from the institution or detention facility to a transport  
39 vehicle and from the vehicle to the other location;

1 (36) "Violation" means an act or omission, which if committed by  
2 an adult, must be proven beyond a reasonable doubt, and is punishable  
3 by sanctions which do not include incarceration;

4 (37) "Violent offense" means a violent offense as defined in RCW  
5 9.94A.030;

6 (38) "Youth court" means a diversion unit under the supervision  
7 of the juvenile court.

8 **Sec. 3.** RCW 13.40.127 and 2015 c 265 s 26 are each amended to  
9 read as follows:

10 (1) A juvenile is eligible for deferred disposition unless he or  
11 she:

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

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

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

15 (d) Has two or more adjudications.

16 (2) The juvenile court (~~may~~) shall, except as provided by  
17 subsection (3) of this section, upon motion at least fourteen days  
18 before commencement of trial and, after consulting the juvenile's  
19 custodial parent or parents or guardian and with the consent of the  
20 juvenile, continue the case for disposition for a period not to  
21 exceed one year from the date the juvenile is found guilty. (~~The~~  
22 ~~court shall consider whether the offender and the community will~~  
23 ~~benefit from a deferred disposition before deferring the~~  
24 ~~disposition.~~) The court may waive the fourteen-day period anytime  
25 before the commencement of trial for good cause.

26 (3) If a juvenile offender is charged with animal cruelty in the  
27 first degree, the juvenile court may deny granting a deferred  
28 disposition to the juvenile, even if the juvenile otherwise may  
29 qualify for a deferred disposition. The judge shall consider whether  
30 the community will benefit from granting a deferred disposition to  
31 the juvenile offender.

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

33 (a) Stipulate to the admissibility of the facts contained in the  
34 written police report;

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

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

1 (d) Acknowledge the direct consequences of being found guilty and  
2 the direct consequences that will happen if an order of disposition  
3 is entered.

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

6 ~~((4))~~ (5) Following the stipulation, acknowledgment, waiver,  
7 and entry of a finding or plea of guilt, the court shall defer entry  
8 of an order of disposition of the juvenile.

9 ~~((5))~~ (6) Any juvenile granted a deferral of disposition under  
10 this section shall be placed under community supervision. The court  
11 may impose any conditions of supervision that it deems appropriate  
12 including posting a probation bond. Payment of restitution under RCW  
13 13.40.190 shall be a condition of community supervision under this  
14 section.

15 The court may require a juvenile offender convicted of animal  
16 cruelty in the first degree to submit to a mental health evaluation  
17 to determine if the offender would benefit from treatment and such  
18 intervention would promote the safety of the community. After  
19 consideration of the results of the evaluation, as a condition of  
20 community supervision, the court may order the offender to attend  
21 treatment to address issues pertinent to the offense.

22 The court may require the juvenile to undergo a mental health or  
23 substance abuse assessment, or both. If the assessment identifies a  
24 need for treatment, conditions of supervision may include treatment  
25 for the assessed need that has been demonstrated to improve  
26 behavioral health and reduce recidivism.

27 The court shall require a juvenile granted a deferral of  
28 disposition for unlawful possession of a firearm in violation of RCW  
29 9.41.040 to participate in a qualifying program as described in RCW  
30 13.40.193(2)(b), when available, unless the court makes a written  
31 finding based on the outcome of the juvenile court risk assessment  
32 that participation in a qualifying program would not be appropriate.

33 ~~((6))~~ (7) A parent who signed for a probation bond has the  
34 right to notify the counselor if the juvenile fails to comply with  
35 the bond or conditions of supervision. The counselor shall notify the  
36 court and surety of any failure to comply. A surety shall notify the  
37 court of the juvenile's failure to comply with the probation bond.  
38 The state shall bear the burden to prove, by a preponderance of the  
39 evidence, that the juvenile has failed to comply with the terms of  
40 community supervision.

1       (~~(7)~~) (8)(a) Anytime prior to the conclusion of the period of  
2 supervision, the prosecutor or the juvenile's juvenile court  
3 community supervision counselor may file a motion with the court  
4 requesting the court revoke the deferred disposition based on the  
5 juvenile's lack of compliance or treat the juvenile's lack of  
6 compliance as a violation pursuant to RCW 13.40.200.

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

9       (i) Revoke the deferred disposition and enter an order of  
10 disposition; or

11       (ii) Impose sanctions for the violation pursuant to RCW  
12 13.40.200.

13       (~~(8)~~) (9) At any time following deferral of disposition the  
14 court may, following a hearing, continue supervision for an  
15 additional one-year period for good cause.

16       (~~(9)~~) (10)(a) At the conclusion of the period of supervision,  
17 the court shall determine whether the juvenile is entitled to  
18 dismissal of the deferred disposition only when the court finds:

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

20       (ii) The juvenile has completed the terms of supervision;

21       (iii) There are no pending motions concerning lack of compliance  
22 pursuant to subsection (~~(7)~~) (8) of this section; and

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

26       (b) If the court finds the juvenile is entitled to dismissal of  
27 the deferred disposition pursuant to (a) of this subsection, the  
28 juvenile's conviction shall be vacated and the court shall dismiss  
29 the case with prejudice, except that a conviction under RCW 16.52.205  
30 shall not be vacated. Whenever a case is dismissed with restitution  
31 still owing, the court shall enter a restitution order pursuant to  
32 RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce  
33 payment and modify terms of the restitution order shall be the same  
34 as those set forth in RCW 7.80.130.

35       (c) If the court finds the juvenile is not entitled to dismissal  
36 of the deferred disposition pursuant to (a) of this subsection, the  
37 court shall revoke the deferred disposition and enter an order of  
38 disposition. A deferred disposition shall remain a conviction unless  
39 the case is dismissed and the conviction is vacated pursuant to (b)  
40 of this subsection or sealed pursuant to RCW 13.50.260.

1 ((+10+)) (11)(a)(i) Any time the court vacates a conviction  
2 pursuant to subsection ((+9+)) (10) of this section, if the juvenile  
3 is eighteen years of age or older and the full amount of restitution  
4 owing to the individual victim named in the restitution order,  
5 excluding restitution owed to any insurance provider authorized under  
6 Title 48 RCW has been paid, the court shall enter a written order  
7 sealing the case.

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

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

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

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

23 **Sec. 4.** RCW 13.40.308 and 2009 c 454 s 4 are each amended to  
24 read as follows:

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

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

38 (b) Juveniles with a prior criminal history score of three-  
39 quarters to one and one-half points shall be sentenced to a standard

1 range sentence that includes six months of community supervision, no  
2 less than ten days of detention, and ninety hours of community  
3 restitution(~~(, and a four hundred dollar fine)~~); and

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

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

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

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

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

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

37 (a) Juveniles with a prior criminal history score of zero to one-  
38 half points shall be sentenced to a standard range sentence that  
39 includes three months of community supervision, fifteen hours of  
40 community restitution, and a requirement that the juvenile remain at

1 home such that the juvenile is confined in a private residence for no  
2 less than one day. If the juvenile is enrolled in school, the  
3 confinement shall be served on nonschool 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 one day of detention, three  
8 months of community supervision, thirty hours of community  
9 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
10 that the juvenile remain at home such that the juvenile is confined  
11 in a private residence for no less than two days. If the juvenile is  
12 enrolled in school, the confinement shall be served on nonschool  
13 days. The juvenile may be subject to electronic monitoring where  
14 available; and

15 (c) Juveniles with a prior criminal history score of two or more  
16 points shall be sentenced to no less than three days of detention,  
17 six months of community supervision, forty-five hours of community  
18 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
19 that the juvenile remain at home such that the juvenile is confined  
20 in a private residence for no less than seven days. If the juvenile  
21 is enrolled in school, the confinement shall be served on nonschool  
22 days. The juvenile may be subject to electronic monitoring where  
23 available.

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

26 (1) All training relating to the handling of domestic violence  
27 complaints by law enforcement officers shall stress enforcement of  
28 criminal laws in domestic situations, availability of community  
29 resources, and protection of the victim. Law enforcement agencies and  
30 community organizations with expertise in the issue of domestic  
31 violence shall cooperate in all aspects of such training.

32 (2) The criminal justice training commission shall implement by  
33 January 1, 1997, a course of instruction for the training of law  
34 enforcement officers in Washington in the handling of domestic  
35 violence complaints. The basic law enforcement curriculum of the  
36 criminal justice training commission shall include at least twenty  
37 hours of basic training instruction on the law enforcement response  
38 to domestic violence. The course of instruction, the learning and  
39 performance objectives, and the standards for the training shall be

1 developed by the commission and focus on enforcing the criminal laws,  
2 safety of the victim, and holding the perpetrator accountable for the  
3 violence. The curriculum shall include training on the extent and  
4 prevalence of domestic violence, the importance of criminal justice  
5 intervention, techniques for responding to incidents that minimize  
6 the likelihood of officer injury and that promote victim safety,  
7 investigation and interviewing skills, evidence gathering and report  
8 writing, assistance to and services for victims and children,  
9 verification and enforcement of court orders, liability, and any  
10 additional provisions that are necessary to carry out the intention  
11 of this subsection.

12 (3) The criminal justice training commission shall develop and  
13 update annually an in-service training program to familiarize law  
14 enforcement officers with the domestic violence laws. The program  
15 shall include techniques for handling incidents of domestic violence  
16 that minimize the likelihood of injury to the officer and that  
17 promote the safety of all parties. The commission shall make the  
18 training program available to all law enforcement agencies in the  
19 state.

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

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

29 (6)(a) When a peace officer responds to a domestic violence call  
30 and has probable cause to believe that a crime has been committed,  
31 the peace officer shall exercise arrest powers with reference to the  
32 criteria in RCW 10.31.100. The officer shall notify the victim of the  
33 victim's right to initiate a criminal proceeding in all cases where  
34 the officer has not exercised arrest powers or decided to initiate  
35 criminal proceedings by citation or otherwise. The parties in such  
36 cases shall also be advised of the importance of preserving evidence.

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

1 (7) When a peace officer responds to a domestic violence call,  
2 the officer shall advise victims of all reasonable means to prevent  
3 further abuse, including advising each person of the availability of  
4 a shelter or other services in the community, and giving each person  
5 immediate notice of the legal rights and remedies available. The  
6 notice shall include handing each person a copy of the following  
7 statement:

8 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
9 city or county prosecuting attorney to file a criminal  
10 complaint. You also have the right to file a petition in  
11 superior, district, or municipal court requesting an order  
12 for protection from domestic abuse which could include any of  
13 the following: (a) An order restraining your abuser from  
14 further acts of abuse; (b) an order directing your abuser to  
15 leave your household; (c) an order preventing your abuser  
16 from entering your residence, school, business, or place of  
17 employment; (d) an order awarding you or the other parent  
18 custody of or visitation with your minor child or children;  
19 and (e) an order restraining your abuser from molesting or  
20 interfering with minor children in your custody. The forms  
21 you need to obtain a protection order are available in any  
22 municipal, district, or superior court.

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

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

31 (9) The law enforcement agency shall forward the offense report  
32 to the appropriate prosecutor within ten days of making such report  
33 if there is probable cause to believe that an offense has been  
34 committed, unless the case is under active investigation. Upon  
35 receiving the offense report, the prosecuting agency may, in its  
36 discretion, choose not to file the information as a domestic violence  
37 offense, if the offense was committed by a juvenile against a  
38 sibling, parent, stepparent, or grandparent. In determining whether  
39 to file the information as a domestic violence offense, the

1 prosecuting agency may take into consideration whether the victim of  
2 the offense requests that the information not be filed as a domestic  
3 violence offense or does not object to an information not being filed  
4 as a domestic violence offense.

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

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

11 (12) Commencing January 1, 1994, records of incidents of domestic  
12 violence shall be submitted, in accordance with procedures described  
13 in this subsection, to the Washington association of sheriffs and  
14 police chiefs by all law enforcement agencies. The Washington  
15 criminal justice training commission shall amend its contract for  
16 collection of statewide crime data with the Washington association of  
17 sheriffs and police chiefs:

18 (a) To include a table, in the annual report of crime in  
19 Washington produced by the Washington association of sheriffs and  
20 police chiefs pursuant to the contract, showing the total number of  
21 actual offenses and the number and percent of the offenses that are  
22 domestic violence incidents for the following crimes: (i) Criminal  
23 homicide, with subtotals for murder and nonnegligent homicide and  
24 manslaughter by negligence; (ii) forcible rape, with subtotals for  
25 rape by force and attempted forcible rape; (iii) robbery, with  
26 subtotals for firearm, knife or cutting instrument, or other  
27 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals  
28 for firearm, knife or cutting instrument, other dangerous weapon,  
29 hands, feet, aggravated, and other nonaggravated assaults; (v)  
30 burglary, with subtotals for forcible entry, nonforcible unlawful  
31 entry, and attempted forcible entry; (vi) larceny theft, except motor  
32 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,  
33 trucks and buses, and other vehicles; (viii) arson; and (ix)  
34 violations of the provisions of a protection order or no-contact  
35 order restraining the person from going onto the grounds of or  
36 entering a residence, workplace, school, or day care, provided that  
37 specific appropriations are subsequently made for the collection and  
38 compilation of data regarding violations of protection orders or no-  
39 contact orders;

1 (b) To require that the table shall continue to be prepared and  
2 contained in the annual report of crime in Washington until that time  
3 as comparable or more detailed information about domestic violence  
4 incidents is available through the Washington state incident based  
5 reporting system and the information is prepared and contained in the  
6 annual report of crime in Washington; and

7 (c) To require that, in consultation with interested persons, the  
8 Washington association of sheriffs and police chiefs prepare and  
9 disseminate procedures to all law enforcement agencies in the state  
10 as to how the agencies shall code and report domestic violence  
11 incidents to the Washington association of sheriffs and police  
12 chiefs.

13 **Sec. 6.** RCW 13.40.265 and 2003 c 53 s 101 are each amended to  
14 read as follows:

15 (1)~~((a))~~ If a juvenile thirteen years of age or older is found  
16 by juvenile court to have committed an offense while armed with a  
17 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
18 ~~((iii))~~ (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
19 court shall notify the department of licensing within twenty-four  
20 hours after entry of the judgment, unless the offense is the  
21 juvenile's first offense while armed with a firearm, first unlawful  
22 possession of a firearm offense, or first offense in violation of  
23 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

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

31 ~~((c) If the offense is the juvenile's first violation of chapter~~  
32 ~~66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the~~  
33 ~~court for reinstatement of the juvenile's privilege to drive revoked~~  
34 ~~pursuant to RCW 46.20.265 until ninety days after the date the~~  
35 ~~juvenile turns sixteen or ninety days after the judgment was entered,~~  
36 ~~whichever is later.))~~ (3) If the offense is the juvenile's second or  
37 subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW,  
38 the juvenile may not petition the court for reinstatement of the  
39 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until

1 the date the juvenile turns seventeen or one year after the date  
2 judgment was entered, whichever is later.

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

8 ~~(b) If a diversion unit has notified the department pursuant to  
9 (a) of this subsection, the diversion unit shall notify the  
10 department of licensing when the juvenile has completed the  
11 agreement.))~~

12 **Sec. 7.** RCW 9.41.040 and 2014 c 111 s 1 are each amended to read  
13 as follows:

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

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

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

28 (i) After having previously been convicted or found not guilty by  
29 reason of insanity in this state or elsewhere of any felony not  
30 specifically listed as prohibiting firearm possession under  
31 subsection (1) of this section, or any of the following crimes when  
32 committed by one family or household member against another,  
33 committed on or after July 1, 1993: Assault in the fourth degree,  
34 coercion, stalking, reckless endangerment, criminal trespass in the  
35 first degree, or violation of the provisions of a protection order or  
36 no-contact order restraining the person or excluding the person from  
37 a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

1 (ii) During any period of time that the person is subject to a  
2 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,  
3 26.09, 26.10, 26.26, or 26.50 RCW that:

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

7 (B) Restrains the person from harassing, stalking, or threatening  
8 an intimate partner of the person or child of the intimate partner or  
9 person, or engaging in other conduct that would place an intimate  
10 partner in reasonable fear of bodily injury to the partner or child;  
11 and

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

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

17 (iii) After having previously been involuntarily committed for  
18 mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740,  
19 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
20 jurisdiction, unless his or her right to possess a firearm has been  
21 restored as provided in RCW 9.41.047;

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

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

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

29 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
30 as used in this chapter, a person has been "convicted", whether in an  
31 adult court or adjudicated in a juvenile court, at such time as a  
32 plea of guilty has been accepted, or a verdict of guilty has been  
33 filed, notwithstanding the pendency of any future proceedings  
34 including but not limited to sentencing or disposition, post-trial or  
35 post-fact-finding motions, and appeals. Conviction includes a  
36 dismissal entered after a period of probation, suspension or deferral  
37 of sentence, and also includes equivalent dispositions by courts in  
38 jurisdictions other than Washington state. A person shall not be  
39 precluded from possession of a firearm if the conviction has been the  
40 subject of a pardon, annulment, certificate of rehabilitation, or

1 other equivalent procedure based on a finding of the rehabilitation  
2 of the person convicted or the conviction or disposition has been the  
3 subject of a pardon, annulment, or other equivalent procedure based  
4 on a finding of innocence. Where no record of the court's disposition  
5 of the charges can be found, there shall be a rebuttable presumption  
6 that the person was not convicted of the charge.

7 (4)(a) Notwithstanding subsection (1) or (2) of this section, a  
8 person convicted or found not guilty by reason of insanity of an  
9 offense prohibiting the possession of a firearm under this section  
10 other than murder, manslaughter, robbery, rape, indecent liberties,  
11 arson, assault, kidnapping, extortion, burglary, or violations with  
12 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
13 who received a probationary sentence under RCW 9.95.200, and who  
14 received a dismissal of the charge under RCW 9.95.240, shall not be  
15 precluded from possession of a firearm as a result of the conviction  
16 or finding of not guilty by reason of insanity. Notwithstanding any  
17 other provisions of this section, if a person is prohibited from  
18 possession of a firearm under subsection (1) or (2) of this section  
19 and has not previously been convicted or found not guilty by reason  
20 of insanity of a sex offense prohibiting firearm ownership under  
21 subsection (1) or (2) of this section and/or any felony defined under  
22 any law as a class A felony or with a maximum sentence of at least  
23 twenty years, or both, the individual may petition a court of record  
24 to have his or her right to possess a firearm restored:

25 (i) Under RCW 9.41.047; and/or

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

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

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

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

6 (ii) The superior court in the county in which the petitioner  
7 resides.

8 (5) In addition to any other penalty provided for by law, if a  
9 person under the age of eighteen years is found by a court to have  
10 possessed a firearm in a vehicle in violation of subsection (1) or  
11 (2) of this section or to have committed an offense while armed with  
12 a firearm during which offense a motor vehicle served an integral  
13 function, the court shall notify the department of licensing within  
14 twenty-four hours and the person's privilege to drive shall be  
15 revoked under RCW 46.20.265, unless the offense is the juvenile's  
16 first offense in violation of this section and has not committed an  
17 offense while armed with a firearm, an unlawful possession of a  
18 firearm offense, or an offense in violation of chapter 66.44, 69.52,  
19 69.41, or 69.50 RCW.

20 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
21 or interpreted as preventing an offender from being charged and  
22 subsequently convicted for the separate felony crimes of theft of a  
23 firearm or possession of a stolen firearm, or both, in addition to  
24 being charged and subsequently convicted under this section for  
25 unlawful possession of a firearm in the first or second degree.  
26 Notwithstanding any other law, if the offender is convicted under  
27 this section for unlawful possession of a firearm in the first or  
28 second degree and for the felony crimes of theft of a firearm or  
29 possession of a stolen firearm, or both, then the offender shall  
30 serve consecutive sentences for each of the felony crimes of  
31 conviction listed in this subsection.

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

34 (8) For purposes of this section, "intimate partner" includes: A  
35 spouse, a domestic partner, a former spouse, a former domestic  
36 partner, a person with whom the restrained person has a child in  
37 common, or a person with whom the restrained person has cohabitated  
38 or is cohabitating as part of a dating relationship.

1       **Sec. 8.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to  
2 read as follows:

3       (1) In addition to any other authority to revoke driving  
4 privileges under this chapter, the department shall revoke all  
5 driving privileges of a juvenile when the department receives notice  
6 from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365,  
7 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal  
8 ordinance adopted by a local legislative authority, or from a  
9 diversion unit pursuant to RCW 13.40.265.

10       (2) The driving privileges of the juvenile revoked under  
11 subsection (1) of this section shall be revoked in the following  
12 manner:

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

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

19       (c) Each offense for which the department receives notice shall  
20 result in a separate period of revocation. All periods of revocation  
21 imposed under this section that could otherwise overlap shall run  
22 consecutively up to the juvenile's twenty-first birthday, and no  
23 period of revocation imposed under this section shall begin before  
24 the expiration of all other periods of revocation imposed under this  
25 section or other law. Periods of revocation imposed consecutively  
26 under this section shall not extend beyond the juvenile's twenty-  
27 first birthday.

28       (3)(a) If the department receives notice from a court that the  
29 juvenile's privilege to drive should be reinstated, the department  
30 shall immediately reinstate any driving privileges that have been  
31 revoked under this section if the minimum term of revocation as  
32 specified in RCW 13.40.265(~~((1)(e))~~) (3), 66.44.365(3), 69.41.065(3),  
33 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
34 subject to subsection (2)(c) of this section.

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

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

7       ~~(b) If the diversion agreement was for the juvenile's first~~  
8 ~~violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the~~  
9 ~~department shall not reinstate the juvenile's privilege to drive~~  
10 ~~until the later of ninety days after the date the juvenile turns~~  
11 ~~sixteen or ninety days after the juvenile entered into a diversion~~  
12 ~~agreement for the offense. If the diversion agreement was for the~~  
13 ~~juvenile's second or subsequent violation of chapter 66.44, 69.41,~~  
14 ~~69.50, or 69.52 RCW, the department shall not reinstate the~~  
15 ~~juvenile's privilege to drive until the later of the date the~~  
16 ~~juvenile turns seventeen or one year after the juvenile entered into~~  
17 ~~the second or subsequent diversion agreement.))~~

18       **Sec. 9.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to  
19 read as follows:

20       (1) If a juvenile thirteen years of age or older and under the  
21 age of eighteen is found by a court to have committed any offense  
22 that is a violation of this chapter, the court shall notify the  
23 department of licensing within twenty-four hours after entry of the  
24 judgment, unless the offense is the juvenile's first offense in  
25 violation of this chapter and has not committed an offense while  
26 armed with a firearm, an unlawful possession of a firearm offense, or  
27 an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

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

33       (3) If the conviction is for the juvenile's first violation of  
34 this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may  
35 not petition the court for reinstatement of the juvenile's privilege  
36 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
37 days after the date the juvenile turns sixteen or ninety days after  
38 the judgment was entered. If the conviction was for the juvenile's  
39 second or subsequent violation of this chapter or chapter 69.41,

1 69.50, or 69.52 RCW, the juvenile may not petition the court for  
2 reinstatement of the juvenile's privilege to drive revoked pursuant  
3 to RCW 46.20.265 until the later of the date the juvenile turns  
4 seventeen or one year after the date judgment was entered.

5 **Sec. 10.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to  
6 read as follows:

7 (1) If a juvenile thirteen years of age or older and under the  
8 age of twenty-one is found by a court to have committed any offense  
9 that is a violation of this chapter, the court shall notify the  
10 department of licensing within twenty-four hours after entry of the  
11 judgment, unless the offense is the juvenile's first offense in  
12 violation of this chapter and has not committed an offense while  
13 armed with a firearm, an unlawful possession of a firearm offense, or  
14 an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

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

20 (3) If the conviction is for the juvenile's first violation of  
21 this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may  
22 not petition the court for reinstatement of the juvenile's privilege  
23 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
24 days after the date the juvenile turns sixteen or ninety days after  
25 the judgment was entered. If the conviction was for the juvenile's  
26 second or subsequent violation of this chapter or chapter 66.44,  
27 69.50, or 69.52 RCW, the juvenile may not petition the court for  
28 reinstatement of the juvenile's privilege to drive revoked pursuant  
29 to RCW 46.20.265 until the later of the date the juvenile turns  
30 seventeen or one year after the date judgment was entered.

31 **Sec. 11.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to  
32 read as follows:

33 (1) If a juvenile thirteen years of age or older and under the  
34 age of twenty-one is found by a court to have committed any offense  
35 that is a violation of this chapter, the court shall notify the  
36 department of licensing within twenty-four hours after entry of the  
37 judgment, unless the offense is the juvenile's first offense in  
38 violation of this chapter and has not committed an offense while

1 armed with a firearm, an unlawful possession of a firearm offense, or  
2 an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

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

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

19 **Sec. 12.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to  
20 read as follows:

21 (1) If a juvenile thirteen years of age or older and under the  
22 age of twenty-one is found by a court to have committed any offense  
23 that is a violation of this chapter, the court shall notify the  
24 department of licensing within twenty-four hours after entry of the  
25 judgment, unless the offense is the juvenile's first offense in  
26 violation of this chapter and has not committed an offense while  
27 armed with a firearm, an unlawful possession of a firearm offense, or  
28 an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

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

34 (3) If the conviction is for the juvenile's first violation of  
35 this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may  
36 not petition the court for reinstatement of the juvenile's privilege  
37 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
38 days after the date the juvenile turns sixteen or ninety days after  
39 the judgment was entered. If the conviction was for the juvenile's

1 second or subsequent violation of this chapter or chapter 66.44,  
2 69.41, or 69.50 RCW, the juvenile may not petition the court for  
3 reinstatement of the juvenile's privilege to drive revoked pursuant  
4 to RCW 46.20.265 until the later of the date the juvenile turns  
5 seventeen or one year after the date judgment was entered."

6 Correct the title.

EFFECT: The striking amendment makes the following changes to the underlying bill:

(1) Specifies that juveniles adjudicated of Theft of a Motor Vehicle or Possession of a Motor Vehicle may perform a combination of home confinement and a minimum of 40 hours of community service;

(2) Restores the ability for electronic monitoring to be ordered for juveniles adjudicated of motor vehicle offenses;

(3) Replaces the provision raising the age of mandatory domestic violence arrest from 16 to 18 with a provision giving prosecutors discretion regarding filing an information as a domestic violence offense if the juvenile offense was committed against a sibling, parent, stepparent, or grandparent; and

(4) Adds restorative justice to the definition of community-based rehabilitation for juvenile offenders.

--- END ---