

ESHB 2906 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED 03/04/2016

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 against a sibling, parent,
38 stepparent, or grandparent.

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

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

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

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

36 (b) To require that the table shall continue to be prepared and
37 contained in the annual report of crime in Washington until that time
38 as comparable or more detailed information about domestic violence
39 incidents is available through the Washington state incident based

1 reporting system and the information is prepared and contained in the
2 annual report of crime in Washington; and

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

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

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

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

27 ~~((c) If the offense is the juvenile's first violation of chapter~~
28 ~~66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the~~
29 ~~court for reinstatement of the juvenile's privilege to drive revoked~~
30 ~~pursuant to RCW 46.20.265 until ninety days after the date the~~
31 ~~juvenile turns sixteen or ninety days after the judgment was entered,~~
32 ~~whichever is later.))~~ (3) If the offense is the juvenile's second or
33 subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW,
34 the juvenile may not petition the court for reinstatement of the
35 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until
36 the date the juvenile turns seventeen or one year after the date
37 judgment was entered, whichever is later.

38 ~~((2)(a) If a juvenile enters into a diversion agreement with a~~
39 ~~diversion unit pursuant to RCW 13.40.080 concerning an offense that~~

1 ~~is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the~~
2 ~~diversion unit shall notify the department of licensing within~~
3 ~~twenty four hours after the diversion agreement is signed.~~

4 ~~(b) If a diversion unit has notified the department pursuant to~~
5 ~~(a) of this subsection, the diversion unit shall notify the~~
6 ~~department of licensing when the juvenile has completed the~~
7 ~~agreement.))~~

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

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

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

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

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

34 (ii) During any period of time that the person is subject to a
35 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,
36 26.09, 26.10, 26.26, or 26.50 RCW that:

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

1 (B) Restrains the person from harassing, stalking, or threatening
2 an intimate partner of the person or child of the intimate partner or
3 person, or engaging in other conduct that would place an intimate
4 partner in reasonable fear of bodily injury to the partner or child;
5 and

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

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

11 (iii) After having previously been involuntarily committed for
12 mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740,
13 71.34.750, chapter 10.77 RCW, or equivalent statutes of another
14 jurisdiction, unless his or her right to possess a firearm has been
15 restored as provided in RCW 9.41.047;

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

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

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

23 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,
24 as used in this chapter, a person has been "convicted", whether in an
25 adult court or adjudicated in a juvenile court, at such time as a
26 plea of guilty has been accepted, or a verdict of guilty has been
27 filed, notwithstanding the pendency of any future proceedings
28 including but not limited to sentencing or disposition, post-trial or
29 post-fact-finding motions, and appeals. Conviction includes a
30 dismissal entered after a period of probation, suspension or deferral
31 of sentence, and also includes equivalent dispositions by courts in
32 jurisdictions other than Washington state. A person shall not be
33 precluded from possession of a firearm if the conviction has been the
34 subject of a pardon, annulment, certificate of rehabilitation, or
35 other equivalent procedure based on a finding of the rehabilitation
36 of the person convicted or the conviction or disposition has been the
37 subject of a pardon, annulment, or other equivalent procedure based
38 on a finding of innocence. Where no record of the court's disposition
39 of the charges can be found, there shall be a rebuttable presumption
40 that the person was not convicted of the charge.

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

19 (i) Under RCW 9.41.047; and/or

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

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

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

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

1 (ii) The superior court in the county in which the petitioner
2 resides.

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

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

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

29 (8) For purposes of this section, "intimate partner" includes: A
30 spouse, a domestic partner, a former spouse, a former domestic
31 partner, a person with whom the restrained person has a child in
32 common, or a person with whom the restrained person has cohabitated
33 or is cohabitating as part of a dating relationship.

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

36 (1) In addition to any other authority to revoke driving
37 privileges under this chapter, the department shall revoke all
38 driving privileges of a juvenile when the department receives notice
39 from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365,

1 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal
2 ordinance adopted by a local legislative authority, or from a
3 diversion unit pursuant to RCW 13.40.265.

4 (2) The driving privileges of the juvenile revoked under
5 subsection (1) of this section shall be revoked in the following
6 manner:

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

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

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

22 (3)(a) If the department receives notice from a court that the
23 juvenile's privilege to drive should be reinstated, the department
24 shall immediately reinstate any driving privileges that have been
25 revoked under this section if the minimum term of revocation as
26 specified in RCW 13.40.265(~~((1)(e))~~) (3), 66.44.365(3), 69.41.065(3),
27 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and
28 subject to subsection (2)(c) of this section.

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

34 ~~((4)(a) If the department receives notice pursuant to RCW
35 13.40.265(2)(b) from a diversion unit that a juvenile has completed a
36 diversion agreement for which the juvenile's driving privileges were
37 revoked, the department shall reinstate any driving privileges
38 revoked under this section as provided in (b) of this subsection,
39 subject to subsection (2)(c) of this section.~~

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

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

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

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

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

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

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

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

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

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

29 (1) If a juvenile thirteen years of age or older and under the
30 age of twenty-one is found by a court to have committed any offense
31 that is a violation of this chapter, the court shall notify the
32 department of licensing within twenty-four hours after entry of the
33 judgment, unless the offense is the juvenile's first offense in
34 violation of this chapter and has not committed an offense while
35 armed with a firearm, an unlawful possession of a firearm offense, or
36 an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

37 (2) Except as otherwise provided in subsection (3) of this
38 section, upon petition of a juvenile whose privilege to drive has
39 been revoked pursuant to RCW 46.20.265, the court may at any time the

1 court deems appropriate notify the department of licensing to
2 reinstate the juvenile's privilege to drive.

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

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

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

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

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

ESHB 2906 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED 03/04/2016

1 On page 1, line 2 of the title, after "offenders;" strike the
2 remainder of the title and insert "and amending RCW 13.40.010,
3 13.40.020, 13.40.127, 13.40.308, 10.99.030, 13.40.265, 9.41.040,
4 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070."

EFFECT: Removes language allowing a judge to impose optional special fines ranging from \$150-\$400 on a juvenile adjudicated for an offense involving a motor vehicle. Removes language limiting the prosecutor's discretion to choose not to file an information as a domestic violence offense if the offense was committed against a sibling, parent, stepparent, or grandparent to situations where the offense was committed by a juvenile. Removes language allowing the prosecutor to consider whether the victim requests that the information not be filed as a domestic violence offense or whether the victim does not object to the same.

--- END ---