
SENATE BILL 6365

State of Washington

64th Legislature

2016 Regular Session

By Senators Darneille, Miloscia, and Chase

Read first time 01/18/16. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to establishing a lower age limit for
2 discretionary decline hearings in juvenile court; and amending RCW
3 13.40.110.

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

5 **Sec. 1.** RCW 13.40.110 and 2009 c 454 s 3 are each amended to
6 read as follows:

7 (1) Discretionary decline hearing - The prosecutor, respondent,
8 or the court on its own motion may, before a hearing on the
9 information on its merits, file a motion requesting the court to
10 transfer the respondent for adult criminal prosecution and the matter
11 shall be set for a hearing on the question of declining jurisdiction,
12 if the respondent is fourteen years of age or older on the date the
13 alleged offense is committed.

14 (2) Mandatory decline hearing - Unless waived by the court, the
15 parties, and their counsel, a decline hearing shall be held when:

16 (a) The respondent is sixteen or seventeen years of age and the
17 information alleges a class A felony or an attempt, solicitation, or
18 conspiracy to commit a class A felony;

19 (b) The respondent is seventeen years of age and the information
20 alleges assault in the second degree, extortion in the first degree,

1 indecent liberties, child molestation in the second degree,
2 kidnapping in the second degree, or robbery in the second degree; or

3 (c) The information alleges an escape by the respondent and the
4 respondent is serving a minimum juvenile sentence to age twenty-one.

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

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

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