

SSB 6620 - S AMD 917

By Senator Baumgartner

1 On page 28, after line 10, insert the following:

2 **"Part VII - Juvenile Justice Provisions**

3 **Sec. 24.** RCW 13.04.030 and 2018 c ... (E2SSB 6160) s 1 are each  
4 amended to read as follows:

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

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

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

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

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

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

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

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

24 (iii) The alleged offense or infraction is a traffic, fish,  
25 boating, or game offense, or traffic or civil infraction committed by  
26 a juvenile sixteen years of age or older and would, if committed by  
27 an adult, be tried or heard in a court of limited jurisdiction, in  
28 which instance the appropriate court of limited jurisdiction shall  
29 have jurisdiction over the alleged offense or infraction, and no  
30 guardian ad litem is required in any such proceeding due to the  
31 juvenile's age. If such an alleged offense or infraction and an

1 alleged offense or infraction subject to juvenile court jurisdiction  
2 arise out of the same event or incident, the juvenile court may have  
3 jurisdiction of both matters. The jurisdiction under this subsection  
4 does not constitute "transfer" or a "decline" for purposes of RCW  
5 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited  
6 jurisdiction which confine juveniles for an alleged offense or  
7 infraction may place juveniles in juvenile detention facilities under  
8 an agreement with the officials responsible for the administration of  
9 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

10 (iv) The alleged offense is a traffic or civil infraction, a  
11 violation of compulsory school attendance provisions under chapter  
12 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction  
13 has assumed concurrent jurisdiction over those offenses as provided  
14 in RCW 13.04.0301; or

15 (v) The juvenile is sixteen or seventeen years old on the date  
16 the alleged offense is committed and the alleged offense is:

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

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

25 (C) Rape of a child in the first degree; or

26 (D) Any violent offense as defined in RCW 9.94A.030 where the  
27 juvenile is alleged to have been armed with a firearm and the alleged  
28 offense is committed on public or private elementary or secondary  
29 school premises, school-provided transportation, or areas of  
30 facilities while being used exclusively by public or private schools.

31 (I) In such a case the adult criminal court shall have exclusive  
32 original jurisdiction, except as provided in (e)(v)((~~C~~))(D)(II) and  
33 (III) of this subsection.

34 (II) The juvenile court shall have exclusive jurisdiction over  
35 the disposition of any remaining charges in any case in which the  
36 juvenile is found not guilty in the adult criminal court of the  
37 charge or charges for which he or she was transferred, or is  
38 convicted in the adult criminal court of a lesser included offense  
39 that is not also an offense listed in (e)(v) of this subsection. The  
40 juvenile court shall maintain residual juvenile court jurisdiction up

1 to age twenty-five if the juvenile has turned eighteen years of age  
2 during the adult criminal court proceedings but only for the purpose  
3 of returning a case to juvenile court for disposition pursuant to RCW  
4 13.40.300(3)(d). However, once the case is returned to juvenile  
5 court, the court may hold a decline hearing pursuant to RCW 13.40.110  
6 to determine whether to retain the case in juvenile court for the  
7 purpose of disposition or return the case to adult criminal court for  
8 sentencing.

9 (III) The prosecutor and respondent may agree to juvenile court  
10 jurisdiction and waive application of exclusive adult criminal  
11 jurisdiction in (e)(v)(A) through (~~(C)~~) (D) of this subsection and  
12 remove the proceeding back to juvenile court with the court's  
13 approval.

14 If the juvenile challenges the state's determination of the  
15 juvenile's criminal history under (e)(v) of this subsection, the  
16 state may establish the offender's criminal history by a  
17 preponderance of the evidence. If the criminal history consists of  
18 adjudications entered upon a plea of guilty, the state shall not bear  
19 a burden of establishing the knowing and voluntariness of the plea;

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

22 (g) Relating to termination of a diversion agreement under RCW  
23 13.40.080, including a proceeding in which the divertee has attained  
24 eighteen years of age;

25 (h) Relating to court validation of a voluntary consent to an  
26 out-of-home placement under chapter 13.34 RCW, by the parent or  
27 Indian custodian of an Indian child, except if the parent or Indian  
28 custodian and child are residents of or domiciled within the  
29 boundaries of a federally recognized Indian reservation over which  
30 the tribe exercises exclusive jurisdiction;

31 (i) Relating to petitions to compel disclosure of information  
32 filed by the department of social and health services pursuant to RCW  
33 74.13.042; and

34 (j) Relating to judicial determinations and permanency planning  
35 hearings involving developmentally disabled children who have been  
36 placed in out-of-home care pursuant to a voluntary placement  
37 agreement between the child's parent, guardian, or legal custodian  
38 and the department of social and health services.

39 (2) The family court shall have concurrent original jurisdiction  
40 with the juvenile court over all proceedings under this section if

1 the superior court judges of a county authorize concurrent  
2 jurisdiction as provided in RCW 26.12.010.

3 (3) The juvenile court shall have concurrent original  
4 jurisdiction with the family court over child custody proceedings  
5 under chapter 26.10 RCW and parenting plans or residential schedules  
6 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

7 (4) A juvenile subject to adult superior court jurisdiction under  
8 subsection (1)(e)(i) through (v) of this section, who is detained  
9 pending trial, may be detained in a detention facility as defined in  
10 RCW 13.40.020 pending sentencing or a dismissal.

11 **Sec. 25.** RCW 13.04.030 and 2018 c ... (E2SSB 6160) s 2 are each  
12 amended to read as follows:

13 (1) Except as provided in this section, the juvenile courts in  
14 this state shall have exclusive original jurisdiction over all  
15 proceedings:

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

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

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

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

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

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

29 (ii) The statute of limitations applicable to adult prosecution  
30 for the offense, traffic or civil infraction, or violation has  
31 expired;

32 (iii) The alleged offense or infraction is a traffic, fish,  
33 boating, or game offense, or traffic or civil infraction committed by  
34 a juvenile sixteen years of age or older and would, if committed by  
35 an adult, be tried or heard in a court of limited jurisdiction, in  
36 which instance the appropriate court of limited jurisdiction shall  
37 have jurisdiction over the alleged offense or infraction, and no  
38 guardian ad litem is required in any such proceeding due to the  
39 juvenile's age. If such an alleged offense or infraction and an

1 alleged offense or infraction subject to juvenile court jurisdiction  
2 arise out of the same event or incident, the juvenile court may have  
3 jurisdiction of both matters. The jurisdiction under this subsection  
4 does not constitute "transfer" or a "decline" for purposes of RCW  
5 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited  
6 jurisdiction which confine juveniles for an alleged offense or  
7 infraction may place juveniles in juvenile detention facilities under  
8 an agreement with the officials responsible for the administration of  
9 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

10 (iv) The alleged offense is a traffic or civil infraction, a  
11 violation of compulsory school attendance provisions under chapter  
12 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction  
13 has assumed concurrent jurisdiction over those offenses as provided  
14 in RCW 13.04.0301; or

15 (v) The juvenile is sixteen or seventeen years old on the date  
16 the alleged offense is committed and the alleged offense is:

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

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

25 (C) Rape of a child in the first degree; or

26 (D) Any violent offense as defined in RCW 9.94A.030 where the  
27 juvenile is alleged to have been armed with a firearm and the alleged  
28 offense is committed on public or private elementary or secondary  
29 school premises, school-provided transportation, or areas of  
30 facilities while being used exclusively by public or private schools.

31 (I) In such a case the adult criminal court shall have exclusive  
32 original jurisdiction, except as provided in (e)(v)((~~C~~))(D)(II) and  
33 (III) of this subsection.

34 (II) The juvenile court shall have exclusive jurisdiction over  
35 the disposition of any remaining charges in any case in which the  
36 juvenile is found not guilty in the adult criminal court of the  
37 charge or charges for which he or she was transferred, or is  
38 convicted in the adult criminal court of a lesser included offense  
39 that is not also an offense listed in (e)(v) of this subsection. The  
40 juvenile court shall maintain residual juvenile court jurisdiction up

1 to age twenty-five if the juvenile has turned eighteen years of age  
2 during the adult criminal court proceedings but only for the purpose  
3 of returning a case to juvenile court for disposition pursuant to RCW  
4 13.40.300(3)(d). However, once the case is returned to juvenile  
5 court, the court may hold a decline hearing pursuant to RCW 13.40.110  
6 to determine whether to retain the case in juvenile court for the  
7 purpose of disposition or return the case to adult criminal court for  
8 sentencing.

9 (III) The prosecutor and respondent may agree to juvenile court  
10 jurisdiction and waive application of exclusive adult criminal  
11 jurisdiction in (e)(v)(A) through (~~(C)~~) (D) of this subsection and  
12 remove the proceeding back to juvenile court with the court's  
13 approval.

14 If the juvenile challenges the state's determination of the  
15 juvenile's criminal history under (e)(v) of this subsection, the  
16 state may establish the offender's criminal history by a  
17 preponderance of the evidence. If the criminal history consists of  
18 adjudications entered upon a plea of guilty, the state shall not bear  
19 a burden of establishing the knowing and voluntariness of the plea;

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

22 (g) Relating to termination of a diversion agreement under RCW  
23 13.40.080, including a proceeding in which the divertee has attained  
24 eighteen years of age;

25 (h) Relating to court validation of a voluntary consent to an  
26 out-of-home placement under chapter 13.34 RCW, by the parent or  
27 Indian custodian of an Indian child, except if the parent or Indian  
28 custodian and child are residents of or domiciled within the  
29 boundaries of a federally recognized Indian reservation over which  
30 the tribe exercises exclusive jurisdiction;

31 (i) Relating to petitions to compel disclosure of information  
32 filed by the department of social and health services pursuant to RCW  
33 74.13.042; and

34 (j) Relating to judicial determinations and permanency planning  
35 hearings involving developmentally disabled children who have been  
36 placed in out-of-home care pursuant to a voluntary placement  
37 agreement between the child's parent, guardian, or legal custodian  
38 and the department of social and health services and the department  
39 of children, youth, and families.

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

5 (3) The juvenile court shall have concurrent original  
6 jurisdiction with the family court over child custody proceedings  
7 under chapter 26.10 RCW and parenting plans or residential schedules  
8 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

9 (4) A juvenile subject to adult superior court jurisdiction under  
10 subsection (1)(e)(i) through (v) of this section, who is detained  
11 pending trial, may be detained in a detention facility as defined in  
12 RCW 13.40.020 pending sentencing or a dismissal.

13 NEW SECTION. **Sec. 26.** Section 24 of this act expires July 1,  
14 2019.

15 NEW SECTION. **Sec. 27.** Section 25 of this act takes effect July  
16 1, 2019.

17 NEW SECTION. **Sec. 28.** Sections 24 and 25 of this act take  
18 effect only if chapter . . . (Engrossed Second Substitute Senate Bill  
19 No. 6160, as amended by the House (H-5044.1/18)), Laws of 2018 is  
20 enacted by the effective date of this section."

21 Renumber the remaining section consecutively and correct any  
22 internal references accordingly.

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By Senator Baumgartner

23 On page 1, line 10 of the title, after "rifles;" insert "adding  
24 violent offenses committed by juveniles aged 16 or 17 when alleged  
25 with a firearm to the exclusive original jurisdiction of adult  
26 court;" and on line 12, after "9.41.124," strike "and 9.41.240" and  
27 insert "9.41.240, 13.04.030, and 13.04.030" and on line 18, after  
28 "penalties;" insert "providing an effective date; providing a  
29 contingent effective date;" and after "providing" strike "an  
30 expiration date" and insert "expiration dates"

EFFECT: Requires a violent offense where a juvenile age 16 or 17 is alleged to have been armed with a firearm to be filed in adult court when the alleged offense is committed on the premises of a primary or secondary school, school-provided transportation, or facilities being used by a school. This amendment is constructed to merge with E2SSB 6160 if it passes the Legislature with provisions that remove violent offenses where a juvenile age 16 or 17 is alleged to have been armed with a firearm from the original jurisdiction of adult court.

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