

**SSB 5122 - S AMD 245**

By Senator Darneille

**ADOPTED 03/04/2021**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that the goal of  
4 the juvenile justice system should be to protect public safety,  
5 connect youth with age-appropriate services that reduce the risk of  
6 recidivism, and provide meaningful rehabilitation so all youth can  
7 have the opportunity for success in life. The legislature declares  
8 that responses to problematic behaviors of youth should be guided by  
9 evidence-based practices and that policy changes to the system should  
10 be strongly rooted in eliminating racial inequities.

11 The legislature recognizes that a scientific consensus has  
12 developed that demonstrates that youth continue to develop  
13 neurologically until age 26. The legislature finds that youth ages  
14 eight through 12 are less capable of making fully informed decisions  
15 and youth ages 18 and 19 are particularly susceptible to outside  
16 factors influencing their decision making.

17 The legislature recognizes that on January 18, 2021, the  
18 Washington state board of health released a review regarding the  
19 health impacts of raising the age of the juvenile court's  
20 jurisdiction to likely decrease the juvenile criminal legal system's  
21 involvement for some youth ages eight through 12 and to likely  
22 decrease the adult criminal legal system's involvement for some  
23 emerging adults ages 18 and 19. The board further found very strong  
24 evidence that this would decrease juvenile recidivism and improve  
25 health outcomes, access to employment opportunities, housing access,  
26 and economic stability.

27 The legislature intends to amend jurisdiction of juvenile court  
28 to include youth ages 13 through 19, with certain exceptions. The  
29 legislature recognizes the important role that local governments play  
30 in ensuring access to justice in the juvenile court system. The  
31 legislature recognizes that amended jurisdiction in juvenile court  
32 may increase expenses for juvenile court systems despite significant

1 offset savings in the adult system through reduced adult caseloads.  
2 The legislature intends to partner with local governments, courts,  
3 and other stakeholders to ensure successful expansion of juvenile  
4 court jurisdiction. The legislature therefore resolves to convene the  
5 raise the age juvenile justice task force to examine and plan for  
6 implementation of expanded juvenile court jurisdiction.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216  
8 RCW to read as follows:

9 (1) The raise the age juvenile justice task force is established,  
10 with members as provided in this subsection.

11 (a) The president of the senate shall appoint one member from  
12 each of the two largest caucuses of the senate.

13 (b) The speaker of the house of representatives shall appoint one  
14 member from each of the two largest caucuses of the house of  
15 representatives.

16 (c) The president of the senate and the speaker of the house of  
17 representatives jointly shall appoint one member as follows unless  
18 specified representing the:

19 (i) Juvenile rehabilitation administration;

20 (ii) Department of corrections;

21 (iii) Washington association of sheriffs and police chiefs;

22 (iv) Office of public defense;

23 (v) Washington association of prosecuting attorneys;

24 (vi) District and municipal court judges' association;

25 (vii) Administrative office of the courts;

26 (viii) Washington state association of counties;

27 (ix) Association of Washington cities;

28 (x) Washington state council of county and city employees;

29 (xi) Office of the superintendent of public instruction;

30 (xii) Minority and justice commission;

31 (xiii) Superior court judges' association, one member  
32 representing western Washington and one representing eastern  
33 Washington;

34 (xiv) Washington association of juvenile court administrators,  
35 one member representing western Washington and one representing  
36 eastern Washington;

37 (xv) Washington state school directors' association, a member  
38 representing a school district that provides education services to a  
39 juvenile rehabilitation residential facility;

1 (xvi) Organizations with interests in incarcerated persons, with  
2 two representatives each representing different programs and serving  
3 different constituencies; and

4 (xvii) Organizations with interests of youth involved in the  
5 juvenile justice system, with three representatives from different  
6 regions of the state or representing different programs.

7 (2) The legislative membership shall convene the initial meeting  
8 of the task force no later than September 1, 2021. The task force  
9 shall choose its chair from among its legislative membership.

10 (3) Staff support for the task force must be provided by the  
11 office of juvenile justice.

12 (4) The task force shall consider and provide recommendations  
13 regarding implementation of juvenile jurisdiction expansion to  
14 encompass persons 18 years old and 19 years old.

15 (5) On or before December 1, 2022, the task force shall report to  
16 the governor and appropriate committees of the legislature on the  
17 status and plan for the expansion, including necessary funding,  
18 essential personnel and programmatic resources, measures necessary to  
19 avoid a negative impact on the state's child protection response, and  
20 specific milestones related to operations and policy, including:

21 (a) A timeline for structural and systemic changes within the  
22 juvenile justice system for the juvenile rehabilitation division, the  
23 department of children, youth, and families, the department of  
24 corrections, and the juvenile court pursuant to chapter 13.04 RCW;

25 (b) An operations and business plan that defines benchmarks,  
26 including possible changes to resource allocations;

27 (c) Review of the estimated costs avoided by local and state  
28 governments with the reduction of recidivism and an analysis of cost  
29 savings reinvestment options;

30 (d) Estimated new costs incurred to provide juvenile justice  
31 services to persons 18 years old and 19 years old; and

32 (e) A clearly defined path for geographic consistency given  
33 varying local resources, staff, physical plant limitations, training,  
34 services, and partnering needs.

35 (6)(a) Legislative members of the task force may be reimbursed  
36 for travel expenses in accordance with RCW 44.04.120. Except as  
37 provided in (b) of this subsection, nonlegislative members are not  
38 entitled to be reimbursed for travel expenses if they are elected  
39 officials or are participating on behalf of an employer, governmental

1 entity, or other organization. Any reimbursement for other  
2 nonlegislative members is subject to chapter 43.03 RCW.

3 (b) Nonlegislative members of the task force who demonstrate  
4 financial hardship must be reimbursed for travel expenses as provided  
5 in RCW 43.03.050 and 43.03.060, as well as other expenses as needed  
6 for each day a nonlegislative task force member attends a task force  
7 meeting to provide consultative assistance.

8 (7) The expenses of the task force must be paid jointly by the  
9 senate and the house of representatives. Task force expenditures are  
10 subject to approval by the senate facilities and operations committee  
11 and the house of representatives executive rules committee, or their  
12 successor committees.

13 (8) The task force must hold at least one meeting a month. The  
14 task force may form work groups and may consult experts in fields  
15 that will inform and assist the work of the task force.

16 (9) This section expires January 1, 2023.

17 **Sec. 3.** RCW 9A.04.050 and 2011 c 336 s 347 are each amended to  
18 read as follows:

19 Children under the age of (~~eight~~) 13 years are incapable of  
20 committing crime. Children of eight (~~and under~~) through twelve  
21 years of age who are charged with murder in the first or second  
22 degree are presumed to be incapable of committing crime, but this  
23 presumption may be (~~removed by proof~~) rebutted by clear and  
24 convincing evidence that they have sufficient capacity to understand  
25 the act or neglect, and to know that it was wrong. Whenever in legal  
26 proceedings it becomes necessary to determine the age of a child, he  
27 or she may be produced for inspection, to enable the court or jury to  
28 determine the age thereby; and the court may also direct his or her  
29 examination by one or more physicians, whose opinion shall be  
30 competent evidence upon the question of his or her age.

31 **Sec. 4.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to  
32 read as follows:

33 (1) The administrative office of the courts shall encourage the  
34 juvenile courts to work with cities and counties to implement,  
35 expand, or use youth court programs for juveniles who commit  
36 diversion-eligible offenses, civil, or traffic infractions. Program  
37 operations of youth court programs may be funded by government and  
38 private grants. Youth court programs are limited to those that:

1 (a) Are developed using the guidelines for creating and operating  
2 youth court programs developed by nationally recognized experts in  
3 youth court projects;

4 (b) Target offenders age (~~eight~~) 13 through (~~seventeen~~) 17;  
5 and

6 (c) Emphasize the following principles:

7 (i) Youth must be held accountable for their problem behavior;

8 (ii) Youth must be educated about the impact their actions have  
9 on themselves and others including their victims, their families, and  
10 their community;

11 (iii) Youth must develop skills to resolve problems with their  
12 peers more effectively; and

13 (iv) Youth should be provided a meaningful forum to practice and  
14 enhance newly developed skills.

15 (2) Youth court programs under this section may be established by  
16 private nonprofit organizations and schools, upon prior approval and  
17 under the supervision of juvenile court.

18 **Sec. 5.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to  
19 read as follows:

20 (1) Youth courts have authority over juveniles ages (~~eight~~) 13  
21 through (~~seventeen~~) 17 who:

22 (a) Along with their parent, guardian, or legal custodian,  
23 voluntarily and in writing request youth court involvement;

24 (b) Admit they have committed the offense they are referred for;

25 (c) Along with their parent, guardian, or legal custodian, waive  
26 any privilege against self-incrimination concerning the offense; and

27 (d) Along with their parent, guardian, or legal custodian, agree  
28 to comply with the youth court disposition of the case.

29 (2) Youth courts shall not exercise authority over youth who are  
30 under the continuing jurisdiction of the juvenile court for law  
31 violations, including a youth with a matter pending before the  
32 juvenile court but which has not yet been adjudicated.

33 (3) Youth courts may decline to accept a youth for youth court  
34 disposition for any reason and may terminate a youth from youth court  
35 participation at any time.

36 (4) A youth or his or her parent, guardian, or legal custodian  
37 may withdraw from the youth court process at any time.

1 (5) Youth courts shall give any victims of a juvenile the  
2 opportunity to be notified, present, and heard in any youth court  
3 proceeding.

4 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
5 this act, referencing this act by bill or chapter number, is not  
6 provided by June 30, 2021, in the omnibus appropriations act, this  
7 act is null and void."

**SSB 5122 - S AMD 245**  
By Senator Darneille

**ADOPTED 03/04/2021**

8 On page 1, line 1 of the title, after "court;" strike the  
9 remainder of the title and insert "amending RCW 9A.04.050, 13.40.590,  
10 and 13.40.600; adding a new section to chapter 43.216 RCW; creating  
11 new sections; and providing an expiration date."

EFFECT: Creates a Raise the Age Juvenile Justice Task Force to consider and provide recommendations regarding implementation of juvenile jurisdiction expansion to encompass persons 18 years old and 19 years old; maintains the current juvenile court jurisdiction maximum age limit to 17; and adds a clear and convincing evidence standard to overcome the presumption of individuals aged 8-12 years old of being incapable of committing crime.

--- END ---