
SUBSTITUTE SENATE BILL 5122

State of Washington

67th Legislature

2021 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Darneille, Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, and Wilson, C.)

READ FIRST TIME 02/01/21.

1 AN ACT Relating to the jurisdiction of juvenile court; amending
2 RCW 9A.04.050, 13.04.030, 13.04.030, 13.40.020, 13.40.020,
3 13.40.0357, 13.40.0357, 13.40.080, 13.40.080, 13.40.193, 13.40.193,
4 13.40.300, 13.40.300, 13.40.511, 13.40.511, 13.40.590, 13.40.590,
5 13.40.600, and 13.40.600; reenacting and amending RCW 13.04.011 and
6 13.04.011; adding a new section to chapter 13.04 RCW; adding new
7 sections to chapter 43.216 RCW; creating new sections; providing
8 effective dates; and providing expiration dates.

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

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

18 The legislature recognizes that a scientific consensus has
19 developed that demonstrates that youth continue to develop
20 neurologically until age 26. The legislature finds that youth ages
21 eight through 12 are less capable of making fully informed decisions

1 and youth ages 18 and 19 are particularly susceptible to outside
2 factors influencing their decision making. The legislature recognizes
3 that on January 18, 2021, the Washington state board of health
4 released a review regarding the health impacts of raising the age of
5 the juvenile court's jurisdiction to likely decrease the juvenile
6 criminal legal system's involvement for some youth ages eight through
7 12 and to likely decrease the adult criminal legal system's
8 involvement for some emerging adults ages 18 and 19. The board
9 further found very strong evidence that this would decrease juvenile
10 recidivism and improve health outcomes, access to employment
11 opportunities, housing access, and economic stability.

12 The legislature recognizes the important role that local
13 governments play in ensuring access to justice in the juvenile court
14 system. The legislature recognizes that increased jurisdiction in
15 juvenile court may increase expenses for juvenile court systems
16 despite significant offset savings in the adult system through
17 reduced adult caseloads. The legislature intends to partner with
18 local governments, courts, and other stakeholders to ensure
19 successful implementation of this act.

20 **Sec. 2.** RCW 9A.04.050 and 2011 c 336 s 347 are each amended to
21 read as follows:

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

34 **Sec. 3.** RCW 13.04.011 and 2017 3rd sp.s. c 6 s 601 are each
35 reenacted and amended to read as follows:

36 For purposes of this title:

1 (1) "Adjudication" has the same meaning as "conviction" in RCW
2 9.94A.030, but only for the purposes of sentencing under chapter
3 9.94A RCW;

4 (2) "Court" when used without further qualification means the
5 juvenile court judge(s) or commissioner(s);

6 (3) "Custodian" means that person who has the legal right to
7 custody of the child;

8 (4) "Department" means the department of children, youth, and
9 families;

10 (5) Except as specifically provided in RCW 13.40.020 and chapters
11 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
12 individual who is under the chronological age of (~~eighteen~~) 19
13 years;

14 (6) "Juvenile offender" and "juvenile offense" have the meaning
15 ascribed in RCW 13.40.020;

16 (7) "Parent" or "parents," except as used in chapter 13.34 RCW,
17 means that parent or parents who have the right of legal custody of
18 the child.

19 **Sec. 4.** RCW 13.04.011 and 2017 3rd sp.s. c 6 s 601 are each
20 reenacted and amended to read as follows:

21 For purposes of this title:

22 (1) "Adjudication" has the same meaning as "conviction" in RCW
23 9.94A.030, but only for the purposes of sentencing under chapter
24 9.94A RCW;

25 (2) "Court" when used without further qualification means the
26 juvenile court judge(s) or commissioner(s);

27 (3) "Custodian" means that person who has the legal right to
28 custody of the child;

29 (4) "Department" means the department of children, youth, and
30 families;

31 (5) Except as specifically provided in RCW 13.40.020 and chapters
32 13.24 and 13.34 RCW, "juvenile," "youth," and "child" mean any
33 individual who is under the chronological age of (~~eighteen~~) 20
34 years;

35 (6) "Juvenile offender" and "juvenile offense" have the meaning
36 ascribed in RCW 13.40.020;

37 (7) "Parent" or "parents," except as used in chapter 13.34 RCW,
38 means that parent or parents who have the right of legal custody of
39 the child.

1 **Sec. 5.** RCW 13.04.030 and 2020 c 41 s 4 are each amended to read
2 as follows:

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

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

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

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

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

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

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

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

22 (iii) The alleged offense or infraction is a traffic, fish,
23 boating, or game offense, or traffic or civil infraction committed by
24 a juvenile sixteen years of age or older and would, if committed by
25 an adult, be tried or heard in a court of limited jurisdiction, in
26 which instance the appropriate court of limited jurisdiction shall
27 have jurisdiction over the alleged offense or infraction, and no
28 guardian ad litem is required in any such proceeding due to the
29 juvenile's age. If such an alleged offense or infraction and an
30 alleged offense or infraction subject to juvenile court jurisdiction
31 arise out of the same event or incident, the juvenile court may have
32 jurisdiction of both matters. The jurisdiction under this subsection
33 does not constitute "transfer" or a "decline" for purposes of RCW
34 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
35 jurisdiction which confine juveniles for an alleged offense or
36 infraction may place juveniles in juvenile detention facilities under
37 an agreement with the officials responsible for the administration of
38 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

39 (iv) The alleged offense is a traffic or civil infraction, a
40 violation of compulsory school attendance provisions under chapter

1 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
2 has assumed concurrent jurisdiction over those offenses as provided
3 in RCW 13.04.0301; or

4 (v) The juvenile is sixteen (~~(or seventeen)~~) years (~~(old)~~) of age
5 or older on the date the alleged offense is committed and the alleged
6 offense is:

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

8 (B) A violent offense as defined in RCW 9.94A.030 and the
9 juvenile has a criminal history consisting of: One or more prior
10 serious violent offenses; two or more prior violent offenses; or
11 three or more of any combination of the following offenses: Any class
12 A felony, any class B felony, vehicular assault, or manslaughter in
13 the second degree, all of which must have been committed after the
14 juvenile's thirteenth birthday and prosecuted separately; or

15 (C) Rape of a child in the first degree.

16 (I) In such a case the adult criminal court shall have exclusive
17 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)
18 of this subsection.

19 (II) The juvenile court shall have exclusive jurisdiction over
20 the disposition of any remaining charges in any case in which the
21 juvenile is found not guilty in the adult criminal court of the
22 charge or charges for which he or she was transferred, or is
23 convicted in the adult criminal court of an offense that is not also
24 an offense listed in (e)(v) of this subsection. The juvenile court
25 shall maintain residual juvenile court jurisdiction up to age twenty-
26 five if the juvenile has turned (~~(eighteen)~~) 19 years of age during
27 the adult criminal court proceedings but only for the purpose of
28 returning a case to juvenile court for disposition pursuant to RCW
29 13.40.300(3)(d).

30 (III) The prosecutor and respondent may agree to juvenile court
31 jurisdiction and waive application of exclusive adult criminal
32 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
33 the proceeding back to juvenile court with the court's approval.

34 If the juvenile challenges the state's determination of the
35 juvenile's criminal history under (e)(v) of this subsection, the
36 state may establish the offender's criminal history by a
37 preponderance of the evidence. If the criminal history consists of
38 adjudications entered upon a plea of guilty, the state shall not bear
39 a burden of establishing the knowing and voluntariness of the plea;

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

3 (g) Relating to termination of a diversion agreement under RCW
4 13.40.080, including a proceeding in which the divertee has attained
5 ((eighteen)) 19 years of age;

6 (h) Relating to court validation of a voluntary consent to an
7 out-of-home placement under chapter 13.34 RCW, by the parent or
8 Indian custodian of an Indian child, except if the parent or Indian
9 custodian and child are residents of or domiciled within the
10 boundaries of a federally recognized Indian reservation over which
11 the tribe exercises exclusive jurisdiction; and

12 (i) Relating to petitions to compel disclosure of information
13 filed by the department of social and health services pursuant to RCW
14 74.13.042.

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

19 (3) The juvenile court shall have concurrent original
20 jurisdiction with the family court over child custody proceedings
21 under chapter 26.10 RCW and parenting plans or residential schedules
22 under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW
23 13.34.155.

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

28 **Sec. 6.** RCW 13.04.030 and 2020 c 41 s 4 are each amended to read
29 as follows:

30 (1) Except as provided in this section, the juvenile courts in
31 this state shall have exclusive original jurisdiction over all
32 proceedings:

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

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

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

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

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

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

8 (ii) The statute of limitations applicable to adult prosecution
9 for the offense, traffic or civil infraction, or violation has
10 expired;

11 (iii) The alleged offense or infraction is a traffic, fish,
12 boating, or game offense, or traffic or civil infraction committed by
13 a juvenile sixteen years of age or older and would, if committed by
14 an adult, be tried or heard in a court of limited jurisdiction, in
15 which instance the appropriate court of limited jurisdiction shall
16 have jurisdiction over the alleged offense or infraction, and no
17 guardian ad litem is required in any such proceeding due to the
18 juvenile's age. If such an alleged offense or infraction and an
19 alleged offense or infraction subject to juvenile court jurisdiction
20 arise out of the same event or incident, the juvenile court may have
21 jurisdiction of both matters. The jurisdiction under this subsection
22 does not constitute "transfer" or a "decline" for purposes of RCW
23 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited
24 jurisdiction which confine juveniles for an alleged offense or
25 infraction may place juveniles in juvenile detention facilities under
26 an agreement with the officials responsible for the administration of
27 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

28 (iv) The alleged offense is a traffic or civil infraction, a
29 violation of compulsory school attendance provisions under chapter
30 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
31 has assumed concurrent jurisdiction over those offenses as provided
32 in RCW 13.04.0301; or

33 (v) The juvenile is sixteen (~~or seventeen~~) years (~~old~~) of age
34 or older on the date the alleged offense is committed and the alleged
35 offense is:

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

37 (B) A violent offense as defined in RCW 9.94A.030 and the
38 juvenile has a criminal history consisting of: One or more prior
39 serious violent offenses; two or more prior violent offenses; or
40 three or more of any combination of the following offenses: Any class

1 A felony, any class B felony, vehicular assault, or manslaughter in
2 the second degree, all of which must have been committed after the
3 juvenile's thirteenth birthday and prosecuted separately; or

4 (C) Rape of a child in the first degree.

5 (I) In such a case the adult criminal court shall have exclusive
6 original jurisdiction, except as provided in (e)(v)(C)(II) and (III)
7 of this subsection.

8 (II) The juvenile court shall have exclusive jurisdiction over
9 the disposition of any remaining charges in any case in which the
10 juvenile is found not guilty in the adult criminal court of the
11 charge or charges for which he or she was transferred, or is
12 convicted in the adult criminal court of an offense that is not also
13 an offense listed in (e)(v) of this subsection. The juvenile court
14 shall maintain residual juvenile court jurisdiction up to age twenty-
15 five if the juvenile has turned (~~eighteen~~) 20 years of age during
16 the adult criminal court proceedings but only for the purpose of
17 returning a case to juvenile court for disposition pursuant to RCW
18 13.40.300(3)(d).

19 (III) The prosecutor and respondent may agree to juvenile court
20 jurisdiction and waive application of exclusive adult criminal
21 jurisdiction in (e)(v)(A) through (C) of this subsection and remove
22 the proceeding back to juvenile court with the court's approval.

23 If the juvenile challenges the state's determination of the
24 juvenile's criminal history under (e)(v) of this subsection, the
25 state may establish the offender's criminal history by a
26 preponderance of the evidence. If the criminal history consists of
27 adjudications entered upon a plea of guilty, the state shall not bear
28 a burden of establishing the knowing and voluntariness of the plea;

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

31 (g) Relating to termination of a diversion agreement under RCW
32 13.40.080, including a proceeding in which the divertee has attained
33 (~~eighteen~~) 20 years of age;

34 (h) Relating to court validation of a voluntary consent to an
35 out-of-home placement under chapter 13.34 RCW, by the parent or
36 Indian custodian of an Indian child, except if the parent or Indian
37 custodian and child are residents of or domiciled within the
38 boundaries of a federally recognized Indian reservation over which
39 the tribe exercises exclusive jurisdiction; and

1 (i) Relating to petitions to compel disclosure of information
2 filed by the department of social and health services pursuant to RCW
3 74.13.042.

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

8 (3) The juvenile court shall have concurrent original
9 jurisdiction with the family court over child custody proceedings
10 under chapter 26.10 RCW and parenting plans or residential schedules
11 under chapter 26.09, 26.26A, or 26.26B RCW as provided for in RCW
12 13.34.155.

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

17 **Sec. 7.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to
18 read as follows:

19 For the purposes of this chapter:

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

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

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

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

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

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

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

22 (a) Community-based sanctions;

23 (b) Community-based rehabilitation;

24 (c) Monitoring and reporting requirements;

25 (d) Posting of a probation bond;

26 (e) Residential treatment, where substance abuse, mental health,
27 and/or co-occurring disorders have been identified in an assessment
28 by a qualified mental health professional, psychologist,
29 psychiatrist, co-occurring disorder specialist, or substance use
30 disorder professional and a funded bed is available. If a child
31 agrees to voluntary placement in a state-funded long-term evaluation
32 and treatment facility, the case must follow the existing placement
33 procedure including consideration of less restrictive treatment
34 options and medical necessity.

35 (i) A court may order residential treatment after consideration
36 and findings regarding whether:

37 (A) The referral is necessary to rehabilitate the child;

38 (B) The referral is necessary to protect the public or the child;

39 (C) The referral is in the child's best interest;

1 (D) The child has been given the opportunity to engage in less
2 restrictive treatment and has been unable or unwilling to comply; and

3 (E) Inpatient treatment is the least restrictive action
4 consistent with the child's needs and circumstances.

5 (ii) In any case where a court orders a child to inpatient
6 treatment under this section, the court must hold a review hearing no
7 later than sixty days after the youth begins inpatient treatment, and
8 every thirty days thereafter, as long as the youth is in inpatient
9 treatment;

10 (6) "Confinement" means physical custody by the department of
11 children, youth, and families in a facility operated by or pursuant
12 to a contract with the state, or physical custody in a detention
13 facility operated by or pursuant to a contract with any county. The
14 county may operate or contract with vendors to operate county
15 detention facilities. The department may operate or contract to
16 operate detention facilities for juveniles committed to the
17 department. Pretrial confinement or confinement of less than thirty-
18 one days imposed as part of a disposition or modification order may
19 be served consecutively or intermittently, in the discretion of the
20 court;

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

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

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

30 (b) The criminal complaint was diverted by a prosecutor pursuant
31 to the provisions of this chapter on agreement of the respondent and
32 after an advisement to the respondent that the criminal complaint
33 would be considered as part of the respondent's criminal history. A
34 successfully completed deferred adjudication that was entered before
35 July 1, 1998, or a deferred disposition shall not be considered part
36 of the respondent's criminal history;

37 (9) "Department" means the department of children, youth, and
38 families;

39 (10) "Detention facility" means a county facility, paid for by
40 the county, for the physical confinement of a juvenile alleged to

1 have committed an offense or an adjudicated offender subject to a
2 disposition or modification order. "Detention facility" includes
3 county group homes, inpatient substance abuse programs, juvenile
4 basic training camps, and electronic monitoring;

5 (11) "Diversion unit" means any probation counselor who enters
6 into a diversion agreement with an alleged youthful offender, or any
7 other person, community accountability board, youth court under the
8 supervision of the juvenile court, or other entity with whom the
9 juvenile court administrator has contracted to arrange and supervise
10 such agreements pursuant to RCW 13.40.080, or any person, community
11 accountability board, or other entity specially funded by the
12 legislature to arrange and supervise diversion agreements in
13 accordance with the requirements of this chapter. For purposes of
14 this subsection, "community accountability board" means a board
15 comprised of members of the local community in which the juvenile
16 offender resides. The superior court shall appoint the members. The
17 boards shall consist of at least three and not more than seven
18 members. If possible, the board should include a variety of
19 representatives from the community, such as a law enforcement
20 officer, teacher or school administrator, high school student,
21 parent, and business owner, and should represent the cultural
22 diversity of the local community;

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

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

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

33 (15) "Juvenile," "youth," and "child" mean any individual who is
34 under the chronological age of (~~eighteen~~) 19 years and who has not
35 been previously transferred to adult court pursuant to RCW 13.40.110,
36 unless the individual was convicted of a lesser charge or acquitted
37 of the charge for which he or she was previously transferred pursuant
38 to RCW 13.40.110 or who is not otherwise under adult court
39 jurisdiction;

1 (16) "Juvenile offender" means any juvenile who has been found by
2 the juvenile court to have committed an offense, including a person
3 (~~(eighteen)~~) 19 years of age or older over whom jurisdiction has been
4 extended under RCW 13.40.300;

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

8 (18) "Local sanctions" means one or more of the following: (a)
9 0-30 days of confinement; (b) 0-12 months of community supervision;
10 (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

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

15 (20) "Monitoring and reporting requirements" means one or more of
16 the following: Curfews; requirements to remain at home, school, work,
17 or court-ordered treatment programs during specified hours;
18 restrictions from leaving or entering specified geographical areas;
19 requirements to report to the probation officer as directed and to
20 remain under the probation officer's supervision; and other
21 conditions or limitations as the court may require which may not
22 include confinement;

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

27 (22) "Physical restraint" means the use of any bodily force or
28 physical intervention to control a juvenile offender or limit a
29 juvenile offender's freedom of movement in a way that does not
30 involve a mechanical restraint. Physical restraint does not include
31 momentary periods of minimal physical restriction by direct person-
32 to-person contact, without the aid of mechanical restraint,
33 accomplished with limited force and designed to:

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

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

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

39 (23) "Postpartum recovery" means (a) the entire period a woman or
40 youth is in the hospital, birthing center, or clinic after giving

1 birth and (b) an additional time period, if any, a treating physician
2 determines is necessary for healing after the youth leaves the
3 hospital, birthing center, or clinic;

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

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

13 (26) "Restitution" means financial reimbursement by the offender
14 to the victim, and shall be limited to easily ascertainable damages
15 for injury to or loss of property, actual expenses incurred for
16 medical treatment for physical injury to persons, lost wages
17 resulting from physical injury, and costs of the victim's counseling
18 reasonably related to the offense. Restitution shall not include
19 reimbursement for damages for mental anguish, pain and suffering, or
20 other intangible losses. Nothing in this chapter shall limit or
21 replace civil remedies or defenses available to the victim or
22 offender;

23 (27) "Restorative justice" means practices, policies, and
24 programs informed by and sensitive to the needs of crime victims that
25 are designed to encourage offenders to accept responsibility for
26 repairing the harm caused by their offense by providing safe and
27 supportive opportunities for voluntary participation and
28 communication between the victim, the offender, their families, and
29 relevant community members;

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

32 (a) Physical restraint; or

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

36 (29) "Screening" means a process that is designed to identify a
37 child who is at risk of having mental health, substance abuse, or co-
38 occurring mental health and substance abuse disorders that warrant
39 immediate attention, intervention, or more comprehensive assessment.

1 A screening may be undertaken with or without the administration of a
2 formal instrument;

3 (30) "Secretary" means the secretary of the department;

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

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

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

13 (34) "Surety" means an entity licensed under state insurance laws
14 or by the state department of licensing, to write corporate,
15 property, or probation bonds within the state, and justified and
16 approved by the superior court of the county having jurisdiction of
17 the case;

18 (35) "Transportation" means the conveying, by any means, of an
19 incarcerated pregnant youth from the institution or detention
20 facility to another location from the moment she leaves the
21 institution or detention facility to the time of arrival at the other
22 location, and includes the escorting of the pregnant incarcerated
23 youth from the institution or detention facility to a transport
24 vehicle and from the vehicle to the other location;

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

28 (37) "Violent offense" means a violent offense as defined in RCW
29 9.94A.030;

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

32 **Sec. 8.** RCW 13.40.020 and 2019 c 444 s 9 are each amended to
33 read as follows:

34 For the purposes of this chapter:

35 (1) "Assessment" means an individualized examination of a child
36 to determine the child's psychosocial needs and problems, including
37 the type and extent of any mental health, substance abuse, or co-
38 occurring mental health and substance abuse disorders, and
39 recommendations for treatment. "Assessment" includes, but is not

1 limited to, drug and alcohol evaluations, psychological and
2 psychiatric evaluations, records review, clinical interview, and
3 administration of a formal test or instrument;

4 (2) "Community-based rehabilitation" means one or more of the
5 following: Employment; attendance of information classes; literacy
6 classes; counseling, outpatient substance abuse treatment programs,
7 outpatient mental health programs, anger management classes,
8 education or outpatient treatment programs to prevent animal cruelty,
9 or other services including, when appropriate, restorative justice
10 programs; or attendance at school or other educational programs
11 appropriate for the juvenile as determined by the school district.
12 Placement in community-based rehabilitation programs is subject to
13 available funds;

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

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

17 (b) Community restitution not to exceed one hundred fifty hours
18 of community restitution;

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

24 (5) "Community supervision" means an order of disposition by the
25 court of an adjudicated youth not committed to the department or an
26 order granting a deferred disposition. A community supervision order
27 for a single offense may be for a period of up to two years for a sex
28 offense as defined by RCW 9.94A.030 and up to one year for other
29 offenses. As a mandatory condition of any term of community
30 supervision, the court shall order the juvenile to refrain from
31 committing new offenses. As a mandatory condition of community
32 supervision, the court shall order the juvenile to comply with the
33 mandatory school attendance provisions of chapter 28A.225 RCW and to
34 inform the school of the existence of this requirement. Community
35 supervision is an individualized program comprised of one or more of
36 the following:

37 (a) Community-based sanctions;

38 (b) Community-based rehabilitation;

39 (c) Monitoring and reporting requirements;

40 (d) Posting of a probation bond;

1 (e) Residential treatment, where substance abuse, mental health,
2 and/or co-occurring disorders have been identified in an assessment
3 by a qualified mental health professional, psychologist,
4 psychiatrist, co-occurring disorder specialist, or substance use
5 disorder professional and a funded bed is available. If a child
6 agrees to voluntary placement in a state-funded long-term evaluation
7 and treatment facility, the case must follow the existing placement
8 procedure including consideration of less restrictive treatment
9 options and medical necessity.

10 (i) A court may order residential treatment after consideration
11 and findings regarding whether:

12 (A) The referral is necessary to rehabilitate the child;

13 (B) The referral is necessary to protect the public or the child;

14 (C) The referral is in the child's best interest;

15 (D) The child has been given the opportunity to engage in less
16 restrictive treatment and has been unable or unwilling to comply; and

17 (E) Inpatient treatment is the least restrictive action
18 consistent with the child's needs and circumstances.

19 (ii) In any case where a court orders a child to inpatient
20 treatment under this section, the court must hold a review hearing no
21 later than sixty days after the youth begins inpatient treatment, and
22 every thirty days thereafter, as long as the youth is in inpatient
23 treatment;

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

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

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

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

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

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

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

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

1 (37) "Violent offense" means a violent offense as defined in RCW
2 9.94A.030;

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

5 **Sec. 9.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
6 read as follows:

7 **DESCRIPTION AND OFFENSE CATEGORY**

8		JUVENILE DISPOSITION	
9	JUVENILE	CATEGORY FOR	
10	DISPOSITION	ATTEMPT, BAILJUMP,	
11	OFFENSE	CONSPIRACY, OR	
12	CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

13 **Arson and Malicious Mischief**

14	A	Arson 1 (9A.48.020)	B+
15	B	Arson 2 (9A.48.030)	C
16	C	Reckless Burning 1 (9A.48.040)	D
17	D	Reckless Burning 2 (9A.48.050)	E
18	B	Malicious Mischief 1 (9A.48.070)	C
19	C	Malicious Mischief 2 (9A.48.080)	D
20	D	Malicious Mischief 3 (9A.48.090)	E
21	E	Tampering with Fire Alarm Apparatus	E
22		(9.40.100)	
23	E	Tampering with Fire Alarm Apparatus	E
24		with Intent to Commit Arson (9.40.105)	
25	A	Possession of Incendiary Device	B+
26		(9.40.120)	

27 **Assault and Other Crimes Involving**
28 **Physical Harm**

29	A	Assault 1 (9A.36.011)	B+
30	B+	Assault 2 (9A.36.021)	C+
31	C+	Assault 3 (9A.36.031)	D+
32	D+	Assault 4 (9A.36.041)	E
33	B+	Drive-By Shooting (9A.36.045)	C+
34		committed at age 15 or under	
35	A++	Drive-By Shooting (9A.36.045)	A
36		committed at age 16 (or 17) <u>through 18</u>	

1	D+	Reckless Endangerment (9A.36.050)	E
2	C+	Promoting Suicide Attempt (9A.36.060)	D+
3	D+	Coercion (9A.36.070)	E
4	C+	Custodial Assault (9A.36.100)	D+
5		Burglary and Trespass	
6	B+	Burglary 1 (9A.52.020) committed at	C+
7		age 15 or under	
8	A-	Burglary 1 (9A.52.020) committed at	B+
9		age 16 ((or 17)) <u>through 18</u>	
10	B	Residential Burglary (9A.52.025)	C
11	B	Burglary 2 (9A.52.030)	C
12	D	Burglary Tools (Possession of)	E
13		(9A.52.060)	
14	D	Criminal Trespass 1 (9A.52.070)	E
15	E	Criminal Trespass 2 (9A.52.080)	E
16	C	Mineral Trespass (78.44.330)	C
17	C	Vehicle Prowling 1 (9A.52.095)	D
18	D	Vehicle Prowling 2 (9A.52.100)	E
19		Drugs	
20	E	Possession/Consumption of Alcohol	E
21		(66.44.270)	
22	C	Illegally Obtaining Legend Drug	D
23		(69.41.020)	
24	C+	Sale, Delivery, Possession of Legend	D+
25		Drug with Intent to Sell (69.41.030(2)(a))	
26	E	Possession of Legend	E
27		Drug (69.41.030(2)(b))	
28	B+	Violation of Uniform Controlled	B+
29		Substances Act - Narcotic,	
30		Methamphetamine, or Flunitrazepam	
31		Sale (69.50.401(2) (a) or (b))	
32	C	Violation of Uniform Controlled	C
33		Substances Act - Nonnarcotic Sale	
34		(69.50.401(2)(c))	
35	E	Possession of Marihuana <40 grams	E
36		(69.50.4014)	

1	C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
2			
3	C+	Sale of Controlled Substance for Profit (69.50.410)	C+
4			
5	E	Unlawful Inhalation (9.47A.020)	E
6	B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
7			
8			
9			
10			
11	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
12			
13			
14	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
15			
16			
17	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
18			
19			
20		Firearms and Weapons	
21	B	Theft of Firearm (9A.56.300)	C
22	B	Possession of Stolen Firearm (9A.56.310)	C
23			
24	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
25			
26	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (vi))	C
27			
28	D+	Possession of Dangerous Weapon (9.41.250)	E
29			
30	D	Intimidating Another Person by use of Weapon (9.41.270)	E
31			
32		Homicide	
33	A+	Murder 1 (9A.32.030)	A
34	A+	Murder 2 (9A.32.050)	B+
35	B+	Manslaughter 1 (9A.32.060)	C+
36	C+	Manslaughter 2 (9A.32.070)	D+
37	B+	Vehicular Homicide (46.61.520)	C+

1		Kidnapping	
2	A	Kidnap 1 (9A.40.020)	B+
3	B+	Kidnap 2 (9A.40.030)	C+
4	C+	Unlawful Imprisonment (9A.40.040)	D+
5		Obstructing Governmental Operation	
6	D	Obstructing a Law Enforcement Officer	E
7		(9A.76.020)	
8	E	Resisting Arrest (9A.76.040)	E
9	B	Introducing Contraband 1 (9A.76.140)	C
10	C	Introducing Contraband 2 (9A.76.150)	D
11	E	Introducing Contraband 3 (9A.76.160)	E
12	B+	Intimidating a Public Servant	C+
13		(9A.76.180)	
14	B+	Intimidating a Witness (9A.72.110)	C+
15		Public Disturbance	
16	C+	Criminal Mischief with Weapon	D+
17		(9A.84.010(2)(b))	
18	D+	Criminal Mischief Without Weapon	E
19		(9A.84.010(2)(a))	
20	E	Failure to Disperse (9A.84.020)	E
21	E	Disorderly Conduct (9A.84.030)	E
22		Sex Crimes	
23	A	Rape 1 (9A.44.040)	B+
24	B++	Rape 2 (9A.44.050) committed at age 14	B+
25		or under	
26	A-	Rape 2 (9A.44.050) committed at age 15	B+
27		through age ((17)) <u>18</u>	
28	C+	Rape 3 (9A.44.060)	D+
29	B++	Rape of a Child 1 (9A.44.073)	B+
30		committed at age 14 or under	
31	A-	Rape of a Child 1 (9A.44.073)	B+
32		committed at age 15	
33	B+	Rape of a Child 2 (9A.44.076)	C+
34	B	Incest 1 (9A.64.020(1))	C
35	C	Incest 2 (9A.64.020(2))	D

1	D+	Indecent Exposure (Victim <14)	E
2		(9A.88.010)	
3	E	Indecent Exposure (Victim 14 or over)	E
4		(9A.88.010)	
5	B+	Promoting Prostitution 1 (9A.88.070)	C+
6	C+	Promoting Prostitution 2 (9A.88.080)	D+
7	E	O & A (Prostitution) (9A.88.030)	E
8	B+	Indecent Liberties (9A.44.100)	C+
9	B++	Child Molestation 1 (9A.44.083)	B+
10		committed at age 14 or under	
11	A-	Child Molestation 1 (9A.44.083)	B+
12		committed at age 15 through age ((17))	
13		<u>18</u>	
14	B	Child Molestation 2 (9A.44.086)	C+
15	C	Failure to Register as a Sex Offender	D
16		(9A.44.132)	
17		Theft, Robbery, Extortion, and	
18		Forgery	
19	B	Theft 1 (9A.56.030)	C
20	C	Theft 2 (9A.56.040)	D
21	D	Theft 3 (9A.56.050)	E
22	B	Theft of Livestock 1 and 2 (9A.56.080	C
23		and 9A.56.083)	
24	C	Forgery (9A.60.020)	D
25	A	Robbery 1 (9A.56.200) committed at	B+
26		age 15 or under	
27	A++	Robbery 1 (9A.56.200) committed at	A
28		age 16 ((or 17)) <u>through 18</u>	
29	B+	Robbery 2 (9A.56.210)	C+
30	B+	Extortion 1 (9A.56.120)	C+
31	C+	Extortion 2 (9A.56.130)	D+
32	C	Identity Theft 1 (9.35.020(2))	D
33	D	Identity Theft 2 (9.35.020(3))	E
34	D	Improperly Obtaining Financial	E
35		Information (9.35.010)	
36	B	Possession of a Stolen Vehicle	C
37		(9A.56.068)	

1	B	Possession of Stolen Property 1	C
2		(9A.56.150)	
3	C	Possession of Stolen Property 2	D
4		(9A.56.160)	
5	D	Possession of Stolen Property 3	E
6		(9A.56.170)	
7	B	Taking Motor Vehicle Without	C
8		Permission 1 (9A.56.070)	
9	C	Taking Motor Vehicle Without	D
10		Permission 2 (9A.56.075)	
11	B	Theft of a Motor Vehicle (9A.56.065)	C
12		Motor Vehicle Related Crimes	
13	E	Driving Without a License (46.20.005)	E
14	B+	Hit and Run - Death (46.52.020(4)(a))	C+
15	C	Hit and Run - Injury (46.52.020(4)(b))	D
16	D	Hit and Run-Attended (46.52.020(5))	E
17	E	Hit and Run-Unattended (46.52.010)	E
18	C	Vehicular Assault (46.61.522)	D
19	C	Attempting to Elude Pursuing Police	D
20		Vehicle (46.61.024)	
21	E	Reckless Driving (46.61.500)	E
22	D	Driving While Under the Influence	E
23		(46.61.502 and 46.61.504)	
24	B+	Felony Driving While Under the	B
25		Influence (46.61.502(6))	
26	B+	Felony Physical Control of a Vehicle	B
27		While Under the Influence (46.61.504(6))	
28		Other	
29	B	Animal Cruelty 1 (16.52.205)	C
30	B	Bomb Threat (9.61.160)	C
31	C	Escape 1 ¹ (9A.76.110)	C
32	C	Escape 2 ¹ (9A.76.120)	C
33	D	Escape 3 (9A.76.130)	E
34	E	Obscene, Harassing, Etc., Phone Calls	E
35		(9.61.230)	

1	A	Other Offense Equivalent to an Adult	B+
2		Class A Felony	
3	B	Other Offense Equivalent to an Adult	C
4		Class B Felony	
5	C	Other Offense Equivalent to an Adult	D
6		Class C Felony	
7	D	Other Offense Equivalent to an Adult	E
8		Gross Misdemeanor	
9	E	Other Offense Equivalent to an Adult	E
10		Misdemeanor	
11	V	Violation of Order of Restitution,	V
12		Community Supervision, or Confinement	
13		(13.40.200) ²	

14 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
15 and the standard range is established as follows:

16 1st escape or attempted escape during 12-month period - 28 days
17 confinement

18 2nd escape or attempted escape during 12-month period - 8 weeks
19 confinement

20 3rd and subsequent escape or attempted escape during 12-month
21 period - 12 weeks confinement

22 ²If the court finds that a respondent has violated terms of an order,
23 it may impose a penalty of up to 30 days of confinement.

24 **JUVENILE SENTENCING STANDARDS**

25 This schedule must be used for juvenile offenders. The court may
26 select sentencing option A, B, C, or D.

27 **OPTION A**

28 **JUVENILE OFFENDER SENTENCING GRID**

29 **STANDARD RANGE**

30	A++	129 to 260 weeks for all category A++ offenses				
31	A+	180 weeks to age 21 for all category A+ offenses				
32	A	103-129 weeks for all category A offenses				
33	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
34	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks

1	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
2	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
3	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
4		C	LS	LS	LS	LS	15-36 weeks
5		D+	LS	LS	LS	LS	LS
6		D	LS	LS	LS	LS	LS
7		E	LS	LS	LS	LS	LS
8	PRIOR		0	1	2	3	4 or more
9	ADJUDICATIONS						

10 NOTE: References in the grid to days or weeks mean periods of
11 confinement. "LS" means "local sanctions" as defined in RCW
12 13.40.020.

13 (1) The vertical axis of the grid is the current offense
14 category. The current offense category is determined by the offense
15 of adjudication.

16 (2) The horizontal axis of the grid is the number of prior
17 adjudications included in the juvenile's criminal history. Each prior
18 felony adjudication shall count as one point. Each prior violation,
19 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
20 point. Fractional points shall be rounded down.

21 (3) The standard range disposition for each offense is determined
22 by the intersection of the column defined by the prior adjudications
23 and the row defined by the current offense category.

24 (4) RCW 13.40.180 applies if the offender is being sentenced for
25 more than one offense.

26 (5) A current offense that is a violation is equivalent to an
27 offense category of E. However, a disposition for a violation shall
28 not include confinement.

29 **OR**
30 **OPTION B**
31 **SUSPENDED DISPOSITION ALTERNATIVE**

32 (1) If the offender is subject to a standard range disposition
33 involving confinement by the department, the court may impose the
34 standard range and suspend the disposition on condition that the
35 offender comply with one or more local sanctions and any educational
36 or treatment requirement. The treatment programs provided to the

1 offender must be either research-based best practice programs as
2 identified by the Washington state institute for public policy or the
3 joint legislative audit and review committee, or for chemical
4 dependency treatment programs or services, they must be evidence-
5 based or research-based best practice programs. For the purposes of
6 this subsection:

7 (a) "Evidence-based" means a program or practice that has had
8 multiple site random controlled trials across heterogeneous
9 populations demonstrating that the program or practice is effective
10 for the population; and

11 (b) "Research-based" means a program or practice that has some
12 research demonstrating effectiveness, but that does not yet meet the
13 standard of evidence-based practices.

14 (2) If the offender fails to comply with the suspended
15 disposition, the court may impose sanctions pursuant to RCW 13.40.200
16 or may revoke the suspended disposition and order the disposition's
17 execution.

18 (3) An offender is ineligible for the suspended disposition
19 option under this section if the offender:

20 (a) Is adjudicated of an A+ or A++ offense;

21 (b) Is fourteen years of age or older and is adjudicated of one
22 or more of the following offenses:

23 (i) A class A offense, or an attempt, conspiracy, or solicitation
24 to commit a class A offense;

25 (ii) Manslaughter in the first degree (RCW 9A.32.060);

26 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
27 the first degree (RCW 9A.56.120), kidnapping in the second degree
28 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
29 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
30 manslaughter 2 (RCW 9A.32.070); or

31 (iv) Violation of the uniform controlled substances act (RCW
32 69.50.401(2) (a) and (b)), when the offense includes infliction of
33 bodily harm upon another or when during the commission or immediate
34 withdrawal from the offense the respondent was armed with a deadly
35 weapon;

36 (c) Is ordered to serve a disposition for a firearm violation
37 under RCW 13.40.193;

38 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
39 or

40 (e) Has a prior option B disposition.

1 OR

2 OPTION C

3 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

4 If the juvenile offender is subject to a standard range
5 disposition of local sanctions or 15 to 36 weeks of confinement and
6 has not committed a B++ or B+ offense, the court may impose a
7 disposition under RCW 13.40.160(4) and 13.40.165.

8 OR

9 OPTION D

10 MANIFEST INJUSTICE

11 If the court determines that a disposition under option A, B, or C
12 would effectuate a manifest injustice, the court shall impose a
13 disposition outside the standard range under RCW 13.40.160(2).

14 Sec. 10. RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
15 read as follows:

16 DESCRIPTION AND OFFENSE CATEGORY

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

17 Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

1		Assault and Other Crimes Involving	
2		Physical Harm	
3	A	Assault 1 (9A.36.011)	B+
4	B+	Assault 2 (9A.36.021)	C+
5	C+	Assault 3 (9A.36.031)	D+
6	D+	Assault 4 (9A.36.041)	E
7	B+	Drive-By Shooting (9A.36.045)	C+
8		committed at age 15 or under	
9	A++	Drive-By Shooting (9A.36.045)	A
10		committed at age 16 ((or 17)) <u>through 19</u>	
11	D+	Reckless Endangerment (9A.36.050)	E
12	C+	Promoting Suicide Attempt (9A.36.060)	D+
13	D+	Coercion (9A.36.070)	E
14	C+	Custodial Assault (9A.36.100)	D+
15		Burglary and Trespass	
16	B+	Burglary 1 (9A.52.020) committed at	C+
17		age 15 or under	
18	A-	Burglary 1 (9A.52.020) committed at	B+
19		age 16 ((or 17)) <u>through 19</u>	
20	B	Residential Burglary (9A.52.025)	C
21	B	Burglary 2 (9A.52.030)	C
22	D	Burglary Tools (Possession of)	E
23		(9A.52.060)	
24	D	Criminal Trespass 1 (9A.52.070)	E
25	E	Criminal Trespass 2 (9A.52.080)	E
26	C	Mineral Trespass (78.44.330)	C
27	C	Vehicle Prowling 1 (9A.52.095)	D
28	D	Vehicle Prowling 2 (9A.52.100)	E
29		Drugs	
30	E	Possession/Consumption of Alcohol	E
31		(66.44.270)	
32	C	Illegally Obtaining Legend Drug	D
33		(69.41.020)	
34	C+	Sale, Delivery, Possession of Legend	D+
35		Drug with Intent to Sell (69.41.030(2)(a))	

1	E	Possession of Legend	E
2		Drug (69.41.030(2)(b))	
3	B+	Violation of Uniform Controlled	B+
4		Substances Act - Narcotic,	
5		Methamphetamine, or Flunitrazepam	
6		Sale (69.50.401(2) (a) or (b))	
7	C	Violation of Uniform Controlled	C
8		Substances Act - Nonnarcotic Sale	
9		(69.50.401(2)(c))	
10	E	Possession of Marihuana <40 grams	E
11		(69.50.4014)	
12	C	Fraudulently Obtaining Controlled	C
13		Substance (69.50.403)	
14	C+	Sale of Controlled Substance for Profit	C+
15		(69.50.410)	
16	E	Unlawful Inhalation (9.47A.020)	E
17	B	Violation of Uniform Controlled	B
18		Substances Act - Narcotic,	
19		Methamphetamine, or Flunitrazepam	
20		Counterfeit Substances (69.50.4011(2)	
21		(a) or (b))	
22	C	Violation of Uniform Controlled	C
23		Substances Act - Nonnarcotic Counterfeit	
24		Substances (69.50.4011(2) (c), (d), or (e))	
25	C	Violation of Uniform Controlled	C
26		Substances Act - Possession of a	
27		Controlled Substance (69.50.4013)	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Possession of a	
30		Controlled Substance (69.50.4012)	
31		Firearms and Weapons	
32	B	Theft of Firearm (9A.56.300)	C
33	B	Possession of Stolen Firearm	C
34		(9A.56.310)	
35	E	Carrying Loaded Pistol Without Permit	E
36		(9.41.050)	
37	C	Possession of Firearms by Minor (<18)	C
38		(9.41.040(2)(a) (vi))	

1	D+	Possession of Dangerous Weapon	E
2		(9.41.250)	
3	D	Intimidating Another Person by use of	E
4		Weapon (9.41.270)	
5		Homicide	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		Kidnapping	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment (9A.40.040)	D+
15		Obstructing Governmental Operation	
16	D	Obstructing a Law Enforcement Officer	E
17		(9A.76.020)	
18	E	Resisting Arrest (9A.76.040)	E
19	B	Introducing Contraband 1 (9A.76.140)	C
20	C	Introducing Contraband 2 (9A.76.150)	D
21	E	Introducing Contraband 3 (9A.76.160)	E
22	B+	Intimidating a Public Servant	C+
23		(9A.76.180)	
24	B+	Intimidating a Witness (9A.72.110)	C+
25		Public Disturbance	
26	C+	Criminal Mischief with Weapon	D+
27		(9A.84.010(2)(b))	
28	D+	Criminal Mischief Without Weapon	E
29		(9A.84.010(2)(a))	
30	E	Failure to Disperse (9A.84.020)	E
31	E	Disorderly Conduct (9A.84.030)	E
32		Sex Crimes	
33	A	Rape 1 (9A.44.040)	B+
34	B++	Rape 2 (9A.44.050) committed at age 14	B+
35		or under	

1	A-	Rape 2 (9A.44.050) committed at age 15	B+
2		through age ((17)) <u>19</u>	
3	C+	Rape 3 (9A.44.060)	D+
4	B++	Rape of a Child 1 (9A.44.073)	B+
5		committed at age 14 or under	
6	A-	Rape of a Child 1 (9A.44.073)	B+
7		committed at age 15	
8	B+	Rape of a Child 2 (9A.44.076)	C+
9	B	Incest 1 (9A.64.020(1))	C
10	C	Incest 2 (9A.64.020(2))	D
11	D+	Indecent Exposure (Victim <14)	E
12		(9A.88.010)	
13	E	Indecent Exposure (Victim 14 or over)	E
14		(9A.88.010)	
15	B+	Promoting Prostitution 1 (9A.88.070)	C+
16	C+	Promoting Prostitution 2 (9A.88.080)	D+
17	E	O & A (Prostitution) (9A.88.030)	E
18	B+	Indecent Liberties (9A.44.100)	C+
19	B++	Child Molestation 1 (9A.44.083)	B+
20		committed at age 14 or under	
21	A-	Child Molestation 1 (9A.44.083)	B+
22		committed at age 15 through age ((17))	
23		<u>19</u>	
24	B	Child Molestation 2 (9A.44.086)	C+
25	C	Failure to Register as a Sex Offender	D
26		(9A.44.132)	
27		Theft, Robbery, Extortion, and	
28		Forgery	
29	B	Theft 1 (9A.56.030)	C
30	C	Theft 2 (9A.56.040)	D
31	D	Theft 3 (9A.56.050)	E
32	B	Theft of Livestock 1 and 2 (9A.56.080	C
33		and 9A.56.083)	
34	C	Forgery (9A.60.020)	D
35	A	Robbery 1 (9A.56.200) committed at	B+
36		age 15 or under	

1	A++	Robbery 1 (9A.56.200) committed at	A
2		age 16 (or 17) <u>through 19</u>	
3	B+	Robbery 2 (9A.56.210)	C+
4	B+	Extortion 1 (9A.56.120)	C+
5	C+	Extortion 2 (9A.56.130)	D+
6	C	Identity Theft 1 (9.35.020(2))	D
7	D	Identity Theft 2 (9.35.020(3))	E
8	D	Improperly Obtaining Financial	E
9		Information (9.35.010)	
10	B	Possession of a Stolen Vehicle	C
11		(9A.56.068)	
12	B	Possession of Stolen Property 1	C
13		(9A.56.150)	
14	C	Possession of Stolen Property 2	D
15		(9A.56.160)	
16	D	Possession of Stolen Property 3	E
17		(9A.56.170)	
18	B	Taking Motor Vehicle Without	C
19		Permission 1 (9A.56.070)	
20	C	Taking Motor Vehicle Without	D
21		Permission 2 (9A.56.075)	
22	B	Theft of a Motor Vehicle (9A.56.065)	C
23		Motor Vehicle Related Crimes	
24	E	Driving Without a License (46.20.005)	E
25	B+	Hit and Run - Death (46.52.020(4)(a))	C+
26	C	Hit and Run - Injury (46.52.020(4)(b))	D
27	D	Hit and Run-Attended (46.52.020(5))	E
28	E	Hit and Run-Unattended (46.52.010)	E
29	C	Vehicular Assault (46.61.522)	D
30	C	Attempting to Elude Pursuing Police	D
31		Vehicle (46.61.024)	
32	E	Reckless Driving (46.61.500)	E
33	D	Driving While Under the Influence	E
34		(46.61.502 and 46.61.504)	
35	B+	Felony Driving While Under the	B
36		Influence (46.61.502(6))	

1	B+	Felony Physical Control of a Vehicle	B
2		While Under the Influence (46.61.504(6))	
3		Other	
4	B	Animal Cruelty 1 (16.52.205)	C
5	B	Bomb Threat (9.61.160)	C
6	C	Escape 1 ¹ (9A.76.110)	C
7	C	Escape 2 ¹ (9A.76.120)	C
8	D	Escape 3 (9A.76.130)	E
9	E	Obscene, Harassing, Etc., Phone Calls	E
10		(9.61.230)	
11	A	Other Offense Equivalent to an Adult	B+
12		Class A Felony	
13	B	Other Offense Equivalent to an Adult	C
14		Class B Felony	
15	C	Other Offense Equivalent to an Adult	D
16		Class C Felony	
17	D	Other Offense Equivalent to an Adult	E
18		Gross Misdemeanor	
19	E	Other Offense Equivalent to an Adult	E
20		Misdemeanor	
21	V	Violation of Order of Restitution,	V
22		Community Supervision, or Confinement	
23		(13.40.200) ²	

24 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
25 and the standard range is established as follows:

26 1st escape or attempted escape during 12-month period - 28 days
27 confinement

28 2nd escape or attempted escape during 12-month period - 8 weeks
29 confinement

30 3rd and subsequent escape or attempted escape during 12-month
31 period - 12 weeks confinement

32 ²If the court finds that a respondent has violated terms of an order,
33 it may impose a penalty of up to 30 days of confinement.

34 **JUVENILE SENTENCING STANDARDS**

35 This schedule must be used for juvenile offenders. The court may
36 select sentencing option A, B, C, or D.

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16
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OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE

CURRENT	A++	129 to 260 weeks for all category A++ offenses				
OFFENSE	A+	180 weeks to age 21 for all category A+ offenses				
CATEGORY	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS		0	1	2	3	4 or more

18 NOTE: References in the grid to days or weeks mean periods of
19 confinement. "LS" means "local sanctions" as defined in RCW
20 13.40.020.

21 (1) The vertical axis of the grid is the current offense
22 category. The current offense category is determined by the offense
23 of adjudication.

24 (2) The horizontal axis of the grid is the number of prior
25 adjudications included in the juvenile's criminal history. Each prior
26 felony adjudication shall count as one point. Each prior violation,
27 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
28 point. Fractional points shall be rounded down.

29 (3) The standard range disposition for each offense is determined
30 by the intersection of the column defined by the prior adjudications
31 and the row defined by the current offense category.

32 (4) RCW 13.40.180 applies if the offender is being sentenced for
33 more than one offense.

1 (5) A current offense that is a violation is equivalent to an
2 offense category of E. However, a disposition for a violation shall
3 not include confinement.

4 OR

5 **OPTION B**

6 **SUSPENDED DISPOSITION ALTERNATIVE**

7 (1) If the offender is subject to a standard range disposition
8 involving confinement by the department, the court may impose the
9 standard range and suspend the disposition on condition that the
10 offender comply with one or more local sanctions and any educational
11 or treatment requirement. The treatment programs provided to the
12 offender must be either research-based best practice programs as
13 identified by the Washington state institute for public policy or the
14 joint legislative audit and review committee, or for chemical
15 dependency treatment programs or services, they must be evidence-
16 based or research-based best practice programs. For the purposes of
17 this subsection:

18 (a) "Evidence-based" means a program or practice that has had
19 multiple site random controlled trials across heterogeneous
20 populations demonstrating that the program or practice is effective
21 for the population; and

22 (b) "Research-based" means a program or practice that has some
23 research demonstrating effectiveness, but that does not yet meet the
24 standard of evidence-based practices.

25 (2) If the offender fails to comply with the suspended
26 disposition, the court may impose sanctions pursuant to RCW 13.40.200
27 or may revoke the suspended disposition and order the disposition's
28 execution.

29 (3) An offender is ineligible for the suspended disposition
30 option under this section if the offender:

31 (a) Is adjudicated of an A+ or A++ offense;

32 (b) Is fourteen years of age or older and is adjudicated of one
33 or more of the following offenses:

34 (i) A class A offense, or an attempt, conspiracy, or solicitation
35 to commit a class A offense;

36 (ii) Manslaughter in the first degree (RCW 9A.32.060);

37 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
38 the first degree (RCW 9A.56.120), kidnapping in the second degree
39 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular

1 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
2 manslaughter 2 (RCW 9A.32.070); or

3 (iv) Violation of the uniform controlled substances act (RCW
4 69.50.401(2) (a) and (b)), when the offense includes infliction of
5 bodily harm upon another or when during the commission or immediate
6 withdrawal from the offense the respondent was armed with a deadly
7 weapon;

8 (c) Is ordered to serve a disposition for a firearm violation
9 under RCW 13.40.193;

10 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
11 or

12 (e) Has a prior option B disposition.

13 **OR**

14 **OPTION C**

15 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

16 If the juvenile offender is subject to a standard range
17 disposition of local sanctions or 15 to 36 weeks of confinement and
18 has not committed a B++ or B+ offense, the court may impose a
19 disposition under RCW 13.40.160(4) and 13.40.165.

20 **OR**

21 **OPTION D**

22 **MANIFEST INJUSTICE**

23 If the court determines that a disposition under option A, B, or C
24 would effectuate a manifest injustice, the court shall impose a
25 disposition outside the standard range under RCW 13.40.160(2).

26 **Sec. 11.** RCW 13.40.080 and 2018 c 82 s 4 are each amended to
27 read as follows:

28 (1) A diversion agreement shall be a contract between a juvenile
29 accused of an offense and a diversion unit whereby the juvenile
30 agrees to fulfill certain conditions in lieu of prosecution. Such
31 agreements may be entered into only after the prosecutor, or
32 probation counselor pursuant to this chapter, has determined that
33 probable cause exists to believe that a crime has been committed and
34 that the juvenile committed it. Such agreements shall be entered into
35 as expeditiously as possible.

36 (2) A diversion agreement shall be limited to one or more of the
37 following:

1 (a) Community restitution not to exceed one hundred fifty hours,
2 not to be performed during school hours if the juvenile is attending
3 school;

4 (b) Restitution limited to the amount of actual loss incurred by
5 any victim, excluding restitution owed to any insurance provider
6 under Title 48 RCW;

7 (c) Attendance at up to ten hours of counseling and/or up to
8 twenty hours of positive youth development, educational or
9 informational sessions at a community agency. The educational or
10 informational sessions may include sessions relating to respect for
11 self, others, and authority; victim awareness; accountability; self-
12 worth; responsibility; work ethics; good citizenship; literacy; and
13 life skills. If an assessment identifies mental health or chemical
14 dependency needs, a youth may access up to thirty hours of
15 counseling. The counseling sessions may include services demonstrated
16 to improve behavioral health and reduce recidivism. For purposes of
17 this section, "community agency" may also mean a community-based
18 nonprofit organization, a physician, a counselor, a school, or a
19 treatment provider, if approved by the diversion unit. The state
20 shall not be liable for costs resulting from the diversion unit
21 exercising the option to permit diversion agreements to mandate
22 attendance at up to thirty hours of counseling and/or up to twenty
23 hours of educational or informational sessions;

24 (d) Requirements to remain during specified hours at home,
25 school, or work, and restrictions on leaving or entering specified
26 geographical areas; and

27 (e) Upon request of any victim or witness, requirements to
28 refrain from any contact with victims or witnesses of offenses
29 committed by the juvenile.

30 (3) Notwithstanding the provisions of subsection (2) of this
31 section, youth courts are not limited to the conditions imposed by
32 subsection (2) of this section in imposing sanctions on juveniles
33 pursuant to RCW 13.40.630.

34 (4) In assessing periods of community restitution to be performed
35 and restitution to be paid by a juvenile who has entered into a
36 diversion agreement, the court officer to whom this task is assigned
37 shall consult with the juvenile's custodial parent or parents or
38 guardian. To the extent possible, the court officer shall advise the
39 victims of the juvenile offender of the diversion process, offer
40 victim impact letter forms and restitution claim forms, and involve

1 members of the community. Such members of the community may meet with
2 the juvenile and may advise the court officer as to the terms of the
3 diversion agreement and may supervise the juvenile in carrying out
4 its terms.

5 (5) (a) A diversion agreement may not exceed a period of six
6 months and may include a period extending beyond the (~~eighteenth~~)
7 19th birthday of the divertee.

8 (b) If additional time is necessary for the juvenile to complete
9 restitution to a victim, the time period limitations of this
10 subsection may be extended by an additional six months.

11 (c) If the juvenile has not paid the full amount of restitution
12 by the end of the additional six-month period, then the juvenile
13 shall be referred to the juvenile court for entry of a civil order
14 establishing the amount of restitution still owed to the victim. In
15 this order, the court shall also determine the terms and conditions
16 of the restitution, including a payment plan extending up to ten
17 years if the court determines that the juvenile does not have the
18 means to make full restitution over a shorter period. For the
19 purposes of this subsection (5) (c), the juvenile shall remain under
20 the court's jurisdiction for a maximum term of ten years after the
21 juvenile's eighteenth birthday. Prior to the expiration of the
22 initial ten-year period, the juvenile court may extend the judgment
23 for restitution an additional ten years. The court may relieve the
24 juvenile of the requirement to pay full or partial restitution if the
25 juvenile reasonably satisfies the court that he or she does not have
26 the means to make full or partial restitution and could not
27 reasonably acquire the means to pay the restitution over a ten-year
28 period. If the court relieves the juvenile of the requirement to pay
29 full or partial restitution, the court may order an amount of
30 community restitution that the court deems appropriate. The county
31 clerk shall make disbursements to victims named in the order. The
32 restitution to victims named in the order shall be paid prior to any
33 payment for other penalties or monetary assessments. A juvenile under
34 obligation to pay restitution may petition the court for modification
35 of the restitution order.

36 (6) The juvenile shall retain the right to be referred to the
37 court at any time prior to the signing of the diversion agreement.

38 (7) Divertees and potential diverttees shall be afforded due
39 process in all contacts with a diversion unit regardless of whether
40 the juveniles are accepted for diversion or whether the diversion

1 program is successfully completed. Such due process shall include,
2 but not be limited to, the following:

3 (a) A written diversion agreement shall be executed stating all
4 conditions in clearly understandable language;

5 (b) Violation of the terms of the agreement shall be the only
6 grounds for termination;

7 (c) No divertee may be terminated from a diversion program
8 without being given a court hearing, which hearing shall be preceded
9 by:

10 (i) Written notice of alleged violations of the conditions of the
11 diversion program; and

12 (ii) Disclosure of all evidence to be offered against the
13 divertee;

14 (d) The hearing shall be conducted by the juvenile court and
15 shall include:

16 (i) Opportunity to be heard in person and to present evidence;

17 (ii) The right to confront and cross-examine all adverse
18 witnesses;

19 (iii) A written statement by the court as to the evidence relied
20 on and the reasons for termination, should that be the decision; and

21 (iv) Demonstration by evidence that the divertee has
22 substantially violated the terms of his or her diversion agreement;

23 (e) The prosecutor may file an information on the offense for
24 which the divertee was diverted:

25 (i) In juvenile court if the divertee is under (~~eighteen~~) 19
26 years of age; or

27 (ii) In superior court or the appropriate court of limited
28 jurisdiction if the divertee is (~~eighteen~~) 19 years of age or
29 older.

30 (8) The diversion unit shall, subject to available funds, be
31 responsible for providing interpreters when juveniles need
32 interpreters to effectively communicate during diversion unit
33 hearings or negotiations.

34 (9) The diversion unit shall be responsible for advising a
35 divertee of his or her rights as provided in this chapter.

36 (10) The diversion unit may refer a juvenile to a restorative
37 justice program, community-based counseling, or treatment programs.

38 (11) The right to counsel shall inure prior to the initial
39 interview for purposes of advising the juvenile as to whether he or
40 she desires to participate in the diversion process or to appear in

1 the juvenile court. The juvenile may be represented by counsel at any
2 critical stage of the diversion process, including intake interviews
3 and termination hearings. The juvenile shall be fully advised at the
4 intake of his or her right to an attorney and of the relevant
5 services an attorney can provide. For the purpose of this section,
6 intake interviews mean all interviews regarding the diversion
7 agreement process.

8 The juvenile shall be advised that a diversion agreement shall
9 constitute a part of the juvenile's criminal history as defined by
10 RCW 13.40.020(8). A signed acknowledgment of such advisement shall be
11 obtained from the juvenile, and the document shall be maintained by
12 the diversion unit together with the diversion agreement, and a copy
13 of both documents shall be delivered to the prosecutor if requested
14 by the prosecutor. The supreme court shall promulgate rules setting
15 forth the content of such advisement in simple language.

16 (12) When a juvenile enters into a diversion agreement, the
17 juvenile court may receive only the following information for
18 dispositional purposes:

- 19 (a) The fact that a charge or charges were made;
- 20 (b) The fact that a diversion agreement was entered into;
- 21 (c) The juvenile's obligations under such agreement;
- 22 (d) Whether the alleged offender performed his or her obligations
23 under such agreement; and
- 24 (e) The facts of the alleged offense.

25 (13) A diversion unit may refuse to enter into a diversion
26 agreement with a juvenile. When a diversion unit refuses to enter a
27 diversion agreement with a juvenile, it shall immediately refer such
28 juvenile to the court for action and shall forward to the court the
29 criminal complaint and a detailed statement of its reasons for
30 refusing to enter into a diversion agreement. The diversion unit
31 shall also immediately refer the case to the prosecuting attorney for
32 action if such juvenile violates the terms of the diversion
33 agreement.

34 (14) A diversion unit may, in instances where it determines that
35 the act or omission of an act for which a juvenile has been referred
36 to it involved no victim, or where it determines that the juvenile
37 referred to it has no prior criminal history and is alleged to have
38 committed an illegal act involving no threat of or instance of actual
39 physical harm and involving not more than fifty dollars in property
40 loss or damage and that there is no loss outstanding to the person or

1 firm suffering such damage or loss, counsel and release or release
2 such a juvenile without entering into a diversion agreement. A
3 diversion unit's authority to counsel and release a juvenile under
4 this subsection includes the authority to refer the juvenile to
5 community-based counseling or treatment programs or a restorative
6 justice program. Any juvenile released under this subsection shall be
7 advised that the act or omission of any act for which he or she had
8 been referred shall constitute a part of the juvenile's criminal
9 history as defined by RCW 13.40.020(8). A signed acknowledgment of
10 such advisement shall be obtained from the juvenile, and the document
11 shall be maintained by the unit, and a copy of the document shall be
12 delivered to the prosecutor if requested by the prosecutor. The
13 supreme court shall promulgate rules setting forth the content of
14 such advisement in simple language. A juvenile determined to be
15 eligible by a diversion unit for release as provided in this
16 subsection shall retain the same right to counsel and right to have
17 his or her case referred to the court for formal action as any other
18 juvenile referred to the unit.

19 (15) A diversion unit may supervise the fulfillment of a
20 diversion agreement entered into before the juvenile's (~~eighteenth~~)
21 19th birthday and which includes a period extending beyond the
22 diverttee's (~~eighteenth~~) 19th birthday.

23 (16) If restitution required by a diversion agreement cannot
24 reasonably be paid due to a change of circumstance, the diversion
25 agreement may be modified at the request of the diverttee and with the
26 concurrence of the diversion unit to convert unpaid restitution into
27 community restitution. The modification of the diversion agreement
28 shall be in writing and signed by the diverttee and the diversion
29 unit. The number of hours of community restitution in lieu of a
30 monetary penalty shall be converted at the rate of the prevailing
31 state minimum wage per hour.

32 **Sec. 12.** RCW 13.40.080 and 2018 c 82 s 4 are each amended to
33 read as follows:

34 (1) A diversion agreement shall be a contract between a juvenile
35 accused of an offense and a diversion unit whereby the juvenile
36 agrees to fulfill certain conditions in lieu of prosecution. Such
37 agreements may be entered into only after the prosecutor, or
38 probation counselor pursuant to this chapter, has determined that
39 probable cause exists to believe that a crime has been committed and

1 that the juvenile committed it. Such agreements shall be entered into
2 as expeditiously as possible.

3 (2) A diversion agreement shall be limited to one or more of the
4 following:

5 (a) Community restitution not to exceed one hundred fifty hours,
6 not to be performed during school hours if the juvenile is attending
7 school;

8 (b) Restitution limited to the amount of actual loss incurred by
9 any victim, excluding restitution owed to any insurance provider
10 under Title 48 RCW;

11 (c) Attendance at up to ten hours of counseling and/or up to
12 twenty hours of positive youth development, educational or
13 informational sessions at a community agency. The educational or
14 informational sessions may include sessions relating to respect for
15 self, others, and authority; victim awareness; accountability; self-
16 worth; responsibility; work ethics; good citizenship; literacy; and
17 life skills. If an assessment identifies mental health or chemical
18 dependency needs, a youth may access up to thirty hours of
19 counseling. The counseling sessions may include services demonstrated
20 to improve behavioral health and reduce recidivism. For purposes of
21 this section, "community agency" may also mean a community-based
22 nonprofit organization, a physician, a counselor, a school, or a
23 treatment provider, if approved by the diversion unit. The state
24 shall not be liable for costs resulting from the diversion unit
25 exercising the option to permit diversion agreements to mandate
26 attendance at up to thirty hours of counseling and/or up to twenty
27 hours of educational or informational sessions;

28 (d) Requirements to remain during specified hours at home,
29 school, or work, and restrictions on leaving or entering specified
30 geographical areas; and

31 (e) Upon request of any victim or witness, requirements to
32 refrain from any contact with victims or witnesses of offenses
33 committed by the juvenile.

34 (3) Notwithstanding the provisions of subsection (2) of this
35 section, youth courts are not limited to the conditions imposed by
36 subsection (2) of this section in imposing sanctions on juveniles
37 pursuant to RCW 13.40.630.

38 (4) In assessing periods of community restitution to be performed
39 and restitution to be paid by a juvenile who has entered into a
40 diversion agreement, the court officer to whom this task is assigned

1 shall consult with the juvenile's custodial parent or parents or
2 guardian. To the extent possible, the court officer shall advise the
3 victims of the juvenile offender of the diversion process, offer
4 victim impact letter forms and restitution claim forms, and involve
5 members of the community. Such members of the community may meet with
6 the juvenile and may advise the court officer as to the terms of the
7 diversion agreement and may supervise the juvenile in carrying out
8 its terms.

9 (5) (a) A diversion agreement may not exceed a period of six
10 months and may include a period extending beyond the (~~eighteenth~~)
11 20th birthday of the diverttee.

12 (b) If additional time is necessary for the juvenile to complete
13 restitution to a victim, the time period limitations of this
14 subsection may be extended by an additional six months.

15 (c) If the juvenile has not paid the full amount of restitution
16 by the end of the additional six-month period, then the juvenile
17 shall be referred to the juvenile court for entry of a civil order
18 establishing the amount of restitution still owed to the victim. In
19 this order, the court shall also determine the terms and conditions
20 of the restitution, including a payment plan extending up to ten
21 years if the court determines that the juvenile does not have the
22 means to make full restitution over a shorter period. For the
23 purposes of this subsection (5) (c), the juvenile shall remain under
24 the court's jurisdiction for a maximum term of ten years after the
25 juvenile's eighteenth birthday. Prior to the expiration of the
26 initial ten-year period, the juvenile court may extend the judgment
27 for restitution an additional ten years. The court may relieve the
28 juvenile of the requirement to pay full or partial restitution if the
29 juvenile reasonably satisfies the court that he or she does not have
30 the means to make full or partial restitution and could not
31 reasonably acquire the means to pay the restitution over a ten-year
32 period. If the court relieves the juvenile of the requirement to pay
33 full or partial restitution, the court may order an amount of
34 community restitution that the court deems appropriate. The county
35 clerk shall make disbursements to victims named in the order. The
36 restitution to victims named in the order shall be paid prior to any
37 payment for other penalties or monetary assessments. A juvenile under
38 obligation to pay restitution may petition the court for modification
39 of the restitution order.

1 (6) The juvenile shall retain the right to be referred to the
2 court at any time prior to the signing of the diversion agreement.

3 (7) Divertees and potential divertees shall be afforded due
4 process in all contacts with a diversion unit regardless of whether
5 the juveniles are accepted for diversion or whether the diversion
6 program is successfully completed. Such due process shall include,
7 but not be limited to, the following:

8 (a) A written diversion agreement shall be executed stating all
9 conditions in clearly understandable language;

10 (b) Violation of the terms of the agreement shall be the only
11 grounds for termination;

12 (c) No diverttee may be terminated from a diversion program
13 without being given a court hearing, which hearing shall be preceded
14 by:

15 (i) Written notice of alleged violations of the conditions of the
16 diversion program; and

17 (ii) Disclosure of all evidence to be offered against the
18 diverttee;

19 (d) The hearing shall be conducted by the juvenile court and
20 shall include:

21 (i) Opportunity to be heard in person and to present evidence;

22 (ii) The right to confront and cross-examine all adverse
23 witnesses;

24 (iii) A written statement by the court as to the evidence relied
25 on and the reasons for termination, should that be the decision; and

26 (iv) Demonstration by evidence that the diverttee has
27 substantially violated the terms of his or her diversion agreement;

28 (e) The prosecutor may file an information on the offense for
29 which the diverttee was diverted:

30 (i) In juvenile court if the diverttee is under (~~(eighteen)~~) 20
31 years of age; or

32 (ii) In superior court or the appropriate court of limited
33 jurisdiction if the diverttee is (~~(eighteen)~~) 20 years of age or
34 older.

35 (8) The diversion unit shall, subject to available funds, be
36 responsible for providing interpreters when juveniles need
37 interpreters to effectively communicate during diversion unit
38 hearings or negotiations.

39 (9) The diversion unit shall be responsible for advising a
40 diverttee of his or her rights as provided in this chapter.

1 (10) The diversion unit may refer a juvenile to a restorative
2 justice program, community-based counseling, or treatment programs.

3 (11) The right to counsel shall inure prior to the initial
4 interview for purposes of advising the juvenile as to whether he or
5 she desires to participate in the diversion process or to appear in
6 the juvenile court. The juvenile may be represented by counsel at any
7 critical stage of the diversion process, including intake interviews
8 and termination hearings. The juvenile shall be fully advised at the
9 intake of his or her right to an attorney and of the relevant
10 services an attorney can provide. For the purpose of this section,
11 intake interviews mean all interviews regarding the diversion
12 agreement process.

13 The juvenile shall be advised that a diversion agreement shall
14 constitute a part of the juvenile's criminal history as defined by
15 RCW 13.40.020(8). A signed acknowledgment of such advisement shall be
16 obtained from the juvenile, and the document shall be maintained by
17 the diversion unit together with the diversion agreement, and a copy
18 of both documents shall be delivered to the prosecutor if requested
19 by the prosecutor. The supreme court shall promulgate rules setting
20 forth the content of such advisement in simple language.

21 (12) When a juvenile enters into a diversion agreement, the
22 juvenile court may receive only the following information for
23 dispositional purposes:

- 24 (a) The fact that a charge or charges were made;
- 25 (b) The fact that a diversion agreement was entered into;
- 26 (c) The juvenile's obligations under such agreement;
- 27 (d) Whether the alleged offender performed his or her obligations
28 under such agreement; and
- 29 (e) The facts of the alleged offense.

30 (13) A diversion unit may refuse to enter into a diversion
31 agreement with a juvenile. When a diversion unit refuses to enter a
32 diversion agreement with a juvenile, it shall immediately refer such
33 juvenile to the court for action and shall forward to the court the
34 criminal complaint and a detailed statement of its reasons for
35 refusing to enter into a diversion agreement. The diversion unit
36 shall also immediately refer the case to the prosecuting attorney for
37 action if such juvenile violates the terms of the diversion
38 agreement.

39 (14) A diversion unit may, in instances where it determines that
40 the act or omission of an act for which a juvenile has been referred

1 to it involved no victim, or where it determines that the juvenile
2 referred to it has no prior criminal history and is alleged to have
3 committed an illegal act involving no threat of or instance of actual
4 physical harm and involving not more than fifty dollars in property
5 loss or damage and that there is no loss outstanding to the person or
6 firm suffering such damage or loss, counsel and release or release
7 such a juvenile without entering into a diversion agreement. A
8 diversion unit's authority to counsel and release a juvenile under
9 this subsection includes the authority to refer the juvenile to
10 community-based counseling or treatment programs or a restorative
11 justice program. Any juvenile released under this subsection shall be
12 advised that the act or omission of any act for which he or she had
13 been referred shall constitute a part of the juvenile's criminal
14 history as defined by RCW 13.40.020(8). A signed acknowledgment of
15 such advisement shall be obtained from the juvenile, and the document
16 shall be maintained by the unit, and a copy of the document shall be
17 delivered to the prosecutor if requested by the prosecutor. The
18 supreme court shall promulgate rules setting forth the content of
19 such advisement in simple language. A juvenile determined to be
20 eligible by a diversion unit for release as provided in this
21 subsection shall retain the same right to counsel and right to have
22 his or her case referred to the court for formal action as any other
23 juvenile referred to the unit.

24 (15) A diversion unit may supervise the fulfillment of a
25 diversion agreement entered into before the juvenile's (~~eighteenth~~)
26 20th birthday and which includes a period extending beyond the
27 diverttee's (~~eighteenth~~) 20th birthday.

28 (16) If restitution required by a diversion agreement cannot
29 reasonably be paid due to a change of circumstance, the diversion
30 agreement may be modified at the request of the diverttee and with the
31 concurrence of the diversion unit to convert unpaid restitution into
32 community restitution. The modification of the diversion agreement
33 shall be in writing and signed by the diverttee and the diversion
34 unit. The number of hours of community restitution in lieu of a
35 monetary penalty shall be converted at the rate of the prevailing
36 state minimum wage per hour.

37 **Sec. 13.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
38 read as follows:

1 (1) If a respondent is found to have been in possession of a
2 firearm in violation of RCW 9.41.040(2)(a)(vi), the court shall
3 impose a minimum disposition of ten days of confinement. If the
4 offender's standard range of disposition for the offense as indicated
5 in RCW 13.40.0357 is more than thirty days of confinement, the court
6 shall commit the offender to the department for the standard range
7 disposition. The offender shall not be released until the offender
8 has served a minimum of ten days in confinement.

9 (2)(a) If a respondent is found to have been in possession of a
10 firearm in violation of RCW 9.41.040, the disposition must include a
11 requirement that the respondent participate in a qualifying program
12 as described in (b) of this subsection, when available, unless the
13 court makes a written finding based on the outcome of the juvenile
14 court risk assessment that participation in a qualifying program
15 would not be appropriate.

16 (b) For purposes of this section, "qualifying program" means an
17 aggression replacement training program, a functional family therapy
18 program, or another program applicable to the juvenile firearm
19 offender population that has been identified as evidence-based or
20 research-based and cost-beneficial in the current list prepared at
21 the direction of the legislature by the Washington state institute
22 for public policy.

23 (3) If the court finds that the respondent or an accomplice was
24 armed with a firearm, the court shall determine the standard range
25 disposition for the offense pursuant to RCW 13.40.160. If the
26 offender or an accomplice was armed with a firearm when the offender
27 committed any felony other than possession of a machine gun or bump-
28 fire stock, possession of a stolen firearm, drive-by shooting, theft
29 of a firearm, unlawful possession of a firearm in the first and
30 second degree, or use of a machine gun or bump-fire stock in a
31 felony, the following periods of total confinement must be added to
32 the sentence: (a) Except for (b) of this subsection, for a class A
33 felony, six months; for a class B felony, four months; and for a
34 class C felony, two months; (b) for any violent offense as defined in
35 RCW 9.94A.030, committed by a respondent who is sixteen (~~or~~
36 ~~seventeen~~) through 18 years old at the time of the offense, a period
37 of twelve months. The additional time shall be imposed regardless of
38 the offense's juvenile disposition offense category as designated in
39 RCW 13.40.0357.

1 (4) (a) If the court finds that the respondent who is sixteen (~~or~~
2 ~~seventeen~~) through 18 years old and committed the offense of robbery
3 in the first degree, drive-by shooting, rape of a child in the first
4 degree, burglary in the first degree, or any violent offense as
5 defined in RCW 9.94A.030 and was armed with a firearm, and the court
6 finds that the respondent's participation was related to membership
7 in a criminal street gang or advancing the benefit, aggrandizement,
8 gain, profit, or other advantage for a criminal street gang, a period
9 of three months total confinement must be added to the sentence. The
10 additional time must be imposed regardless of the offense's juvenile
11 disposition offense category as designated in RCW 13.40.0357 and must
12 be served consecutively with any other sentencing enhancement.

13 (b) For the purposes of this section, "criminal street gang"
14 means any ongoing organization, association, or group of three or
15 more persons, whether formal or informal, having a common name or
16 common identifying sign or symbol, having as one of its primary
17 activities the commission of criminal acts, and whose members or
18 associates individually or collectively engage in or have engaged in
19 a pattern of criminal street gang activity. This definition does not
20 apply to employees engaged in concerted activities for their mutual
21 aid and protection, or to the activities of labor and bona fide
22 nonprofit organizations or their members or agents.

23 (5) When a disposition under this section would effectuate a
24 manifest injustice, the court may impose another disposition. When a
25 judge finds a manifest injustice and imposes a disposition of
26 confinement exceeding thirty days, the court shall commit the
27 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
28 shall be used to determine the range. When a judge finds a manifest
29 injustice and imposes a disposition of confinement less than thirty
30 days, the disposition shall be comprised of confinement or community
31 supervision or both.

32 (6) Any term of confinement ordered pursuant to this section
33 shall run consecutively to any term of confinement imposed in the
34 same disposition for other offenses.

35 **Sec. 14.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to
36 read as follows:

37 (1) If a respondent is found to have been in possession of a
38 firearm in violation of RCW 9.41.040(2)(a)(vi), the court shall
39 impose a minimum disposition of ten days of confinement. If the

1 offender's standard range of disposition for the offense as indicated
2 in RCW 13.40.0357 is more than thirty days of confinement, the court
3 shall commit the offender to the department for the standard range
4 disposition. The offender shall not be released until the offender
5 has served a minimum of ten days in confinement.

6 (2) (a) If a respondent is found to have been in possession of a
7 firearm in violation of RCW 9.41.040, the disposition must include a
8 requirement that the respondent participate in a qualifying program
9 as described in (b) of this subsection, when available, unless the
10 court makes a written finding based on the outcome of the juvenile
11 court risk assessment that participation in a qualifying program
12 would not be appropriate.

13 (b) For purposes of this section, "qualifying program" means an
14 aggression replacement training program, a functional family therapy
15 program, or another program applicable to the juvenile firearm
16 offender population that has been identified as evidence-based or
17 research-based and cost-beneficial in the current list prepared at
18 the direction of the legislature by the Washington state institute
19 for public policy.

20 (3) If the court finds that the respondent or an accomplice was
21 armed with a firearm, the court shall determine the standard range
22 disposition for the offense pursuant to RCW 13.40.160. If the
23 offender or an accomplice was armed with a firearm when the offender
24 committed any felony other than possession of a machine gun or bump-
25 fire stock, possession of a stolen firearm, drive-by shooting, theft
26 of a firearm, unlawful possession of a firearm in the first and
27 second degree, or use of a machine gun or bump-fire stock in a
28 felony, the following periods of total confinement must be added to
29 the sentence: (a) Except for (b) of this subsection, for a class A
30 felony, six months; for a class B felony, four months; and for a
31 class C felony, two months; (b) for any violent offense as defined in
32 RCW 9.94A.030, committed by a respondent who is sixteen (~~or~~
33 ~~seventeen~~) through 19 years old at the time of the offense, a period
34 of twelve months. The additional time shall be imposed regardless of
35 the offense's juvenile disposition offense category as designated in
36 RCW 13.40.0357.

37 (4) (a) If the court finds that the respondent who is sixteen (~~or~~
38 ~~seventeen~~) through 19 years old and committed the offense of robbery
39 in the first degree, drive-by shooting, rape of a child in the first
40 degree, burglary in the first degree, or any violent offense as

1 defined in RCW 9.94A.030 and was armed with a firearm, and the court
2 finds that the respondent's participation was related to membership
3 in a criminal street gang or advancing the benefit, aggrandizement,
4 gain, profit, or other advantage for a criminal street gang, a period
5 of three months total confinement must be added to the sentence. The
6 additional time must be imposed regardless of the offense's juvenile
7 disposition offense category as designated in RCW 13.40.0357 and must
8 be served consecutively with any other sentencing enhancement.

9 (b) For the purposes of this section, "criminal street gang"
10 means any ongoing organization, association, or group of three or
11 more persons, whether formal or informal, having a common name or
12 common identifying sign or symbol, having as one of its primary
13 activities the commission of criminal acts, and whose members or
14 associates individually or collectively engage in or have engaged in
15 a pattern of criminal street gang activity. This definition does not
16 apply to employees engaged in concerted activities for their mutual
17 aid and protection, or to the activities of labor and bona fide
18 nonprofit organizations or their members or agents.

19 (5) When a disposition under this section would effectuate a
20 manifest injustice, the court may impose another disposition. When a
21 judge finds a manifest injustice and imposes a disposition of
22 confinement exceeding thirty days, the court shall commit the
23 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
24 shall be used to determine the range. When a judge finds a manifest
25 injustice and imposes a disposition of confinement less than thirty
26 days, the disposition shall be comprised of confinement or community
27 supervision or both.

28 (6) Any term of confinement ordered pursuant to this section
29 shall run consecutively to any term of confinement imposed in the
30 same disposition for other offenses.

31 **Sec. 15.** RCW 13.40.300 and 2019 c 322 s 3 are each amended to
32 read as follows:

33 (1) Except as provided in subsection (2) of this section, a
34 juvenile offender may not be committed by the juvenile court to the
35 department of children, youth, and families for placement in a
36 juvenile rehabilitation facility beyond the juvenile offender's
37 twenty-first birthday for an adjudicated offense committed under the
38 age of 18, or beyond the juvenile offender's 22nd birthday for an
39 adjudicated offense committed while 18 years of age.

1 (2) A juvenile offender adjudicated of an A++ juvenile
2 disposition category offense listed in RCW 13.40.0357, or found to be
3 armed with a firearm and sentenced to an additional twelve months
4 pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile
5 court to the department of children, youth, and families for
6 placement in a juvenile rehabilitation facility up to the juvenile
7 offender's twenty-fifth birthday, but not beyond.

8 (3) ~~((A juvenile may be))~~ Once proceedings have been filed under
9 the jurisdiction of the juvenile court, the proceedings against the
10 juvenile offender shall remain under the jurisdiction of the juvenile
11 court or the authority of the department of children, youth, and
12 families ~~((beyond the juvenile's eighteenth birthday only if prior to~~
13 ~~the juvenile's eighteenth birthday:~~

14 ~~(a) Proceedings are pending seeking the adjudication of a~~
15 ~~juvenile offense and the court by written order setting forth its~~
16 ~~reasons extends jurisdiction of juvenile court over the juvenile~~
17 ~~beyond his or her eighteenth birthday, except:~~

18 ~~(i) If the court enters a written order extending jurisdiction~~
19 ~~under this subsection, it shall not extend jurisdiction beyond the~~
20 ~~juvenile's twenty-first birthday;~~

21 ~~(ii) If the order fails to specify a specific date, it shall be~~
22 ~~presumed that jurisdiction is extended to age twenty-one; and~~

23 ~~(iii) If the juvenile court previously extended jurisdiction~~
24 ~~beyond the juvenile's eighteenth birthday, and that period of~~
25 ~~extension has not expired, the court may further extend jurisdiction~~
26 ~~by written order setting forth its reasons;~~

27 ~~(b))~~ until the judgment expires or the juvenile offender reaches
28 the maximum age of commitment under subsections (1) and (2) of this
29 section, whichever is sooner, unless the juvenile court declines
30 jurisdiction under RCW 13.40.110. The juvenile court may extend its
31 jurisdiction beyond the juvenile offender's maximum date of
32 commitment only if:

33 (a) The juvenile has been found guilty after a fact finding or
34 after a plea of guilty and an automatic extension is necessary to
35 allow for the imposition of disposition;

36 ~~((e))~~ (b) Disposition has been held and an automatic extension
37 is necessary to allow for the execution and enforcement of the
38 noncommitment terms of the court's order of disposition~~((, subject to~~
39 ~~the following:~~

1 ~~(i) If an order of disposition imposes commitment to the~~
2 ~~department, then jurisdiction is automatically extended to include a~~
3 ~~period of up to twelve months of parole, in no case extending beyond~~
4 ~~the offender's twenty-first birthday, except;~~

5 ~~(ii) If an order of disposition imposes a commitment to the~~
6 ~~department for a juvenile offender adjudicated of an A++ juvenile~~
7 ~~disposition category offense listed in RCW 13.40.0357, or);~~

8 (c) The juvenile offender is found to be armed with a firearm and
9 sentenced to an additional twelve months pursuant to RCW
10 13.40.193(3)(b), ((then)) in which case jurisdiction for parole is
11 automatically extended to include a period of up to twenty-four
12 months of parole, in no case extending beyond the offender's twenty-
13 fifth birthday;

14 (d) ((While)) The juvenile turns 19 years of age while
15 proceedings are pending in a case in which jurisdiction is vested in
16 the adult criminal court pursuant to RCW 13.04.030((, the juvenile
17 turns eighteen years of age)) and is subsequently found not guilty of
18 the charge for which he or she was transferred, or is convicted in
19 the adult criminal court of an offense that is not also an offense
20 listed in RCW 13.04.030(1)(e)(v), and an automatic extension is
21 necessary to impose the juvenile disposition as required by RCW
22 13.04.030(1)(e)(v)(C)(II); or

23 (e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the
24 juvenile court maintains jurisdiction beyond the juvenile offender's
25 ((twenty-first birthday)) maximum age of commitment for the purpose
26 of enforcing an order of restitution or penalty assessment.

27 (4) Except as otherwise provided herein, in no event may the
28 juvenile court have authority to extend jurisdiction over any
29 juvenile offender beyond the juvenile offender's ((twenty-first
30 birthday)) maximum age of commitment.

31 (5) Notwithstanding any extension of jurisdiction over a person
32 pursuant to this section, the juvenile court has no jurisdiction over
33 any offenses alleged to have been committed by a person ((eighteen))
34 19 years of age or older.

35 **Sec. 16.** RCW 13.40.300 and 2019 c 322 s 3 are each amended to
36 read as follows:

37 (1) Except as provided in subsection (2) of this section, a
38 juvenile offender may not be committed by the juvenile court to the
39 department of children, youth, and families for placement in a

1 juvenile rehabilitation facility beyond the juvenile offender's
2 twenty-first birthday for an adjudicated offense committed under the
3 age of 18, beyond the juvenile offender's 22nd birthday for an
4 adjudicated offense committed while 18 years of age, or beyond the
5 juvenile offender's 23rd birthday for an adjudicated offense
6 committed while 19 years of age.

7 (2) A juvenile offender adjudicated of an A++ juvenile
8 disposition category offense listed in RCW 13.40.0357, or found to be
9 armed with a firearm and sentenced to an additional twelve months
10 pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile
11 court to the department of children, youth, and families for
12 placement in a juvenile rehabilitation facility up to the juvenile
13 offender's twenty-fifth birthday, but not beyond.

14 (3) ~~((A juvenile may be))~~ Once proceedings have been filed under
15 the jurisdiction of the juvenile court, the proceedings against the
16 juvenile offender shall remain under the jurisdiction of the juvenile
17 court or the authority of the department of children, youth, and
18 families ~~((beyond the juvenile's eighteenth birthday only if prior to~~
19 ~~the juvenile's eighteenth birthday:~~

20 ~~(a) Proceedings are pending seeking the adjudication of a~~
21 ~~juvenile offense and the court by written order setting forth its~~
22 ~~reasons extends jurisdiction of juvenile court over the juvenile~~
23 ~~beyond his or her eighteenth birthday, except:~~

24 ~~(i) If the court enters a written order extending jurisdiction~~
25 ~~under this subsection, it shall not extend jurisdiction beyond the~~
26 ~~juvenile's twenty-first birthday;~~

27 ~~(ii) If the order fails to specify a specific date, it shall be~~
28 ~~presumed that jurisdiction is extended to age twenty-one; and~~

29 ~~(iii) If the juvenile court previously extended jurisdiction~~
30 ~~beyond the juvenile's eighteenth birthday, and that period of~~
31 ~~extension has not expired, the court may further extend jurisdiction~~
32 ~~by written order setting forth its reasons;~~

33 ~~(b))~~ until the judgment expires or the juvenile offender reaches
34 the maximum age of commitment under subsections (1) and (2) of this
35 section, whichever is sooner, unless the juvenile court declines
36 jurisdiction under RCW 13.40.110. The juvenile court may extend its
37 jurisdiction beyond the juvenile offender's maximum date of
38 commitment only if:

1 (a) The juvenile has been found guilty after a fact finding or
2 after a plea of guilty and an automatic extension is necessary to
3 allow for the imposition of disposition;

4 ~~((e))~~ (b) Disposition has been held and an automatic extension
5 is necessary to allow for the execution and enforcement of the
6 noncommitment terms of the court's order of disposition~~(, subject to~~
7 ~~the following:~~

8 ~~(i) If an order of disposition imposes commitment to the~~
9 ~~department, then jurisdiction is automatically extended to include a~~
10 ~~period of up to twelve months of parole, in no case extending beyond~~
11 ~~the offender's twenty-first birthday, except;~~

12 ~~(ii) If an order of disposition imposes a commitment to the~~
13 ~~department for a juvenile offender adjudicated of an A++ juvenile~~
14 ~~disposition category offense listed in RCW 13.40.0357, or);~~

15 (c) The juvenile offender is found to be armed with a firearm and
16 sentenced to an additional twelve months pursuant to RCW
17 13.40.193(3)(b), ~~((then))~~ in which case jurisdiction for parole is
18 automatically extended to include a period of up to twenty-four
19 months of parole, in no case extending beyond the offender's twenty-
20 fifth birthday;

21 (d) ~~((While))~~ The juvenile turns 20 years of age while
22 proceedings are pending in a case in which jurisdiction is vested in
23 the adult criminal court pursuant to RCW 13.04.030~~(, the juvenile~~
24 ~~turns eighteen years of age))~~ and is subsequently found not guilty of
25 the charge for which he or she was transferred, or is convicted in
26 the adult criminal court of an offense that is not also an offense
27 listed in RCW 13.04.030(1)(e)(v), and an automatic extension is
28 necessary to impose the juvenile disposition as required by RCW
29 13.04.030(1)(e)(v)(C)(II); or

30 (e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the
31 juvenile court maintains jurisdiction beyond the juvenile offender's
32 ~~((twenty-first birthday))~~ maximum age of commitment for the purpose
33 of enforcing an order of restitution or penalty assessment.

34 (4) Except as otherwise provided herein, in no event may the
35 juvenile court have authority to extend jurisdiction over any
36 juvenile offender beyond the juvenile offender's ~~((twenty-first~~
37 ~~birthday))~~ maximum age of commitment.

38 (5) Notwithstanding any extension of jurisdiction over a person
39 pursuant to this section, the juvenile court has no jurisdiction over

1 any offenses alleged to have been committed by a person (~~eighteen~~)
2 20 years of age or older.

3 **Sec. 17.** RCW 13.40.511 and 2019 c 461 s 3 are each amended to
4 read as follows:

5 (1) As of July 28, 2019, the block grant oversight committee must
6 implement a stop loss policy when allocating funding under RCW
7 13.40.510. The stop loss policy must limit the loss in funding for
8 any juvenile court from one year to the next. The block grant
9 oversight committee must establish a minimum base level of funding
10 for juvenile courts with lower numbers of at-risk youth ten years of
11 age and over but under (~~eighteen~~) 19 years of age. The department
12 of children, youth, and families must report, in compliance with RCW
13 43.01.036, to the legislature by December 1, 2019, about how funding
14 is used for referred youth and the impact of that use on overall use
15 of funding.

16 (2) For purposes of this section, "block grant oversight
17 committee" means a committee established by the juvenile
18 rehabilitation division of the department of children, youth, and
19 families and the juvenile courts that provides block grant funding
20 formula oversight with equal representation from the juvenile
21 rehabilitation division of the department of children, youth, and
22 families and the juvenile courts. The purpose of this committee is to
23 assess the ongoing implementation of the block grant funding formula,
24 utilizing data-driven decision making and the most current available
25 information. The committee is cochaired by the juvenile
26 rehabilitation division of the department of children, youth, and
27 families and the juvenile courts, who have the ability to change
28 members of the committee as needed to achieve its purpose.

29 **Sec. 18.** RCW 13.40.511 and 2019 c 461 s 3 are each amended to
30 read as follows:

31 (1) As of July 28, 2019, the block grant oversight committee must
32 implement a stop loss policy when allocating funding under RCW
33 13.40.510. The stop loss policy must limit the loss in funding for
34 any juvenile court from one year to the next. The block grant
35 oversight committee must establish a minimum base level of funding
36 for juvenile courts with lower numbers of at-risk youth ten years of
37 age and over but under (~~eighteen~~) 20 years of age. The department
38 of children, youth, and families must report, in compliance with RCW

1 43.01.036, to the legislature by December 1, 2019, about how funding
2 is used for referred youth and the impact of that use on overall use
3 of funding.

4 (2) For purposes of this section, "block grant oversight
5 committee" means a committee established by the juvenile
6 rehabilitation division of the department of children, youth, and
7 families and the juvenile courts that provides block grant funding
8 formula oversight with equal representation from the juvenile
9 rehabilitation division of the department of children, youth, and
10 families and the juvenile courts. The purpose of this committee is to
11 assess the ongoing implementation of the block grant funding formula,
12 utilizing data-driven decision making and the most current available
13 information. The committee is cochaired by the juvenile
14 rehabilitation division of the department of children, youth, and
15 families and the juvenile courts, who have the ability to change
16 members of the committee as needed to achieve its purpose.

17 **Sec. 19.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to
18 read as follows:

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

25 (a) Are developed using the guidelines for creating and operating
26 youth court programs developed by nationally recognized experts in
27 youth court projects;

28 (b) Target offenders age (~~eight~~) 13 through (~~seventeen~~) 18;
29 and

30 (c) Emphasize the following principles:

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

32 (ii) Youth must be educated about the impact their actions have
33 on themselves and others including their victims, their families, and
34 their community;

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

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

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

4 **Sec. 20.** RCW 13.40.590 and 2002 c 237 s 10 are each amended to
5 read as follows:

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

12 (a) Are developed using the guidelines for creating and operating
13 youth court programs developed by nationally recognized experts in
14 youth court projects;

15 (b) Target offenders age (~~eight~~) 13 through (~~seventeen~~) 19;
16 and

17 (c) Emphasize the following principles:

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

19 (ii) Youth must be educated about the impact their actions have
20 on themselves and others including their victims, their families, and
21 their community;

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

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

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

29 **Sec. 21.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to
30 read as follows:

31 (1) Youth courts have authority over juveniles ages (~~eight~~) 13
32 through (~~seventeen~~) 18 who:

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

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

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

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

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

7 (3) Youth courts may decline to accept a youth for youth court
8 disposition for any reason and may terminate a youth from youth court
9 participation at any time.

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

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

15 **Sec. 22.** RCW 13.40.600 and 2002 c 237 s 11 are each amended to
16 read as follows:

17 (1) Youth courts have authority over juveniles ages (~~(eight)~~) 13
18 through (~~(seventeen)~~) 19 who:

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

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

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

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

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

30 (3) Youth courts may decline to accept a youth for youth court
31 disposition for any reason and may terminate a youth from youth court
32 participation at any time.

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

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

1 NEW SECTION. **Sec. 23.** A new section is added to chapter 13.04
2 RCW to read as follows:

3 (1) A county may choose to increase the age of juvenile court
4 jurisdiction within the county to 18 or 19 years of age sooner than
5 the dates required in this act, and in doing so may choose to
6 increase the age in a phased manner, provided that the authorities
7 within the county agree that capacity exists within the county to
8 provide for adequate safety, rehabilitative programming, and
9 efficient court processing for the affected persons during the
10 transition period. Each county and juvenile court shall cooperate
11 with the office of juvenile justice within the department of
12 children, youth, and families in its role as statewide monitor of the
13 transition under section 24 of this act so that the office of
14 juvenile justice may provide accurate information to the governor and
15 the legislature.

16 (2) This section expires June 30, 2026.

17 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.216
18 RCW to read as follows:

19 (1) The office of juvenile justice within the department shall
20 monitor the implementation of this act across the state and report on
21 the progress of counties and their readiness to move forward to full
22 implementation while providing for adequate safety, rehabilitative
23 programming, and efficient court processing for affected persons. The
24 office of juvenile justice shall deliver a report to the governor and
25 relevant committees of the legislature annually by December 1st
26 regarding the implementation of this act, and may make
27 recommendations if appropriate.

28 (2) This section expires June 30, 2026.

29 NEW SECTION. **Sec. 25.** The Washington state institute for public
30 policy must assess the impact of this act on community safety, health
31 impacts, racial disproportionality, recidivism, state expenditures,
32 and youth rehabilitation, to the extent possible, and submit, in
33 compliance with RCW 43.01.036, a preliminary report to the governor
34 and the appropriate committees of the legislature by December 1,
35 2028, and a final report to the governor and the appropriate
36 committees of the legislature by December 1, 2033.

1 NEW SECTION. **Sec. 26.** A new section is added to chapter 43.216

2 RCW to read as follows:

3 (1) The office of juvenile justice within the department, in
4 consultation with the department of corrections, Washington
5 association of sheriffs and police chiefs, office of public defense,
6 Washington association of prosecuting attorneys, superior court
7 judges' association, association of juvenile court administrators,
8 Washington state association of counties, minority and justice
9 commission, two different community organizations representing the
10 interests of incarcerated persons, and three different community
11 organizations that offer services to youth that may be involved in
12 the juvenile justice system, shall:

13 (a) Consider the implications, including necessary funding, of
14 expanding juvenile jurisdiction by this act to encompass persons 18
15 years of age beginning in fiscal year 2023 and 19 years of age
16 beginning in calendar year 2025;

17 (b) On or before December 1, 2022, report to the governor and
18 appropriate committees of the legislature on the status and plan for
19 the expansion, including necessary funding, measures necessary to
20 avoid a negative impact on the state's child protection response, and
21 specific milestones related to operations and policy, including:

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

27 (ii) An operations and business plan that defines benchmarks,
28 including possible changes to resource allocations;

29 (iii) Review of the estimated costs avoided by the state with the
30 reduction of recidivism and conduct an analysis of costs savings
31 reinvestment options; and

32 (iv) A clearly defined path for geographic consistency and court
33 alternatives and training needs; and

34 (c) Provide status update reports to the appropriate committees
35 of the legislature on or before December 1, 2023, December 1, 2024,
36 and December 1, 2025.

37 (2) The office of juvenile justice within the department shall
38 review the December 1, 2022, report, the plan for expansion, the
39 necessary funding, and the subsequent status reports as required by
40 subsection (1) of this section to determine whether adequate funding

1 and supports are in place to implement the expansion of juvenile
2 jurisdiction to encompass persons 18 and 19 years of age in
3 accordance with the effective date of this section, and shall:

4 (a) On or before December 1, 2023, December 1, 2024, and December
5 1, 2025, issue findings as to whether the milestones identified in
6 subsection (1)(b) of this section related to operations and policy
7 have been met and whether an appropriate funding plan has been
8 developed; and

9 (b) On or before December 1, 2022, December 1, 2023, December 1,
10 2024, and December 1, 2025, recommend legislation to amend the
11 timeline for the rollout of the expansion unless adequate funding and
12 supports for the expansion are available and milestones related to
13 policy and operations have been met.

14 NEW SECTION. **Sec. 27.** If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2021, in the omnibus appropriations act, this
17 act is null and void.

18 NEW SECTION. **Sec. 28.** Sections 3, 5, 7, 9, 11, 13, 15, 17, 19,
19 and 21 of this act take effect July 1, 2023.

20 NEW SECTION. **Sec. 29.** Sections 3, 5, 7, 9, 11, 13, 15, 17, 19,
21 and 21 of this act expire January 1, 2025.

22 NEW SECTION. **Sec. 30.** Sections 4, 6, 8, 10, 12, 14, 16, 18, 20,
23 and 22 of this act take effect January 1, 2025.

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