
HOUSE BILL 2217

State of Washington

68th Legislature

2024 Regular Session

By Representatives Cortes, Senn, Santos, Ormsby, Reed, Fosse, Doglio, and Pollet

Read first time 01/09/24. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to authority over individuals found guilty of or
2 accused of criminal offenses that occurred when the individual was
3 under age 18; amending RCW 13.40.300 and 13.40.110; and creating a
4 new section.

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

6 **Sec. 1.** RCW 13.40.300 and 2019 c 322 s 3 are each amended to
7 read as follows:

8 (1) Except as provided in subsection (2) of this section, a
9 juvenile offender may not be committed by the juvenile court to the
10 department of children, youth, and families for placement in a
11 juvenile rehabilitation facility beyond the juvenile offender's
12 (~~twenty-first~~) 21st birthday.

13 (2) (a) A juvenile offender adjudicated of an A++ juvenile
14 disposition category offense listed in RCW 13.40.0357, or found to be
15 armed with a firearm and sentenced to an additional (~~twelve~~) 12
16 months pursuant to RCW 13.40.193(3)(b), may be committed by the
17 juvenile court to the department of children, youth, and families for
18 placement in a juvenile rehabilitation facility up to the juvenile
19 offender's (~~twenty-fifth~~) 25th birthday, but not beyond.

20 (b) A juvenile offender adjudicated of a murder in the first or
21 second degree offense committed at age 14 or 15 or a juvenile

1 offender adjudicated of a rape in the first degree offense committed
2 at age 15 may be committed by the juvenile court to the department of
3 children, youth, and families for placement in a juvenile
4 rehabilitation facility up to the juvenile offender's 23rd birthday,
5 but not beyond.

6 (3) ((A)) Except as provided under RCW 13.04.030 and 13.40.110, a
7 juvenile ((may be under the jurisdiction of the juvenile court or the
8 authority of the department of children, youth, and families beyond
9 the juvenile's eighteenth birthday only if prior to the juvenile's
10 eighteenth birthday)) court has jurisdiction and may place an
11 individual under the authority of the department of children, youth,
12 and families for any individual under the age of 21 who is accused of
13 committing a criminal offense that occurred when under the age of 18.
14 In addition, the juvenile court has jurisdiction and may place an
15 individual under the authority of the department of children, youth,
16 and families for juveniles who commit an offense under the age of 18
17 if:

18 (a) ((Proceedings are pending seeking the adjudication of a

19 juvenile offense and the court by written order setting forth its

20 reasons extends jurisdiction of juvenile court over the juvenile

21 beyond his or her eighteenth birthday, except:

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

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

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

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

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

37 (i) If an order of disposition imposes commitment to the
38 department, then jurisdiction is automatically extended to include a
39 period of up to ~~((twelve))~~ 12 months of parole, in no case extending
40 beyond the offender's ~~((twenty-first))~~ 21st birthday, except;

1 (ii) If an order of disposition imposes a commitment to the
2 department for a juvenile offender adjudicated of an A++ juvenile
3 disposition category offense listed in RCW 13.40.0357, adjudicated of
4 murder in the first or second degree offense committed at age 14 or
5 15, adjudicated of rape in the first degree committed at age 15, or
6 found to be armed with a firearm and sentenced to an additional
7 (~~twelve~~) 12 months pursuant to RCW 13.40.193(3)(b), then
8 jurisdiction for parole is automatically extended to include a period
9 of up to (~~twenty-four~~) 24 months of parole, in no case extending
10 beyond the offender's (~~twenty-fifth~~) 25th birthday;

11 (~~(d)~~) (c) While proceedings are pending in a case in which
12 jurisdiction is vested in the adult criminal court pursuant to RCW
13 13.04.030, the juvenile turns (~~eighteen~~) 18 years of age and is
14 subsequently found not guilty of the charge for which he or she was
15 transferred, or is convicted in the adult criminal court of an
16 offense that is not also an offense listed in RCW 13.04.030(1)(e)(v),
17 or where the parties agree to juvenile court jurisdiction with the
18 court's approval pursuant to RCW 13.04.030(1)(e)(v)(C)(III) and an
19 automatic extension is (~~necessary to impose the juvenile disposition~~
20 ~~as~~) required by RCW 13.04.030(1)(e)(v)(C)(II) or (III); or

21 (~~(e)~~) (d) Pursuant to the terms of RCW 13.40.190 (~~and~~
22 ~~13.40.198~~), the juvenile court maintains jurisdiction beyond the
23 juvenile offender's (~~twenty-first~~) 21st birthday for the purpose of
24 enforcing an order of restitution or penalty assessment.

25 (4) Except as otherwise provided herein, in no event may the
26 juvenile court have authority to extend jurisdiction over any
27 juvenile offender beyond the juvenile offender's (~~twenty-first~~)
28 21st birthday.

29 (5) Notwithstanding any extension of jurisdiction over a person
30 pursuant to this section, the juvenile court has no jurisdiction over
31 any offenses alleged to have been committed by a person (~~eighteen~~)
32 18 years of age or older.

33 **Sec. 2.** RCW 13.40.110 and 2019 c 322 s 10 are each amended to
34 read as follows:

35 (1) Discretionary decline hearing - The prosecutor, respondent,
36 or the court on its own motion may, before a hearing on the
37 information on its merits, file a motion requesting the court to
38 transfer the respondent for adult criminal prosecution and the matter

1 shall be set for a hearing on the question of declining jurisdiction
2 only if:

3 (a) The respondent (~~(is)~~) was, at the time of (~~(proceedings)~~) the
4 alleged offense, at least (~~(fifteen)~~) 15 years of age or older and is
5 charged with a serious violent offense as defined in RCW 9.94A.030;

6 (b) The respondent (~~(is)~~) was, at the time of (~~(proceedings)~~) the
7 alleged offense, (~~(fourteen)~~) 14 years of age or younger and is
8 charged with murder in the first degree (RCW 9A.32.030), and/or
9 murder in the second degree (RCW 9A.32.050); or

10 (c) The respondent is any age and is charged with custodial
11 assault, RCW 9A.36.100, and, at the time the respondent is charged,
12 is already serving a minimum juvenile sentence to age (~~(twenty-one)~~)
13 21.

14 (2) Mandatory decline hearing - Unless waived by the court, the
15 parties, and their counsel, a decline hearing shall be held when the
16 information alleges an escape by the respondent and the respondent is
17 serving a minimum juvenile sentence to age (~~(twenty-one)~~) 21.

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

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

27 NEW SECTION. **Sec. 3.** The changes to RCW 13.40.300(2)(b),
28 (3)(b)(ii), and (3)(c) and to RCW 13.40.110 in this act apply
29 retroactively to all charges that are pending on the effective date
30 of this section and those that are filed after the effective date of
31 this section which are based on conduct that occurred before the
32 effective date of this section.

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