

2 SSB 5491 - S AMD - 208

3 By Senators Newhouse, Smith and Deccio

4 ADOPTED 3/14/95

5 On page 44, after line 10, insert the following:

6 "Sec. 21. RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended
7 to read as follows:

8 (1) Except as provided in subsection (2) of this section, the
9 juvenile courts in the several counties of this state, shall have
10 exclusive original jurisdiction over all proceedings:

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

13 (b) Relating to children alleged or found to be dependent as
14 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

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

17 (d) To approve or disapprove alternative residential placement as
18 provided in RCW 13.32A.170;

19 (e) Relating to juveniles alleged or found to have committed
20 offenses, traffic infractions, or violations as provided in RCW
21 13.40.020 through 13.40.230, unless:

22 (i) The juvenile court transfers jurisdiction of a particular
23 juvenile to adult criminal court pursuant to RCW 13.40.110; or

24 (ii) The statute of limitations applicable to adult prosecution for
25 the offense, traffic infraction, or violation has expired; or

26 (iii) The alleged offense or infraction is a traffic, fish,
27 boating, or game offense or traffic infraction committed by a juvenile
28 sixteen years of age or older and would, if committed by an adult, be
29 tried or heard in a court of limited jurisdiction, in which instance
30 the appropriate court of limited jurisdiction shall have jurisdiction
31 over the alleged offense or infraction: PROVIDED, That if such an
32 alleged offense or infraction and an alleged offense or infraction
33 subject to juvenile court jurisdiction arise out of the same event or
34 incident, the juvenile court may have jurisdiction of both matters:
35 PROVIDED FURTHER, That the jurisdiction under this subsection does not
36 constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1)

1 or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited
2 jurisdiction which confine juveniles for an alleged offense or
3 infraction may place juveniles in juvenile detention facilities under
4 an agreement with the officials responsible for the administration of
5 the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

6 (iv) The alleged offense is a traffic infraction, a violation of
7 compulsory school attendance provisions under chapter 28A.225 RCW, or
8 a misdemeanor, and a court of limited jurisdiction has assumed
9 jurisdiction over those offenses as provided in section 22 of this act;
10 or

11 (v) The juvenile is sixteen or seventeen years old and the alleged
12 offense is: (A) A serious violent offense as defined in RCW 9.94A.030
13 committed on or after June 13, 1994; or (B) a violent offense as
14 defined in RCW 9.94A.030 committed on or after June 13, 1994, and the
15 juvenile has a criminal history consisting of: (I) One or more prior
16 serious violent offenses; (II) two or more prior violent offenses; or
17 (III) three or more of any combination of the following offenses: Any
18 class A felony, any class B felony, vehicular assault, or manslaughter
19 in the second degree, all of which must have been committed after the
20 juvenile's thirteenth birthday and prosecuted separately. In such a
21 case the adult criminal court shall have exclusive original
22 jurisdiction.

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

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

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

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

9 NEW SECTION. **Sec. 22.** A new section is added to chapter 13.04 RCW
10 to read as follows:

11 (1) Courts of limited jurisdiction, at local option of the county,
12 city, or town of the court of limited jurisdiction, may exercise
13 concurrent original jurisdiction with the juvenile court over traffic
14 infractions, violations of compulsory school attendance provisions
15 under chapter 28A.225 RCW, and misdemeanors when those offenses are
16 allegedly committed by juveniles and:

17 (a)(i) The offense, which if committed by an adult, is punishable
18 by sanctions which do not include incarceration; or

19 (ii) The prosecuting attorney's disposition recommendation does not
20 include confinement as defined in RCW 13.40.020 as part of the
21 disposition for the offense;

22 (b) The court of limited jurisdiction has a computer system which
23 is linked to the state-wide criminal history information data system
24 used by juvenile courts to track and record juvenile offenders'
25 criminal history;

26 (c) The county legislative authority of the county in which the
27 court of limited jurisdiction is located has authorized creation of
28 concurrent jurisdiction between the court of limited jurisdiction and
29 the county juvenile court; and

30 (d) The court of limited jurisdiction has an agreement with
31 officials responsible for administering the county juvenile detention
32 facility pursuant to RCW 13.04.035 and 13.20.060 that the court may
33 order juveniles into the detention facility for an offense.

34 (2) The juvenile court shall retain jurisdiction over the offense
35 if the juvenile is charged with another offense arising out of the same
36 incident and the juvenile court has jurisdiction over the other
37 offense.

38 (3) Jurisdiction under this section does not constitute a decline

1 or transfer of juvenile court jurisdiction under RCW 13.40.110.

2 (4) The provisions of chapter 13.40 RCW shall apply to offenses
3 prosecuted under this section.

4 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.225
5 RCW to read as follows:

6 References to juvenile court in this chapter mean, in addition to
7 the juvenile court of the superior court, courts of limited
8 jurisdiction which have acquired jurisdiction pursuant to RCW
9 13.04.030(1)(e)(iv) and section 22 of this act over juveniles who
10 violate the provisions of this chapter. If a court of limited
11 jurisdiction has jurisdiction over juveniles who violate this chapter,
12 that court also has jurisdiction over parents charged with violations
13 of this chapter.

14 **Sec. 24.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read
15 as follows:

16 The municipal court shall have jurisdiction to try violations of
17 all city ordinances and all other actions brought to enforce or recover
18 license penalties or forfeitures declared or given by any such
19 ordinances. It is empowered to forfeit cash bail or bail bonds and
20 issue execution thereon, to hear and determine all causes, civil or
21 criminal, arising under such ordinances, and to pronounce judgment in
22 accordance therewith: PROVIDED, That for a violation of the criminal
23 provisions of an ordinance no greater punishment shall be imposed than
24 a fine of five thousand dollars or imprisonment in the city jail not to
25 exceed one year, or both such fine and imprisonment, but the punishment
26 for any criminal ordinance shall be the same as the punishment provided
27 in state law for the same crime. The municipal court shall also have
28 jurisdiction over juvenile offenses prosecuted pursuant to chapter
29 13.40 RCW if the court has acquired jurisdiction pursuant to RCW
30 13.04.030(1)(e)(iv) and section 22 of this act. All civil and criminal
31 proceedings in municipal court, and judgments rendered therein, shall
32 be subject to review in the superior court by writ of review or on
33 appeal: PROVIDED, That an appeal from the court's determination or
34 order in a traffic infraction proceeding may be taken only in
35 accordance with RCW 46.63.090(5). Costs in civil and criminal cases
36 may be taxed as provided in district courts."

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4 On page 1, line 4 of the title, after "13.40.045," strike "and
5 13.40.060" and insert "13.40.060, 13.04.030, and 35.20.030"

6 On page 1, line 5 of the title, after "13.40 RCW;" insert "adding
7 a new section to chapter 13.04 RCW; adding a new section to chapter
8 28A.225 RCW;"

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