

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1661

59th Legislature
2005 Regular Session

Passed by the House March 8, 2005
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 12, 2005
Yeas 40 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1661** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1661

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Moeller, Hasegawa, Appleton, Hunt, Ericks, Chase, Curtis, Lovick, McCune and Cody)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to transfer of juvenile proceedings; and amending
2 RCW 13.40.060.

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

4 **Sec. 1.** RCW 13.40.060 and 1997 c 338 s 16 are each amended to read
5 as follows:

6 (1) All actions under this chapter shall be commenced and tried in
7 the county where any element of the offense was committed except as
8 otherwise specially provided by statute. In cases in which diversion
9 is provided by statute, venue is in the county in which the juvenile
10 resides or in the county in which any element of the offense was
11 committed.

12 (2)(a) The court upon motion of any party or upon its own motion
13 may, at any time, transfer a proceeding to another juvenile court when
14 there is reason to believe that an impartial proceeding cannot be held
15 in the county in which the proceeding was begun; and

16 (b) A court may transfer a proceeding to another juvenile court
17 following disposition for the purposes of supervision and enforcement
18 of the disposition order.

1 (3) If the court orders a transfer of the proceeding pursuant to
2 subsection (2)(b) of this section:

3 (a) The case and copies of ((all)) only those legal and social
4 documents pertaining thereto ((may in the discretion of the court))
5 shall be transferred to the county in which the juvenile resides,
6 without regard to whether or not his or her custodial parent resides
7 there, for supervision and enforcement of the disposition order.

8 (b) If any restitution is yet to be determined, the originating
9 court shall transfer the case to the new county with the exception of
10 the restitution. Venue over restitution shall be retained by the
11 originating court for purposes of establishing a restitution order.
12 Once restitution is determined, the originating county shall then
13 transfer venue over modification and enforcement of the restitution to
14 the new county.

15 (c) The court of the receiving county ((has jurisdiction to)) may
16 modify and enforce the disposition order, including restitution.

17 (d) The clerk of the originating county shall maintain the account
18 receivable in the judicial information system and all payments shall be
19 made to the clerk of the originating county.

20 (e) Any collection of the offender legal financial obligation shall
21 be managed by the juvenile probation department of the new county while
22 the offender is under juvenile probation supervision, or by the clerk
23 of the original county at the conclusion of supervision by juvenile
24 probation. The probation department of the new county shall notify the
25 clerk of the originating county when they end supervision of the
26 offender.

27 (f) In cases where a civil judgment has already been established,
28 venue may not be transferred to another county.

29 ~~((3) The court upon motion of any party or upon its own motion~~
30 ~~may, at any time, transfer a proceeding to another juvenile court when~~
31 ~~there is reason to believe that an impartial proceeding cannot be held~~
32 ~~in the county in which the proceeding was begun.))~~

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