

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2061

Chapter 238, Laws of 2005

59th Legislature
2005 Regular Session

JUVENILE COURTS--JURISDICTION

EFFECTIVE DATE: 7/24/05

Passed by the House March 9, 2005
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2005
Yeas 42 Nays 0

BRAD OWEN

President of the Senate

Approved April 28, 2005.

CHRISTINE GREGOIRE

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 2061** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 28, 2005 - 4:16 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2061

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 Darneille, Moeller and Dickerson)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to requiring disposition to be held in juvenile
2 court in certain circumstances when a case is automatically transferred
3 to adult court; and amending RCW 13.04.030 and 13.40.300.

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

5 **Sec. 1.** RCW 13.04.030 and 2000 c 135 s 2 are each amended to read
6 as follows:

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

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

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

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

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

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

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

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

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

23 (iv) The alleged offense is a traffic or civil infraction, a
24 violation of compulsory school attendance provisions under chapter
25 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has
26 assumed concurrent jurisdiction over those offenses as provided in RCW
27 13.04.0301; or

28 (v) The juvenile is sixteen or seventeen years old and the alleged
29 offense is:

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

31 (B) A violent offense as defined in RCW 9.94A.030 and the juvenile
32 has a criminal history consisting of: (I) One or more prior serious
33 violent offenses; (II) two or more prior violent offenses; or (III)
34 three or more of any combination of the following offenses: Any class
35 A felony, any class B felony, vehicular assault, or manslaughter in the
36 second degree, all of which must have been committed after the
37 juvenile's thirteenth birthday and prosecuted separately;

1 (C) Robbery in the first degree, rape of a child in the first
2 degree, or drive-by shooting, committed on or after July 1, 1997;

3 (D) Burglary in the first degree committed on or after July 1,
4 1997, and the juvenile has a criminal history consisting of one or more
5 prior felony or misdemeanor offenses; or

6 (E) Any violent offense as defined in RCW 9.94A.030 committed on or
7 after July 1, 1997, and the juvenile is alleged to have been armed with
8 a firearm.

9 (I) In such a case the adult criminal court shall have exclusive
10 original jurisdiction, except as provided in (e)(v)(E)(II) of this
11 subsection.

12 (II) The juvenile court shall have exclusive jurisdiction over the
13 disposition of any remaining charges in any case in which the juvenile
14 is found not guilty in the adult criminal court of the charge or
15 charges for which he or she was transferred, or is convicted in the
16 adult criminal court of a lesser included offense that is not also an
17 offense listed in (e)(v) of this subsection. The juvenile court shall
18 enter an order extending juvenile court jurisdiction if the juvenile
19 has turned eighteen years of age during the adult criminal court
20 proceedings pursuant to RCW 13.40.300. However, once the case is
21 returned to juvenile court, the court may hold a decline hearing
22 pursuant to RCW 13.40.110 to determine whether to retain the case in
23 juvenile court for the purpose of disposition or return the case to
24 adult criminal court for sentencing.

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

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

33 (g) Relating to termination of a diversion agreement under RCW
34 13.40.080, including a proceeding in which the divertee has attained
35 eighteen years of age;

36 (h) Relating to court validation of a voluntary consent to an out-
37 of-home placement under chapter 13.34 RCW, by the parent or Indian
38 custodian of an Indian child, except if the parent or Indian custodian

1 and child are residents of or domiciled within the boundaries of a
2 federally recognized Indian reservation over which the tribe exercises
3 exclusive jurisdiction;

4 (i) Relating to petitions to compel disclosure of information filed
5 by the department of social and health services pursuant to RCW
6 74.13.042; and

7 (j) Relating to judicial determinations and permanency planning
8 hearings involving developmentally disabled children who have been
9 placed in out-of-home care pursuant to a voluntary placement agreement
10 between the child's parent, guardian, or legal custodian and the
11 department of social and health services.

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

16 (3) The juvenile court shall have concurrent original jurisdiction
17 with the family court over child custody proceedings under chapter
18 26.10 RCW as provided for in RCW 13.34.155.

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

23 **Sec. 2.** RCW 13.40.300 and 2000 c 71 s 2 are each amended to read
24 as follows:

25 (1) In no case may a juvenile offender be committed by the juvenile
26 court to the department of social and health services for placement in
27 a juvenile correctional institution beyond the juvenile offender's
28 twenty-first birthday. A juvenile may be under the jurisdiction of the
29 juvenile court or the authority of the department of social and health
30 services beyond the juvenile's eighteenth birthday only if prior to the
31 juvenile's eighteenth birthday:

32 (a) Proceedings are pending seeking the adjudication of a juvenile
33 offense and the court by written order setting forth its reasons
34 extends jurisdiction of juvenile court over the juvenile beyond his or
35 her eighteenth birthday;

36 (b) The juvenile has been found guilty after a fact finding or

1 after a plea of guilty and an automatic extension is necessary to allow
2 for the imposition of disposition; ((~~or~~))

3 (c) Disposition has been held and an automatic extension is
4 necessary to allow for the execution and enforcement of the court's
5 order of disposition. If an order of disposition imposes commitment to
6 the department, then jurisdiction is automatically extended to include
7 a period of up to twelve months of parole, in no case extending beyond
8 the offender's twenty-first birthday; or

9 (d) While proceedings are pending in a case in which jurisdiction
10 has been transferred to the adult criminal court pursuant to RCW
11 13.04.030, the juvenile turns eighteen years of age and is subsequently
12 found not guilty of the charge for which he or she was transferred, or
13 is convicted in the adult criminal court of a lesser included offense,
14 and an automatic extension is necessary to impose the disposition as
15 required by RCW 13.04.030(1)(e)(v)(E).

16 (2) If the juvenile court previously has extended jurisdiction
17 beyond the juvenile offender's eighteenth birthday and that period of
18 extension has not expired, the court may further extend jurisdiction by
19 written order setting forth its reasons.

20 (3) In no event may the juvenile court have authority to extend
21 jurisdiction over any juvenile offender beyond the juvenile offender's
22 twenty-first birthday except for the purpose of enforcing an order of
23 restitution or penalty assessment.

24 (4) Notwithstanding any extension of jurisdiction over a person
25 pursuant to this section, the juvenile court has no jurisdiction over
26 any offenses alleged to have been committed by a person eighteen years
27 of age or older.

Passed by the House March 9, 2005.

Passed by the Senate April 12, 2005.

Approved by the Governor April 28, 2005.

Filed in Office of Secretary of State April 28, 2005.