

ESHB 2906 - S COMM AMD

By Committee on Human Services, Mental Health & Housing

ADOPTED AND ENGROSSED 3/4/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.40.010 and 2004 c 120 s 1 are each amended to  
4 read as follows:

5 (1) This chapter shall be known and cited as the Juvenile Justice  
6 Act of 1977.

7 (2) It is the intent of the legislature that a system capable of  
8 having primary responsibility for, being accountable for, and  
9 responding to the needs of youthful offenders and their victims, as  
10 defined by this chapter, be established. It is the further intent of  
11 the legislature that youth, in turn, be held accountable for their  
12 offenses and that communities, families, and the juvenile courts  
13 carry out their functions consistent with this intent. To effectuate  
14 these policies, the legislature declares the following to be equally  
15 important purposes of this chapter:

16 (a) Protect the citizenry from criminal behavior;

17 (b) Provide for determining whether accused juveniles have  
18 committed offenses as defined by this chapter;

19 (c) Make the juvenile offender accountable for his or her  
20 criminal behavior;

21 (d) Provide for punishment commensurate with the age, crime, and  
22 criminal history of the juvenile offender;

23 (e) Provide due process for juveniles alleged to have committed  
24 an offense;

25 (f) Provide for the rehabilitation and reintegration of juvenile  
26 offenders;

27 (g) Provide necessary treatment, supervision, and custody for  
28 juvenile offenders;

29 ((+g)) (h) Provide for the handling of juvenile offenders by  
30 communities whenever consistent with public safety;

31 ((+h)) (i) Provide for restitution to victims of crime;

1       ~~((i))~~ (j) Develop effective standards and goals for the  
2 operation, funding, and evaluation of all components of the juvenile  
3 justice system and related services at the state and local levels;

4       ~~((j))~~ (k) Provide for a clear policy to determine what types of  
5 offenders shall receive punishment, treatment, or both, and to  
6 determine the jurisdictional limitations of the courts, institutions,  
7 and community services;

8       ~~((k))~~ (l) Provide opportunities for victim participation in  
9 juvenile justice process, including court hearings on juvenile  
10 offender matters, and ensure that Article I, section 35 of the  
11 Washington state Constitution, the victim bill of rights, is fully  
12 observed; and

13       ~~((l))~~ (m) Encourage the parents, guardian, or custodian of the  
14 juvenile to actively participate in the juvenile justice process.

15       **Sec. 2.** RCW 13.40.020 and 2014 c 110 s 1 are each amended to  
16 read as follows:

17       For the purposes of this chapter:

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

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

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

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

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

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

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

21 (a) Community-based sanctions;

22 (b) Community-based rehabilitation;

23 (c) Monitoring and reporting requirements;

24 (d) Posting of a probation bond;

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

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

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

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

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

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

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

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

4 (37) "Violent offense" means a violent offense as defined in RCW  
5 9.94A.030;

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

8 **Sec. 3.** RCW 13.40.127 and 2015 c 265 s 26 are each amended to  
9 read as follows:

10 (1) A juvenile is eligible for deferred disposition unless he or  
11 she:

- 12 (a) Is charged with a sex or violent offense;
- 13 (b) Has a criminal history which includes any felony;
- 14 (c) Has a prior deferred disposition or deferred adjudication; or
- 15 (d) Has two or more adjudications.

16 (2) The juvenile court may, upon motion at least fourteen days  
17 before commencement of trial and, after consulting the juvenile's  
18 custodial parent or parents or guardian and with the consent of the  
19 juvenile, continue the case for disposition for a period not to  
20 exceed one year from the date the juvenile is found guilty. (~~The  
21 court shall consider whether the offender and the community will  
22 benefit from a deferred disposition before deferring the  
23 disposition.~~) In all cases where the juvenile is eligible for a  
24 deferred disposition, there shall be a strong presumption that the  
25 deferred disposition will be granted. The court may waive the  
26 fourteen-day period anytime before the commencement of trial for good  
27 cause.

28 (3) Any juvenile who agrees to a deferral of disposition shall:

29 (a) Stipulate to the admissibility of the facts contained in the  
30 written police report;

31 (b) Acknowledge that the report will be entered and used to  
32 support a finding of guilt and to impose a disposition if the  
33 juvenile fails to comply with terms of supervision;

34 (c) Waive the following rights to: (i) A speedy disposition; and  
35 (ii) call and confront witnesses; and

36 (d) Acknowledge the direct consequences of being found guilty and  
37 the direct consequences that will happen if an order of disposition  
38 is entered.



1 The adjudicatory hearing shall be limited to a reading of the  
2 court's record.

3 (4) Following the stipulation, acknowledgment, waiver, and entry  
4 of a finding or plea of guilt, the court shall defer entry of an  
5 order of disposition of the juvenile.

6 (5) Any juvenile granted a deferral of disposition under this  
7 section shall be placed under community supervision. The court may  
8 impose any conditions of supervision that it deems appropriate  
9 including posting a probation bond. Payment of restitution under RCW  
10 13.40.190 shall be a condition of community supervision under this  
11 section.

12 The court may require a juvenile offender convicted of animal  
13 cruelty in the first degree to submit to a mental health evaluation  
14 to determine if the offender would benefit from treatment and such  
15 intervention would promote the safety of the community. After  
16 consideration of the results of the evaluation, as a condition of  
17 community supervision, the court may order the offender to attend  
18 treatment to address issues pertinent to the offense.

19 The court may require the juvenile to undergo a mental health or  
20 substance abuse assessment, or both. If the assessment identifies a  
21 need for treatment, conditions of supervision may include treatment  
22 for the assessed need that has been demonstrated to improve  
23 behavioral health and reduce recidivism.

24 The court shall require a juvenile granted a deferral of  
25 disposition for unlawful possession of a firearm in violation of RCW  
26 9.41.040 to participate in a qualifying program as described in RCW  
27 13.40.193(2)(b), when available, unless the court makes a written  
28 finding based on the outcome of the juvenile court risk assessment  
29 that participation in a qualifying program would not be appropriate.

30 (6) A parent who signed for a probation bond has the right to  
31 notify the counselor if the juvenile fails to comply with the bond or  
32 conditions of supervision. The counselor shall notify the court and  
33 surety of any failure to comply. A surety shall notify the court of  
34 the juvenile's failure to comply with the probation bond. The state  
35 shall bear the burden to prove, by a preponderance of the evidence,  
36 that the juvenile has failed to comply with the terms of community  
37 supervision.

38 (7)(a) Anytime prior to the conclusion of the period of  
39 supervision, the prosecutor or the juvenile's juvenile court  
40 community supervision counselor may file a motion with the court

1 requesting the court revoke the deferred disposition based on the  
2 juvenile's lack of compliance or treat the juvenile's lack of  
3 compliance as a violation pursuant to RCW 13.40.200.

4 (b) If the court finds the juvenile failed to comply with the  
5 terms of the deferred disposition, the court may:

6 (i) Revoke the deferred disposition and enter an order of  
7 disposition; or

8 (ii) Impose sanctions for the violation pursuant to RCW  
9 13.40.200.

10 (8) At any time following deferral of disposition the court may,  
11 following a hearing, continue supervision for an additional one-year  
12 period for good cause.

13 (9)(a) At the conclusion of the period of supervision, the court  
14 shall determine whether the juvenile is entitled to dismissal of the  
15 deferred disposition only when the court finds:

16 (i) The deferred disposition has not been previously revoked;

17 (ii) The juvenile has completed the terms of supervision;

18 (iii) There are no pending motions concerning lack of compliance  
19 pursuant to subsection (7) of this section; and

20 (iv) The juvenile has either paid the full amount of restitution,  
21 or, made a good faith effort to pay the full amount of restitution  
22 during the period of supervision.

23 (b) If the court finds the juvenile is entitled to dismissal of  
24 the deferred disposition pursuant to (a) of this subsection, the  
25 juvenile's conviction shall be vacated and the court shall dismiss  
26 the case with prejudice, except that a conviction under RCW 16.52.205  
27 shall not be vacated. Whenever a case is dismissed with restitution  
28 still owing, the court shall enter a restitution order pursuant to  
29 RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce  
30 payment and modify terms of the restitution order shall be the same  
31 as those set forth in RCW 7.80.130.

32 (c) If the court finds the juvenile is not entitled to dismissal  
33 of the deferred disposition pursuant to (a) of this subsection, the  
34 court shall revoke the deferred disposition and enter an order of  
35 disposition. A deferred disposition shall remain a conviction unless  
36 the case is dismissed and the conviction is vacated pursuant to (b)  
37 of this subsection or sealed pursuant to RCW 13.50.260.

38 (10)(a)(i) Any time the court vacates a conviction pursuant to  
39 subsection (9) of this section, if the juvenile is eighteen years of  
40 age or older and the full amount of restitution owing to the

1 individual victim named in the restitution order, excluding  
2 restitution owed to any insurance provider authorized under Title 48  
3 RCW has been paid, the court shall enter a written order sealing the  
4 case.

5 (ii) Any time the court vacates a conviction pursuant to  
6 subsection (9) of this section, if the juvenile is not eighteen years  
7 of age or older and full restitution ordered has been paid, the court  
8 shall schedule an administrative sealing hearing to take place no  
9 later than thirty days after the respondent's eighteenth birthday, at  
10 which time the court shall enter a written order sealing the case.  
11 The respondent's presence at the administrative sealing hearing is  
12 not required.

13 (iii) Any deferred disposition vacated prior to June 7, 2012, is  
14 not subject to sealing under this subsection.

15 (b) Nothing in this subsection shall preclude a juvenile from  
16 petitioning the court to have the records of his or her deferred  
17 dispositions sealed under RCW 13.50.260.

18 (c) Records sealed under this provision shall have the same legal  
19 status as records sealed under RCW 13.50.260.

20 **Sec. 4.** RCW 13.40.308 and 2009 c 454 s 4 are each amended to  
21 read as follows:

22 (1) If a respondent is adjudicated of taking a motor vehicle  
23 without permission in the first degree as defined in RCW 9A.56.070,  
24 the court shall impose the following minimum sentence, in addition to  
25 any restitution the court may order payable to the victim:

26 (a) Juveniles with a prior criminal history score of zero to one-  
27 half points shall be sentenced to a standard range sentence that  
28 includes no less than three months of community supervision,  
29 forty-five hours of community restitution, (~~(a two hundred dollar~~  
30 ~~fine,)~~) and a requirement that the juvenile remain at home such that  
31 the juvenile is confined to a private residence for no less than five  
32 days. The juvenile may be subject to electronic monitoring where  
33 available. If the juvenile is enrolled in school, the confinement  
34 shall be served on nonschool days;

35 (b) Juveniles with a prior criminal history score of three-  
36 quarters to one and one-half points shall be sentenced to a standard  
37 range sentence that includes six months of community supervision, no  
38 less than ten days of detention, and ninety hours of community  
39 restitution(~~(, and a four hundred dollar fine)~~); and

1 (c) Juveniles with a prior criminal history score of two or more  
2 points shall be sentenced to no less than fifteen to thirty-six weeks  
3 commitment to the juvenile rehabilitation administration, four months  
4 of parole supervision, and ninety hours of community restitution(~~(~~  
5 ~~and a four hundred dollar fine)~~)).

6 (2) If a respondent is adjudicated of theft of a motor vehicle as  
7 defined under RCW 9A.56.065, or possession of a stolen vehicle as  
8 defined under RCW 9A.56.068, the court shall impose the following  
9 minimum sentence, in addition to any restitution the court may order  
10 payable to the victim:

11 (a) Juveniles with a prior criminal history score of zero to one-  
12 half points shall be sentenced to a standard range sentence that  
13 includes no less than three months of community supervision(~~(~~  
14 ~~forty~~  
15 ~~five hours of community restitution, a two hundred dollar fine,~~) and  
16 either ninety hours of community restitution or a requirement that  
17 the juvenile remain at home such that the juvenile is confined in a  
18 private residence for no less than five days, or a combination  
19 thereof that includes a minimum of three days home confinement and a  
20 minimum of forty hours of community restitution. The juvenile may be  
21 subject to electronic monitoring where available;

22 (b) Juveniles with a prior criminal history score of three-  
23 quarters to one and one-half points shall be sentenced to a standard  
24 range sentence that includes no less than six months of community  
25 supervision, no less than ten days of detention, and ninety hours of  
26 community restitution(~~(~~  
27 ~~and a four hundred dollar fine)~~); and

28 (c) Juveniles with a prior criminal history score of two or more  
29 points shall be sentenced to no less than fifteen to thirty-six weeks  
30 commitment to the juvenile rehabilitation administration, four months  
31 of parole supervision, and ninety hours of community restitution(~~(~~  
32 ~~and a four hundred dollar fine)~~)).

33 (3) If a respondent is adjudicated of taking a motor vehicle  
34 without permission in the second degree as defined in RCW 9A.56.075,  
35 the court shall impose a standard range as follows:

36 (a) Juveniles with a prior criminal history score of zero to one-  
37 half points shall be sentenced to a standard range sentence that  
38 includes three months of community supervision, fifteen hours of  
39 community restitution, and a requirement that the juvenile remain at  
home such that the juvenile is confined in a private residence for no  
less than one day. If the juvenile is enrolled in school, the

1 confinement shall be served on nonschool days. The juvenile may be  
2 subject to electronic monitoring where available;

3 (b) Juveniles with a prior criminal history score of three-  
4 quarters to one and one-half points shall be sentenced to a standard  
5 range sentence that includes no less than one day of detention, three  
6 months of community supervision, thirty hours of community  
7 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
8 that the juvenile remain at home such that the juvenile is confined  
9 in a private residence for no less than two days. If the juvenile is  
10 enrolled in school, the confinement shall be served on nonschool  
11 days. The juvenile may be subject to electronic monitoring where  
12 available; and

13 (c) Juveniles with a prior criminal history score of two or more  
14 points shall be sentenced to no less than three days of detention,  
15 six months of community supervision, forty-five hours of community  
16 restitution, (~~(a one hundred fifty dollar fine,)~~) and a requirement  
17 that the juvenile remain at home such that the juvenile is confined  
18 in a private residence for no less than seven days. If the juvenile  
19 is enrolled in school, the confinement shall be served on nonschool  
20 days. The juvenile may be subject to electronic monitoring where  
21 available.

22 **Sec. 5.** RCW 10.99.030 and 1996 c 248 s 6 are each amended to  
23 read as follows:

24 (1) All training relating to the handling of domestic violence  
25 complaints by law enforcement officers shall stress enforcement of  
26 criminal laws in domestic situations, availability of community  
27 resources, and protection of the victim. Law enforcement agencies and  
28 community organizations with expertise in the issue of domestic  
29 violence shall cooperate in all aspects of such training.

30 (2) The criminal justice training commission shall implement by  
31 January 1, 1997, a course of instruction for the training of law  
32 enforcement officers in Washington in the handling of domestic  
33 violence complaints. The basic law enforcement curriculum of the  
34 criminal justice training commission shall include at least twenty  
35 hours of basic training instruction on the law enforcement response  
36 to domestic violence. The course of instruction, the learning and  
37 performance objectives, and the standards for the training shall be  
38 developed by the commission and focus on enforcing the criminal laws,  
39 safety of the victim, and holding the perpetrator accountable for the

1 violence. The curriculum shall include training on the extent and  
2 prevalence of domestic violence, the importance of criminal justice  
3 intervention, techniques for responding to incidents that minimize  
4 the likelihood of officer injury and that promote victim safety,  
5 investigation and interviewing skills, evidence gathering and report  
6 writing, assistance to and services for victims and children,  
7 verification and enforcement of court orders, liability, and any  
8 additional provisions that are necessary to carry out the intention  
9 of this subsection.

10 (3) The criminal justice training commission shall develop and  
11 update annually an in-service training program to familiarize law  
12 enforcement officers with the domestic violence laws. The program  
13 shall include techniques for handling incidents of domestic violence  
14 that minimize the likelihood of injury to the officer and that  
15 promote the safety of all parties. The commission shall make the  
16 training program available to all law enforcement agencies in the  
17 state.

18 (4) Development of the training in subsections (2) and (3) of  
19 this section shall be conducted in conjunction with agencies having a  
20 primary responsibility for serving victims of domestic violence with  
21 emergency shelter and other services, and representatives to the  
22 statewide organization providing training and education to these  
23 organizations and to the general public.

24 (5) The primary duty of peace officers, when responding to a  
25 domestic violence situation, is to enforce the laws allegedly  
26 violated and to protect the complaining party.

27 (6)(a) When a peace officer responds to a domestic violence call  
28 and has probable cause to believe that a crime has been committed,  
29 the peace officer shall exercise arrest powers with reference to the  
30 criteria in RCW 10.31.100. The officer shall notify the victim of the  
31 victim's right to initiate a criminal proceeding in all cases where  
32 the officer has not exercised arrest powers or decided to initiate  
33 criminal proceedings by citation or otherwise. The parties in such  
34 cases shall also be advised of the importance of preserving evidence.

35 (b) A peace officer responding to a domestic violence call shall  
36 take a complete offense report including the officer's disposition of  
37 the case.

38 (7) When a peace officer responds to a domestic violence call,  
39 the officer shall advise victims of all reasonable means to prevent  
40 further abuse, including advising each person of the availability of

1 a shelter or other services in the community, and giving each person  
2 immediate notice of the legal rights and remedies available. The  
3 notice shall include handing each person a copy of the following  
4 statement:

5 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
6 city or county prosecuting attorney to file a criminal  
7 complaint. You also have the right to file a petition in  
8 superior, district, or municipal court requesting an order  
9 for protection from domestic abuse which could include any of  
10 the following: (a) An order restraining your abuser from  
11 further acts of abuse; (b) an order directing your abuser to  
12 leave your household; (c) an order preventing your abuser  
13 from entering your residence, school, business, or place of  
14 employment; (d) an order awarding you or the other parent  
15 custody of or visitation with your minor child or children;  
16 and (e) an order restraining your abuser from molesting or  
17 interfering with minor children in your custody. The forms  
18 you need to obtain a protection order are available in any  
19 municipal, district, or superior court.

20 Information about shelters and alternatives to domestic  
21 violence is available from a statewide twenty-four-hour toll-  
22 free hot line at (include appropriate phone number). The  
23 battered women's shelter and other resources in your area  
24 are . . . . (include local information)"

25 (8) The peace officer may offer, arrange, or facilitate  
26 transportation for the victim to a hospital for treatment of injuries  
27 or to a place of safety or shelter.

28 (9) The law enforcement agency shall forward the offense report  
29 to the appropriate prosecutor within ten days of making such report  
30 if there is probable cause to believe that an offense has been  
31 committed, unless the case is under active investigation. Upon  
32 receiving the offense report, the prosecuting agency may, in its  
33 discretion, choose not to file the information as a domestic violence  
34 offense, if the offense was committed against a sibling, parent,  
35 stepparent, or grandparent.

36 (10) Each law enforcement agency shall make as soon as  
37 practicable a written record and shall maintain records of all  
38 incidents of domestic violence reported to it.

1 (11) Records kept pursuant to subsections (6) and (10) of this  
2 section shall be made identifiable by means of a departmental code  
3 for domestic violence.

4 (12) Commencing January 1, 1994, records of incidents of domestic  
5 violence shall be submitted, in accordance with procedures described  
6 in this subsection, to the Washington association of sheriffs and  
7 police chiefs by all law enforcement agencies. The Washington  
8 criminal justice training commission shall amend its contract for  
9 collection of statewide crime data with the Washington association of  
10 sheriffs and police chiefs:

11 (a) To include a table, in the annual report of crime in  
12 Washington produced by the Washington association of sheriffs and  
13 police chiefs pursuant to the contract, showing the total number of  
14 actual offenses and the number and percent of the offenses that are  
15 domestic violence incidents for the following crimes: (i) Criminal  
16 homicide, with subtotals for murder and nonnegligent homicide and  
17 manslaughter by negligence; (ii) forcible rape, with subtotals for  
18 rape by force and attempted forcible rape; (iii) robbery, with  
19 subtotals for firearm, knife or cutting instrument, or other  
20 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals  
21 for firearm, knife or cutting instrument, other dangerous weapon,  
22 hands, feet, aggravated, and other nonaggravated assaults; (v)  
23 burglary, with subtotals for forcible entry, nonforcible unlawful  
24 entry, and attempted forcible entry; (vi) larceny theft, except motor  
25 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,  
26 trucks and buses, and other vehicles; (viii) arson; and (ix)  
27 violations of the provisions of a protection order or no-contact  
28 order restraining the person from going onto the grounds of or  
29 entering a residence, workplace, school, or day care, provided that  
30 specific appropriations are subsequently made for the collection and  
31 compilation of data regarding violations of protection orders or no-  
32 contact orders;

33 (b) To require that the table shall continue to be prepared and  
34 contained in the annual report of crime in Washington until that time  
35 as comparable or more detailed information about domestic violence  
36 incidents is available through the Washington state incident based  
37 reporting system and the information is prepared and contained in the  
38 annual report of crime in Washington; and

39 (c) To require that, in consultation with interested persons, the  
40 Washington association of sheriffs and police chiefs prepare and



1 disseminate procedures to all law enforcement agencies in the state  
2 as to how the agencies shall code and report domestic violence  
3 incidents to the Washington association of sheriffs and police  
4 chiefs.

5 **Sec. 6.** RCW 13.40.265 and 2003 c 53 s 101 are each amended to  
6 read as follows:

7 (1)~~((a))~~ If a juvenile thirteen years of age or older is found  
8 by juvenile court to have committed an offense while armed with a  
9 firearm or an offense that is a violation of RCW 9.41.040(2)(a)  
10 ~~((iii))~~ (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
11 court shall notify the department of licensing within twenty-four  
12 hours after entry of the judgment, unless the offense is the  
13 juvenile's first offense while armed with a firearm, first unlawful  
14 possession of a firearm offense, or first offense in violation of  
15 chapter 66.44, 69.41, 69.50, or 69.52 RCW.

16 ~~((b))~~ (2) Except as otherwise provided in ~~((c) of this)~~  
17 subsection (3) of this section, upon petition of a juvenile who has  
18 been found by the court to have committed an offense that is a  
19 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may  
20 at any time the court deems appropriate notify the department of  
21 licensing that the juvenile's driving privileges should be  
22 reinstated.

23 ~~((c) If the offense is the juvenile's first violation of chapter~~  
24 ~~66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the~~  
25 ~~court for reinstatement of the juvenile's privilege to drive revoked~~  
26 ~~pursuant to RCW 46.20.265 until ninety days after the date the~~  
27 ~~juvenile turns sixteen or ninety days after the judgment was entered,~~  
28 ~~whichever is later.))~~ (3) If the offense is the juvenile's second or  
29 subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW,  
30 the juvenile may not petition the court for reinstatement of the  
31 juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until  
32 the date the juvenile turns seventeen or one year after the date  
33 judgment was entered, whichever is later.

34 ~~((2)(a) If a juvenile enters into a diversion agreement with a~~  
35 ~~diversion unit pursuant to RCW 13.40.080 concerning an offense that~~  
36 ~~is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the~~  
37 ~~diversion unit shall notify the department of licensing within~~  
38 ~~twenty four hours after the diversion agreement is signed.~~

1 ~~(b) If a diversion unit has notified the department pursuant to~~  
2 ~~(a) of this subsection, the diversion unit shall notify the~~  
3 ~~department of licensing when the juvenile has completed the~~  
4 ~~agreement.))~~

5 **Sec. 7.** RCW 9.41.040 and 2014 c 111 s 1 are each amended to read  
6 as follows:

7 (1)(a) A person, whether an adult or juvenile, is guilty of the  
8 crime of unlawful possession of a firearm in the first degree, if the  
9 person owns, has in his or her possession, or has in his or her  
10 control any firearm after having previously been convicted or found  
11 not guilty by reason of insanity in this state or elsewhere of any  
12 serious offense as defined in this chapter.

13 (b) Unlawful possession of a firearm in the first degree is a  
14 class B felony punishable according to chapter 9A.20 RCW.

15 (2)(a) A person, whether an adult or juvenile, is guilty of the  
16 crime of unlawful possession of a firearm in the second degree, if  
17 the person does not qualify under subsection (1) of this section for  
18 the crime of unlawful possession of a firearm in the first degree and  
19 the person owns, has in his or her possession, or has in his or her  
20 control any firearm:

21 (i) After having previously been convicted or found not guilty by  
22 reason of insanity in this state or elsewhere of any felony not  
23 specifically listed as prohibiting firearm possession under  
24 subsection (1) of this section, or any of the following crimes when  
25 committed by one family or household member against another,  
26 committed on or after July 1, 1993: Assault in the fourth degree,  
27 coercion, stalking, reckless endangerment, criminal trespass in the  
28 first degree, or violation of the provisions of a protection order or  
29 no-contact order restraining the person or excluding the person from  
30 a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

31 (ii) During any period of time that the person is subject to a  
32 court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,  
33 26.09, 26.10, 26.26, or 26.50 RCW that:

34 (A) Was issued after a hearing of which the person received  
35 actual notice, and at which the person had an opportunity to  
36 participate;

37 (B) Restrains the person from harassing, stalking, or threatening  
38 an intimate partner of the person or child of the intimate partner or  
39 person, or engaging in other conduct that would place an intimate

1 partner in reasonable fear of bodily injury to the partner or child;  
2 and

3 (C)(I) Includes a finding that the person represents a credible  
4 threat to the physical safety of the intimate partner or child; and

5 (II) By its terms, explicitly prohibits the use, attempted use,  
6 or threatened use of physical force against the intimate partner or  
7 child that would reasonably be expected to cause bodily injury;

8 (iii) After having previously been involuntarily committed for  
9 mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740,  
10 71.34.750, chapter 10.77 RCW, or equivalent statutes of another  
11 jurisdiction, unless his or her right to possess a firearm has been  
12 restored as provided in RCW 9.41.047;

13 (iv) If the person is under eighteen years of age, except as  
14 provided in RCW 9.41.042; and/or

15 (v) If the person is free on bond or personal recognizance  
16 pending trial, appeal, or sentencing for a serious offense as defined  
17 in RCW 9.41.010.

18 (b) Unlawful possession of a firearm in the second degree is a  
19 class C felony punishable according to chapter 9A.20 RCW.

20 (3) Notwithstanding RCW 9.41.047 or any other provisions of law,  
21 as used in this chapter, a person has been "convicted", whether in an  
22 adult court or adjudicated in a juvenile court, at such time as a  
23 plea of guilty has been accepted, or a verdict of guilty has been  
24 filed, notwithstanding the pendency of any future proceedings  
25 including but not limited to sentencing or disposition, post-trial or  
26 post-fact-finding motions, and appeals. Conviction includes a  
27 dismissal entered after a period of probation, suspension or deferral  
28 of sentence, and also includes equivalent dispositions by courts in  
29 jurisdictions other than Washington state. A person shall not be  
30 precluded from possession of a firearm if the conviction has been the  
31 subject of a pardon, annulment, certificate of rehabilitation, or  
32 other equivalent procedure based on a finding of the rehabilitation  
33 of the person convicted or the conviction or disposition has been the  
34 subject of a pardon, annulment, or other equivalent procedure based  
35 on a finding of innocence. Where no record of the court's disposition  
36 of the charges can be found, there shall be a rebuttable presumption  
37 that the person was not convicted of the charge.

38 (4)(a) Notwithstanding subsection (1) or (2) of this section, a  
39 person convicted or found not guilty by reason of insanity of an  
40 offense prohibiting the possession of a firearm under this section

1 other than murder, manslaughter, robbery, rape, indecent liberties,  
2 arson, assault, kidnapping, extortion, burglary, or violations with  
3 respect to controlled substances under RCW 69.50.401 and 69.50.410,  
4 who received a probationary sentence under RCW 9.95.200, and who  
5 received a dismissal of the charge under RCW 9.95.240, shall not be  
6 precluded from possession of a firearm as a result of the conviction  
7 or finding of not guilty by reason of insanity. Notwithstanding any  
8 other provisions of this section, if a person is prohibited from  
9 possession of a firearm under subsection (1) or (2) of this section  
10 and has not previously been convicted or found not guilty by reason  
11 of insanity of a sex offense prohibiting firearm ownership under  
12 subsection (1) or (2) of this section and/or any felony defined under  
13 any law as a class A felony or with a maximum sentence of at least  
14 twenty years, or both, the individual may petition a court of record  
15 to have his or her right to possess a firearm restored:

16 (i) Under RCW 9.41.047; and/or

17 (ii)(A) If the conviction or finding of not guilty by reason of  
18 insanity was for a felony offense, after five or more consecutive  
19 years in the community without being convicted or found not guilty by  
20 reason of insanity or currently charged with any felony, gross  
21 misdemeanor, or misdemeanor crimes, if the individual has no prior  
22 felony convictions that prohibit the possession of a firearm counted  
23 as part of the offender score under RCW 9.94A.525; or

24 (B) If the conviction or finding of not guilty by reason of  
25 insanity was for a nonfelony offense, after three or more consecutive  
26 years in the community without being convicted or found not guilty by  
27 reason of insanity or currently charged with any felony, gross  
28 misdemeanor, or misdemeanor crimes, if the individual has no prior  
29 felony convictions that prohibit the possession of a firearm counted  
30 as part of the offender score under RCW 9.94A.525 and the individual  
31 has completed all conditions of the sentence.

32 (b) An individual may petition a court of record to have his or  
33 her right to possess a firearm restored under (a) of this subsection  
34 (4) only at:

35 (i) The court of record that ordered the petitioner's prohibition  
36 on possession of a firearm; or

37 (ii) The superior court in the county in which the petitioner  
38 resides.

39 (5) In addition to any other penalty provided for by law, if a  
40 person under the age of eighteen years is found by a court to have

1 possessed a firearm in a vehicle in violation of subsection (1) or  
2 (2) of this section or to have committed an offense while armed with  
3 a firearm during which offense a motor vehicle served an integral  
4 function, the court shall notify the department of licensing within  
5 twenty-four hours and the person's privilege to drive shall be  
6 revoked under RCW 46.20.265, unless the offense is the juvenile's  
7 first offense in violation of this section and has not committed an  
8 offense while armed with a firearm, an unlawful possession of a  
9 firearm offense, or an offense in violation of chapter 66.44, 69.52,  
10 69.41, or 69.50 RCW.

11 (6) Nothing in chapter 129, Laws of 1995 shall ever be construed  
12 or interpreted as preventing an offender from being charged and  
13 subsequently convicted for the separate felony crimes of theft of a  
14 firearm or possession of a stolen firearm, or both, in addition to  
15 being charged and subsequently convicted under this section for  
16 unlawful possession of a firearm in the first or second degree.  
17 Notwithstanding any other law, if the offender is convicted under  
18 this section for unlawful possession of a firearm in the first or  
19 second degree and for the felony crimes of theft of a firearm or  
20 possession of a stolen firearm, or both, then the offender shall  
21 serve consecutive sentences for each of the felony crimes of  
22 conviction listed in this subsection.

23 (7) Each firearm unlawfully possessed under this section shall be  
24 a separate offense.

25 (8) For purposes of this section, "intimate partner" includes: A  
26 spouse, a domestic partner, a former spouse, a former domestic  
27 partner, a person with whom the restrained person has a child in  
28 common, or a person with whom the restrained person has cohabitated  
29 or is cohabitating as part of a dating relationship.

30 **Sec. 8.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to  
31 read as follows:

32 (1) In addition to any other authority to revoke driving  
33 privileges under this chapter, the department shall revoke all  
34 driving privileges of a juvenile when the department receives notice  
35 from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365,  
36 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal  
37 ordinance adopted by a local legislative authority, or from a  
38 diversion unit pursuant to RCW 13.40.265.

1 (2) The driving privileges of the juvenile revoked under  
2 subsection (1) of this section shall be revoked in the following  
3 manner:

4 (a) Upon receipt of the first notice, the department shall impose  
5 a revocation for one year, or until the juvenile reaches seventeen  
6 years of age, whichever is longer.

7 (b) Upon receipt of a second or subsequent notice, the department  
8 shall impose a revocation for two years or until the juvenile reaches  
9 eighteen years of age, whichever is longer.

10 (c) Each offense for which the department receives notice shall  
11 result in a separate period of revocation. All periods of revocation  
12 imposed under this section that could otherwise overlap shall run  
13 consecutively up to the juvenile's twenty-first birthday, and no  
14 period of revocation imposed under this section shall begin before  
15 the expiration of all other periods of revocation imposed under this  
16 section or other law. Periods of revocation imposed consecutively  
17 under this section shall not extend beyond the juvenile's twenty-  
18 first birthday.

19 (3)(a) If the department receives notice from a court that the  
20 juvenile's privilege to drive should be reinstated, the department  
21 shall immediately reinstate any driving privileges that have been  
22 revoked under this section if the minimum term of revocation as  
23 specified in RCW 13.40.265(~~((1)(e))~~) (3), 66.44.365(3), 69.41.065(3),  
24 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
25 subject to subsection (2)(c) of this section.

26 (b) The juvenile may seek reinstatement of his or her driving  
27 privileges from the department when the juvenile reaches the age of  
28 twenty-one. A notice from the court reinstating the juvenile's  
29 driving privilege shall not be required if reinstatement is pursuant  
30 to this subsection.

31 ~~((4)(a) If the department receives notice pursuant to RCW  
32 13.40.265(2)(b) from a diversion unit that a juvenile has completed a  
33 diversion agreement for which the juvenile's driving privileges were  
34 revoked, the department shall reinstate any driving privileges  
35 revoked under this section as provided in (b) of this subsection,  
36 subject to subsection (2)(c) of this section.~~

37 ~~(b) If the diversion agreement was for the juvenile's first  
38 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the  
39 department shall not reinstate the juvenile's privilege to drive  
40 until the later of ninety days after the date the juvenile turns~~

1 ~~sixteen or ninety days after the juvenile entered into a diversion~~  
2 ~~agreement for the offense. If the diversion agreement was for the~~  
3 ~~juvenile's second or subsequent violation of chapter 66.44, 69.41,~~  
4 ~~69.50, or 69.52 RCW, the department shall not reinstate the~~  
5 ~~juvenile's privilege to drive until the later of the date the~~  
6 ~~juvenile turns seventeen or one year after the juvenile entered into~~  
7 ~~the second or subsequent diversion agreement.))~~

8       **Sec. 9.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to  
9 read as follows:

10       (1) If a juvenile thirteen years of age or older and under the  
11 age of eighteen is found by a court to have committed any offense  
12 that is a violation of this chapter, the court shall notify the  
13 department of licensing within twenty-four hours after entry of the  
14 judgment, unless the offense is the juvenile's first offense in  
15 violation of this chapter and has not committed an offense while  
16 armed with a firearm, an unlawful possession of a firearm offense, or  
17 an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

18       (2) Except as otherwise provided in subsection (3) of this  
19 section, upon petition of a juvenile whose privilege to drive has  
20 been revoked pursuant to RCW 46.20.265, the court may notify the  
21 department of licensing that the juvenile's privilege to drive should  
22 be reinstated.

23       (3) If the conviction is for the juvenile's first violation of  
24 this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may  
25 not petition the court for reinstatement of the juvenile's privilege  
26 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
27 days after the date the juvenile turns sixteen or ninety days after  
28 the judgment was entered. If the conviction was for the juvenile's  
29 second or subsequent violation of this chapter or chapter 69.41,  
30 69.50, or 69.52 RCW, the juvenile may not petition the court for  
31 reinstatement of the juvenile's privilege to drive revoked pursuant  
32 to RCW 46.20.265 until the later of the date the juvenile turns  
33 seventeen or one year after the date judgment was entered.

34       **Sec. 10.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to  
35 read as follows:

36       (1) If a juvenile thirteen years of age or older and under the  
37 age of twenty-one is found by a court to have committed any offense  
38 that is a violation of this chapter, the court shall notify the

1 department of licensing within twenty-four hours after entry of the  
2 judgment, unless the offense is the juvenile's first offense in  
3 violation of this chapter and has not committed an offense while  
4 armed with a firearm, an unlawful possession of a firearm offense, or  
5 an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

6 (2) Except as otherwise provided in subsection (3) of this  
7 section, upon petition of a juvenile whose privilege to drive has  
8 been revoked pursuant to RCW 46.20.265, the court may notify the  
9 department of licensing that the juvenile's privilege to drive should  
10 be reinstated.

11 (3) If the conviction is for the juvenile's first violation of  
12 this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may  
13 not petition the court for reinstatement of the juvenile's privilege  
14 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
15 days after the date the juvenile turns sixteen or ninety days after  
16 the judgment was entered. If the conviction was for the juvenile's  
17 second or subsequent violation of this chapter or chapter 66.44,  
18 69.50, or 69.52 RCW, the juvenile may not petition the court for  
19 reinstatement of the juvenile's privilege to drive revoked pursuant  
20 to RCW 46.20.265 until the later of the date the juvenile turns  
21 seventeen or one year after the date judgment was entered.

22 **Sec. 11.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to  
23 read as follows:

24 (1) If a juvenile thirteen years of age or older and under the  
25 age of twenty-one is found by a court to have committed any offense  
26 that is a violation of this chapter, the court shall notify the  
27 department of licensing within twenty-four hours after entry of the  
28 judgment, unless the offense is the juvenile's first offense in  
29 violation of this chapter and has not committed an offense while  
30 armed with a firearm, an unlawful possession of a firearm offense, or  
31 an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

32 (2) Except as otherwise provided in subsection (3) of this  
33 section, upon petition of a juvenile whose privilege to drive has  
34 been revoked pursuant to RCW 46.20.265, the court may at any time the  
35 court deems appropriate notify the department of licensing to  
36 reinstate the juvenile's privilege to drive.

37 (3) If the conviction is for the juvenile's first violation of  
38 this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may  
39 not petition the court for reinstatement of the juvenile's privilege



1 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
2 days after the date the juvenile turns sixteen or ninety days after  
3 the judgment was entered. If the conviction was for the juvenile's  
4 second or subsequent violation of this chapter or chapter 66.44,  
5 69.41, or 69.52 RCW, the juvenile may not petition the court for  
6 reinstatement of the juvenile's privilege to drive revoked pursuant  
7 to RCW 46.20.265 until the later of the date the juvenile turns  
8 seventeen or one year after the date judgment was entered.

9 **Sec. 12.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to  
10 read as follows:

11 (1) If a juvenile thirteen years of age or older and under the  
12 age of twenty-one is found by a court to have committed any offense  
13 that is a violation of this chapter, the court shall notify the  
14 department of licensing within twenty-four hours after entry of the  
15 judgment, unless the offense is the juvenile's first offense in  
16 violation of this chapter and has not committed an offense while  
17 armed with a firearm, an unlawful possession of a firearm offense, or  
18 an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

19 (2) Except as otherwise provided in subsection (3) of this  
20 section, upon petition of a juvenile whose privilege to drive has  
21 been revoked pursuant to RCW 46.20.265, the court may at any time the  
22 court deems appropriate notify the department of licensing to  
23 reinstate the juvenile's privilege to drive.

24 (3) If the conviction is for the juvenile's first violation of  
25 this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may  
26 not petition the court for reinstatement of the juvenile's privilege  
27 to drive revoked pursuant to RCW 46.20.265 until the later of ninety  
28 days after the date the juvenile turns sixteen or ninety days after  
29 the judgment was entered. If the conviction was for the juvenile's  
30 second or subsequent violation of this chapter or chapter 66.44,  
31 69.41, or 69.50 RCW, the juvenile may not petition the court for  
32 reinstatement of the juvenile's privilege to drive revoked pursuant  
33 to RCW 46.20.265 until the later of the date the juvenile turns  
34 seventeen or one year after the date judgment was entered."

**ESHB 2906** - S COMM AMD

By Committee on Human Services, Mental Health & Housing

**ADOPTED 3/4/2016**

1        On page 1, line 2 of the title, after "offenders;" strike the  
2 remainder of the title and insert "and amending RCW 13.40.010,  
3 13.40.020, 13.40.127, 13.40.308, 10.99.030, 13.40.265, 9.41.040,  
4 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070."

**--- END ---**