**2907-S AMH GOOD H5108.1 - NOT FOR FLOOR USE**

**SHB 2907** - H AMD **1302**

By Representative Goodman

**ADOPTED 02/28/2018**

On page 9, after line 19, insert the following:

"**Sec.**  RCW 13.40.300 and 2005 c 238 s 2 are each amended to read as follows:

(1) ((~~In no case may~~)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2)(a) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(b) A juvenile offender adjudicated of a serious violent offense as defined under RCW 9.94A.030 may be committed by the juvenile court to the department of social and health services for placement in a correctional institution up to the time the juvenile offender is age twenty-five and one-half years old, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

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

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

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

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

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

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

(ii)(A) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; or

(B) Under subsection (2)(b) of this section in which case commitment may not extend beyond age twenty-five and one-half years;

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

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

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

~~(3)~~)) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((~~except for the purpose of enforcing an order of restitution or penalty assessment~~)).

((~~(4)~~)) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

**Sec.**  RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each amended to read as follows:

(1) ((~~In no case may~~)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2)(a) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(b) A juvenile offender adjudicated of a serious violent offense as defined under RCW 9.94A.030 may be committed by the juvenile court to the department of children, youth, and families for placement in a correctional institution up to the time the juvenile offender is age twenty-five and one-half years old, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

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

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

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

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

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

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

(ii)(A) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; or

(B) Under subsection (2)(b) of this section in which case commitment may not extend beyond age twenty-five and one-half years;

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

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

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

~~(3)~~)) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((~~except for the purpose of enforcing an order of restitution or penalty assessment~~)).

((~~(4)~~)) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, line 35, after "Sections 3" strike "and 5" and insert ", 5, and 7"

On page 10, line 1, after "Sections 2" strike "and 4" and insert ", 4, and 6"

On page 10, after line 2, insert the following:

"NEW SECTION. **Sec.**  Sections 4 and 5 of this act take effect only if chapter . . . (Engrossed Second Substitute Senate No. Bill 6160), Laws of 2018 is not enacted by the effective date of this section.

NEW SECTION. **Sec.**  Sections 6 and 7 of this act take effect only if chapter . . . (Engrossed Second Substitute Senate Bill No. 6160), Laws of 2018 is enacted by the effective date of this section."

Correct the title.

EFFECT: Merges changes made by the underlying bill and Senate Bill No. 6160, relating to revision of exclusive adult court jurisdiction and extension of juvenile court jurisdiction, in the event that Senate Bill No. 6160 is enacted.