
SECOND SUBSTITUTE SENATE BILL 6160

State of Washington 65th Legislature 2018 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kuderer, Darneille, and Palumbo)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to revising conditions under which a person is
2 subject to exclusive adult jurisdiction and extending juvenile court
3 jurisdiction over serious cases to age twenty-five; amending RCW
4 13.04.030, 13.40.0357, 13.40.110, 13.40.193, 13.40.300, and
5 13.40.300; reenacting and amending RCW 13.04.030; adding a new
6 section to chapter 13.40 RCW; creating a new section; prescribing
7 penalties; providing an effective date; and providing an expiration
8 date.

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

10 **Sec. 1.** RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are
11 each reenacted and amended to read as follows:

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

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

17 (b) Relating to children alleged or found to be dependent as
18 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

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

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

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

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

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

11 (iii) The alleged offense or infraction is a traffic, fish,
12 boating, or game offense, or traffic or civil infraction committed by
13 a juvenile sixteen years of age or older and would, if committed by
14 an adult, be tried or heard in a court of limited jurisdiction, in
15 which instance the appropriate court of limited jurisdiction shall
16 have jurisdiction over the alleged offense or infraction, and no
17 guardian ad litem is required in any such proceeding due to the
18 juvenile's age. If such an alleged offense or infraction and an
19 alleged offense or infraction subject to juvenile court jurisdiction
20 arise out of the same event or incident, the juvenile court may have
21 jurisdiction of both matters. The jurisdiction under this subsection
22 does not constitute "transfer" or a "decline" for purposes of RCW
23 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited
24 jurisdiction which confine juveniles for an alleged offense or
25 infraction may place juveniles in juvenile detention facilities under
26 an agreement with the officials responsible for the administration of
27 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

28 (iv) The alleged offense is a traffic or civil infraction, a
29 violation of compulsory school attendance provisions under chapter
30 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction
31 has assumed concurrent jurisdiction over those offenses as provided
32 in RCW 13.04.0301; or

33 (v) The juvenile is sixteen or seventeen years old on the date
34 the alleged offense is committed and the alleged offense is:

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

36 (B) A violent offense as defined in RCW 9.94A.030 and the
37 juvenile has a criminal history consisting of: ~~((I))~~ One or more
38 prior serious violent offenses; ~~((II))~~ two or more prior violent
39 offenses; or ~~((III))~~ three or more of any combination of the
40 following offenses: Any class A felony, any class B felony, vehicular

1 assault, or manslaughter in the second degree, all of which must have
2 been committed after the juvenile's thirteenth birthday and
3 prosecuted separately((÷

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

6 ~~(D) Burglary in the first degree committed on or after July 1,~~
7 ~~1997, and the juvenile has a criminal history consisting of one or~~
8 ~~more prior felony or misdemeanor offenses; or~~

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

12 (I) In such a case the adult criminal court shall have exclusive
13 original jurisdiction, except as provided in (e)(v)((~~(E)~~)) (B)(II)
14 and (III) of this subsection.

15 (II) The juvenile court shall have exclusive jurisdiction over
16 the disposition of any remaining charges in any case in which the
17 juvenile is found not guilty in the adult criminal court of the
18 charge or charges for which he or she was transferred, or is
19 convicted in the adult criminal court of a lesser included offense
20 that is not also an offense listed in (e)(v) of this subsection. The
21 juvenile court shall ~~((enter an order extending))~~ maintain residual
22 juvenile court jurisdiction up to age twenty-five if the juvenile has
23 turned eighteen years of age during the adult criminal court
24 proceedings but only for the purpose of returning a case to juvenile
25 court for disposition pursuant to RCW 13.40.300 (3)(d). However, once
26 the case is returned to juvenile court, the court may hold a decline
27 hearing pursuant to RCW 13.40.110 to determine whether to retain the
28 case in juvenile court for the purpose of disposition or return the
29 case to adult criminal court for sentencing.

30 (III) The prosecutor and respondent may agree to juvenile court
31 jurisdiction and waive application of exclusive adult criminal
32 jurisdiction in (e)(v)(A) ~~((through (E)))~~ and (B) of this subsection
33 and remove the proceeding back to juvenile court with the court's
34 approval.

35 If the juvenile challenges the state's determination of the
36 juvenile's criminal history under (e)(v) of this subsection, the
37 state may establish the offender's criminal history by a
38 preponderance of the evidence. If the criminal history consists of
39 adjudications entered upon a plea of guilty, the state shall not bear
40 a burden of establishing the knowing and voluntariness of the plea;

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

3 (g) Relating to termination of a diversion agreement under RCW
4 13.40.080, including a proceeding in which the divertee has attained
5 eighteen years of age;

6 (h) Relating to court validation of a voluntary consent to an
7 out-of-home placement under chapter 13.34 RCW, by the parent or
8 Indian custodian of an Indian child, except if the parent or Indian
9 custodian and child are residents of or domiciled within the
10 boundaries of a federally recognized Indian reservation over which
11 the tribe exercises exclusive jurisdiction;

12 (i) Relating to petitions to compel disclosure of information
13 filed by the department of social and health services pursuant to RCW
14 74.13.042; and

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

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

24 (3) The juvenile court shall have concurrent original
25 jurisdiction with the family court over child custody proceedings
26 under chapter 26.10 RCW and parenting plans or residential schedules
27 under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

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

32 **Sec. 2.** RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each
33 amended to read as follows:

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35 this state shall have exclusive original jurisdiction over all
36 proceedings:

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2 provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

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11 juvenile to adult criminal court pursuant to RCW 13.40.110;

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16 boating, or game offense, or traffic or civil infraction committed by
17 a juvenile sixteen years of age or older and would, if committed by
18 an adult, be tried or heard in a court of limited jurisdiction, in
19 which instance the appropriate court of limited jurisdiction shall
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21 guardian ad litem is required in any such proceeding due to the
22 juvenile's age. If such an alleged offense or infraction and an
23 alleged offense or infraction subject to juvenile court jurisdiction
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25 jurisdiction of both matters. The jurisdiction under this subsection
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30 an agreement with the officials responsible for the administration of
31 the juvenile detention facility in RCW 13.04.035 and 13.20.060;

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33 violation of compulsory school attendance provisions under chapter
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10 degree, or drive by shooting, committed on or after July 1, 1997;~~

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22 hearings involving developmentally disabled children who have been
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24 agreement between the child's parent, guardian, or legal custodian
25 and the department of social and health services and the department
26 of children, youth, and families.

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28 with the juvenile court over all proceedings under this section if
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30 jurisdiction as provided in RCW 26.12.010.

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36 subsection (1)(e)(i) through (v) of this section, who is detained
37 pending trial, may be detained in a detention facility as defined in
38 RCW 13.40.020 pending sentencing or a dismissal.

1		Burglary and Trespass	
2	B+	Burglary 1 (9A.52.020) <u>committed at age</u>	
3		<u>15 or under</u>	C+
4	A-	<u>Burglary 1 (9A.52.020) committed at age</u>	
5		<u>16 or 17</u>	B+
6	B	Residential Burglary (9A.52.025)	C
7	B	Burglary 2 (9A.52.030)	C
8	D	Burglary Tools (Possession of) (9A.52.060)	E
9	D	Criminal Trespass 1 (9A.52.070)	E
10	E	Criminal Trespass 2 (9A.52.080)	E
11	C	Mineral Trespass (78.44.330)	C
12	C	Vehicle Prowling 1 (9A.52.095)	D
13	D	Vehicle Prowling 2 (9A.52.100)	E
14		Drugs	
15	E	Possession/Consumption of Alcohol	
16		(66.44.270)	E
17	C	Illegally Obtaining Legend Drug	
18		(69.41.020)	D
19	C+	Sale, Delivery, Possession of Legend Drug	
20		with Intent to Sell (69.41.030(2)(a))	D+
21	E	Possession of Legend Drug	
22		(69.41.030(2)(b))	E
23	B+	Violation of Uniform Controlled	
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam Sale	
26		(69.50.401(2) (a) or (b))	B+
27	C	Violation of Uniform Controlled	
28		Substances Act - Nonnarcotic Sale	
29		(69.50.401(2)(c))	C
30	E	Possession of Marihuana <40 grams	
31		(69.50.4014)	E
32	C	Fraudulently Obtaining Controlled	
33		Substance (69.50.403)	C
34	C+	Sale of Controlled Substance for Profit	
35		(69.50.410)	C+
36	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.4011(2) (a)	
5		or (b))	B
6	C	Violation of Uniform Controlled	
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.4011(2) (c), (d), or (e))	C
9	C	Violation of Uniform Controlled	
10		Substances Act - Possession of a Controlled	
11		Substance (69.50.4013)	C
12	C	Violation of Uniform Controlled	
13		Substances Act - Possession of a Controlled	
14		Substance (69.50.4012)	C
15		Firearms and Weapons	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm (9A.56.310)	C
18	E	Carrying Loaded Pistol Without Permit	
19		(9.41.050)	E
20	C	Possession of Firearms by Minor (<18)	
21		(9.41.040(2)(a) (iv))	C
22	D+	Possession of Dangerous Weapon	
23		(9.41.250)	E
24	D	Intimidating Another Person by use of	
25		Weapon (9.41.270)	E
26		Homicide	
27	A+	Murder 1 (9A.32.030)	A
28	A+	Murder 2 (9A.32.050)	B+
29	B+	Manslaughter 1 (9A.32.060)	C+
30	C+	Manslaughter 2 (9A.32.070)	D+
31	B+	Vehicular Homicide (46.61.520)	C+
32		Kidnapping	
33	A	Kidnap 1 (9A.40.020)	B+
34	B+	Kidnap 2 (9A.40.030)	C+
35	C+	Unlawful Imprisonment (9A.40.040)	D+
36		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
2			
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant (9A.76.180)	C+
8	B+	Intimidating a Witness (9A.72.110)	C+
9		Public Disturbance	
10	C+	Criminal Mischief with Weapon	
11		(9A.84.010(2)(b))	D+
12	D+	Criminal Mischief Without Weapon	
13		(9A.84.010(2)(a))	E
14	E	Failure to Disperse (9A.84.020)	E
15	E	Disorderly Conduct (9A.84.030)	E
16		Sex Crimes	
17	A	Rape 1 (9A.44.040)	B+
18	B++	<u>Rape 2 (9A.44.050) committed at age 14 or</u>	
19		<u>under</u>	B+
20	A-	Rape 2 (9A.44.050) <u>committed at age 15</u>	
21		<u>through age 17</u>	B+
22	C+	Rape 3 (9A.44.060)	D+
23	B++	<u>Rape of a Child 1 (9A.44.073) committed at</u>	
24		<u>age 14 or under</u>	B+
25	A-	Rape of a Child 1 (9A.44.073) <u>committed at</u>	
26		<u>age 15</u>	B+
27	A++	<u>Rape of a Child 1 (9A.44.073) committed at</u>	
28		<u>age 16 or 17</u>	A+
29	B+	Rape of a Child 2 (9A.44.076)	C+
30	B	Incest 1 (9A.64.020(1))	C
31	C	Incest 2 (9A.64.020(2))	D
32	D+	Indecent Exposure (Victim <14)	
33		(9A.88.010)	E
34	E	Indecent Exposure (Victim 14 or over)	
35		(9A.88.010)	E
36	B+	Promoting Prostitution 1 (9A.88.070)	C+

1	C+	Promoting Prostitution 2 (9A.88.080)	D+
2	E	O & A (Prostitution) (9A.88.030)	E
3	B+	Indecent Liberties (9A.44.100)	C+
4	<u>B++</u>	<u>Child Molestation 1 (9A.44.083) committed</u>	
5		<u>at age 14 or under</u>	<u>B±</u>
6	A-	Child Molestation 1 (9A.44.083) <u>committed</u>	
7		<u>at age 15 through age 17</u>	B+
8	B	Child Molestation 2 (9A.44.086)	C+
9	C	Failure to Register as a Sex Offender	
10		(9A.44.132)	D
11		Theft, Robbery, Extortion, and Forgery	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock 1 and 2 (9A.56.080 and	
16		9A.56.083)	C
17	C	Forgery (9A.60.020)	D
18	A	Robbery 1 (9A.56.200) <u>committed at age</u>	
19		<u>15 or under</u>	B+
20	<u>A++</u>	<u>Robbery 1 (9A.56.200) committed at age</u>	
21		<u>16 or 17</u>	<u>A±</u>
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	C	Identity Theft 1 (9.35.020(2))	D
26	D	Identity Theft 2 (9.35.020(3))	E
27	D	Improperly Obtaining Financial	
28		Information (9.35.010)	E
29	B	Possession of a Stolen Vehicle (9A.56.068)	C
30	B	Possession of Stolen Property 1	
31		(9A.56.150)	C
32	C	Possession of Stolen Property 2	
33		(9A.56.160)	D
34	D	Possession of Stolen Property 3	
35		(9A.56.170)	E
36	B	Taking Motor Vehicle Without Permission	
37		1 (9A.56.070)	C

1	C	Taking Motor Vehicle Without Permission	
2		2 (9A.56.075)	D
3	B	Theft of a Motor Vehicle (9A.56.065)	C
4		Motor Vehicle Related Crimes	
5	E	Driving Without a License (46.20.005)	E
6	B+	Hit and Run - Death (46.52.020(4)(a))	C+
7	C	Hit and Run - Injury (46.52.020(4)(b))	D
8	D	Hit and Run-Attended (46.52.020(5))	E
9	E	Hit and Run-Unattended (46.52.010)	E
10	C	Vehicular Assault (46.61.522)	D
11	C	Attempting to Elude Pursuing Police	
12		Vehicle (46.61.024)	D
13	E	Reckless Driving (46.61.500)	E
14	D	Driving While Under the Influence	
15		(46.61.502 and 46.61.504)	E
16	B+	Felony Driving While Under the Influence	
17		(46.61.502(6))	B
18	B+	Felony Physical Control of a Vehicle While	
19		Under the Influence (46.61.504(6))	B
20		Other	
21	B	Animal Cruelty 1 (16.52.205)	C
22	B	Bomb Threat (9.61.160)	C
23	C	Escape 1 ¹ (9A.76.110)	C
24	C	Escape 2 ¹ (9A.76.120)	C
25	D	Escape 3 (9A.76.130)	E
26	E	Obscene, Harassing, Etc., Phone Calls	
27		(9.61.230)	E
28	A	Other Offense Equivalent to an Adult Class	
29		A Felony	B+
30	B	Other Offense Equivalent to an Adult Class	
31		B Felony	C
32	C	Other Offense Equivalent to an Adult Class	
33		C Felony	D
34	D	Other Offense Equivalent to an Adult Gross	
35		Misdemeanor	E

1 E Other Offense Equivalent to an Adult
 2 Misdemeanor E
 3 V Violation of Order of Restitution,
 4 Community Supervision, or Confinement
 5 (13.40.200)² V

6 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 7 and the standard range is established as follows:

8 1st escape or attempted escape during 12-month period - ((4
 9 weeks)) 28 days confinement

10 2nd escape or attempted escape during 12-month period - 8 weeks
 11 confinement

12 3rd and subsequent escape or attempted escape during 12-month
 13 period - 12 weeks confinement

14 ²If the court finds that a respondent has violated terms of an order,
 15 it may impose a penalty of up to 30 days of confinement.

16 **JUVENILE SENTENCING STANDARDS**

17 This schedule must be used for juvenile offenders. The court may
 18 select sentencing option A, B, C, or D.

19 **OPTION A**

20 **JUVENILE OFFENDER SENTENCING GRID**

21 **STANDARD RANGE**

22	A++	<u>129 to 260 weeks for all category A++ offenses</u>					
23	A+	180 weeks to age 21 for all category A+ offenses					
24	A	103-129 weeks for all category A offenses					
25	A-	<u>30-40 weeks</u>	<u>52-65 weeks</u>	<u>80-100 weeks</u>	<u>103-129 weeks</u>	<u>103-129 weeks</u>	
26	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
27		((Except 30-40 weeks					
28		for 15 to 17-year-olds))					
29	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
30	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
31	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
32		C	LS	LS	LS	LS	15-36 weeks
33		D+	LS	LS	LS	LS	LS

1	D	LS	LS	LS	LS	LS
2	E	LS	LS	LS	LS	LS
3	PRIOR	0	1	2	3	4 or more
4	ADJUDICATIONS					

5 NOTE: References in the grid to days or weeks mean periods of
6 confinement. "LS" means "local sanctions" as defined in RCW
7 13.40.020.

8 (1) The vertical axis of the grid is the current offense
9 category. The current offense category is determined by the offense
10 of adjudication.

11 (2) The horizontal axis of the grid is the number of prior
12 adjudications included in the juvenile's criminal history. Each prior
13 felony adjudication shall count as one point. Each prior violation,
14 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
15 point. Fractional points shall be rounded down.

16 (3) The standard range disposition for each offense is determined
17 by the intersection of the column defined by the prior adjudications
18 and the row defined by the current offense category.

19 (4) RCW 13.40.180 applies if the offender is being sentenced for
20 more than one offense.

21 (5) A current offense that is a violation is equivalent to an
22 offense category of E. However, a disposition for a violation shall
23 not include confinement.

24 **OR**

25 **OPTION B**

26 **SUSPENDED DISPOSITION ALTERNATIVE**

27 (1) If the offender is subject to a standard range disposition
28 involving confinement by the department, the court may impose the
29 standard range and suspend the disposition on condition that the
30 offender comply with one or more local sanctions and any educational
31 or treatment requirement. The treatment programs provided to the
32 offender must be either research-based best practice programs as
33 identified by the Washington state institute for public policy or the
34 joint legislative audit and review committee, or for chemical
35 dependency treatment programs or services, they must be evidence-
36 based or research-based best practice programs. For the purposes of
37 this subsection:

1 (a) "Evidence-based" means a program or practice that has had
2 multiple site random controlled trials across heterogeneous
3 populations demonstrating that the program or practice is effective
4 for the population; and

5 (b) "Research-based" means a program or practice that has some
6 research demonstrating effectiveness, but that does not yet meet the
7 standard of evidence-based practices.

8 (2) If the offender fails to comply with the suspended
9 disposition, the court may impose sanctions pursuant to RCW 13.40.200
10 or may revoke the suspended disposition and order the disposition's
11 execution.

12 (3) An offender is ineligible for the suspended disposition
13 option under this section if the offender (~~is~~):

14 (a) Is adjudicated of an A+ or A++ offense;

15 (b) Is fourteen years of age or older and is adjudicated of one
16 or more of the following offenses:

17 (i) A class A offense, or an attempt, conspiracy, or solicitation
18 to commit a class A offense;

19 (ii) Manslaughter in the first degree (RCW 9A.32.060); (~~or~~)

20 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
21 the first degree (RCW 9A.56.120), kidnapping in the second degree
22 (RCW 9A.40.030), (~~robbery in the second degree (RCW 9A.56.210),~~
23 ~~residential burglary (RCW 9A.52.025), burglary in the second degree~~
24 ~~(RCW 9A.52.030),~~) drive-by shooting (RCW 9A.36.045), vehicular
25 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)),
26 (~~intimidating a witness (RCW 9A.72.110), violation of the uniform~~
27 ~~controlled substances act (RCW 69.50.401 (2)(a) and (b)),~~) or
28 manslaughter 2 (RCW 9A.32.070) (~~, when the offense includes~~
29 ~~infliction of bodily harm upon another or when during the commission~~
30 ~~or immediate withdrawal from the offense the respondent was armed~~
31 ~~with a deadly weapon~~); or

32 (iv) Violation of the uniform controlled substances act (RCW
33 69.50.401(2) (a) and (b)), when the offense includes infliction of
34 bodily harm upon another or when during the commission or immediate
35 withdrawal from the offense the respondent was armed with a deadly
36 weapon;

37 (c) Is ordered to serve a disposition for a firearm violation
38 under RCW 13.40.193; (~~or~~)

39 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
40 or

1 (e) Has a prior option B disposition.

2 OR

3 OPTION C

4 CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

5 If the juvenile offender is subject to a standard range
6 disposition of local sanctions or 15 to 36 weeks of confinement and
7 has not committed (~~(an A or)~~) a B++ or B+ offense, the court may
8 impose a disposition under RCW 13.40.160(4) and 13.40.165.

9 OR

10 OPTION D

11 MANIFEST INJUSTICE

12 If the court determines that a disposition under option A, B, or C
13 would effectuate a manifest injustice, the court shall impose a
14 disposition outside the standard range under RCW 13.40.160(2).

15 **Sec. 4.** RCW 13.40.110 and 2009 c 454 s 3 are each amended to
16 read as follows:

17 (1) Discretionary decline hearing - The prosecutor, respondent,
18 or the court on its own motion may, before a hearing on the
19 information on its merits, file a motion requesting the court to
20 transfer the respondent for adult criminal prosecution and the matter
21 shall be set for a hearing on the question of declining jurisdiction
22 only if:

23 (a) The respondent is, at the time of proceedings, at least
24 fifteen years of age or older and is charged with a serious violent
25 offense as defined in RCW 9.94A.030;

26 (b) The respondent is, at the time of proceedings, at least
27 fifteen years of age or older and is charged with rape of a child in
28 the first degree; or

29 (c) The respondent is, at the time of proceedings, fourteen years
30 of age or younger and is charged with murder in the first degree (RCW
31 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

32 (2) Mandatory decline hearing - Unless waived by the court, the
33 parties, and their counsel, a decline hearing shall be held when(÷

34 ~~(a) The respondent is sixteen or seventeen years of age and the~~
35 ~~information alleges a class A felony or an attempt, solicitation, or~~
36 ~~conspiracy to commit a class A felony;~~

1 ~~(b) The respondent is seventeen years of age and the information~~
2 ~~alleges assault in the second degree, extortion in the first degree,~~
3 ~~indecent liberties, child molestation in the second degree,~~
4 ~~kidnapping in the second degree, or robbery in the second degree; or~~

5 ~~(e))~~ the information alleges an escape by the respondent and the
6 respondent is serving a minimum juvenile sentence to age twenty-one.

7 (3) The court after a decline hearing may order the case
8 transferred for adult criminal prosecution upon a finding that the
9 declination would be in the best interest of the juvenile or the
10 public. The court shall consider the relevant reports, facts,
11 opinions, and arguments presented by the parties and their counsel.

12 (4) When the respondent is transferred for criminal prosecution
13 or retained for prosecution in juvenile court, the court shall set
14 forth in writing its finding which shall be supported by relevant
15 facts and opinions produced at the hearing.

16 **Sec. 5.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to
17 read as follows:

18 (1) If a respondent is found to have been in possession of a
19 firearm in violation of RCW 9.41.040(2)(a)~~((+iii))~~ (iv), the court
20 shall impose a minimum disposition of ten days of confinement. If the
21 offender's standard range of disposition for the offense as indicated
22 in RCW 13.40.0357 is more than thirty days of confinement, the court
23 shall commit the offender to the department for the standard range
24 disposition. The offender shall not be released until the offender
25 has served a minimum of ten days in confinement.

26 (2)(a) If a respondent is found to have been in possession of a
27 firearm in violation of RCW 9.41.040, the disposition must include a
28 requirement that the respondent participate in a qualifying program
29 as described in (b) of this subsection, when available, unless the
30 court makes a written finding based on the outcome of the juvenile
31 court risk assessment that participation in a qualifying program
32 would not be appropriate.

33 (b) For purposes of this section, "qualifying program" means an
34 aggression replacement training program, a functional family therapy
35 program, or another program applicable to the juvenile firearm
36 offender population that has been identified as evidence-based or
37 research-based and cost-beneficial in the current list prepared at
38 the direction of the legislature by the Washington state institute
39 for public policy.

1 (3) If the court finds that the respondent or an accomplice was
2 armed with a firearm, the court shall determine the standard range
3 disposition for the offense pursuant to RCW 13.40.160. If the
4 offender or an accomplice was armed with a firearm when the offender
5 committed any felony other than possession of a machine gun,
6 possession of a stolen firearm, drive-by shooting, theft of a
7 firearm, unlawful possession of a firearm in the first and second
8 degree, or use of a machine gun in a felony, the following periods of
9 total confinement must be added to the sentence: ~~((For a))~~ (a) Except
10 for (b) of this subsection, for a class A felony, six months; for a
11 class B felony, four months; and for a class C felony, two months;
12 (b) for any violent offense as defined in RCW 9.94A.030, committed by
13 a respondent who is sixteen or seventeen years old at the time of the
14 offense, a period of twelve months. The additional time shall be
15 imposed regardless of the offense's juvenile disposition offense
16 category as designated in RCW 13.40.0357.

17 (4) When a disposition under this section would effectuate a
18 manifest injustice, the court may impose another disposition. When a
19 judge finds a manifest injustice and imposes a disposition of
20 confinement exceeding thirty days, the court shall commit the
21 juvenile to a maximum term, and the provisions of RCW 13.40.030(2)
22 shall be used to determine the range. When a judge finds a manifest
23 injustice and imposes a disposition of confinement less than thirty
24 days, the disposition shall be comprised of confinement or community
25 supervision or both.

26 (5) Any term of confinement ordered pursuant to this section
27 shall run consecutively to any term of confinement imposed in the
28 same disposition for other offenses.

29 **Sec. 6.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to
30 read as follows:

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

36 (2) A juvenile offender convicted of an A++ juvenile disposition
37 category offense listed in RCW 13.40.0357, or found to be armed with
38 a firearm and sentenced to an additional twelve months pursuant to
39 RCW 13.40.193(3)(b), may be committed by the juvenile court to the

1 department of social and health services for placement in a juvenile
2 correctional institution up to the juvenile offender's twenty-fifth
3 birthday, but not beyond.

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

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

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

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

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

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

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

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

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

39 (d) While proceedings are pending in a case in which jurisdiction
40 (~~(has been transferred to)~~) is vested in the adult criminal court

1 pursuant to RCW 13.04.030, the juvenile turns eighteen years of age
2 and is subsequently found not guilty of the charge for which he or
3 she was transferred, or is convicted in the adult criminal court of a
4 lesser included offense, and an automatic extension is necessary to
5 impose the disposition as required by RCW 13.04.030(1)(e)(v)(~~(E)~~)
6 (B)(II); or

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

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

15 ~~(3))~~ (4) Except as otherwise provided herein, in no event may
16 the juvenile court have authority to extend jurisdiction over any
17 juvenile offender beyond the juvenile offender's twenty-first
18 birthday ~~((except for the purpose of enforcing an order of~~
19 ~~restitution or penalty assessment))~~.

20 ~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a
21 person pursuant to this section, the juvenile court has no
22 jurisdiction over any offenses alleged to have been committed by a
23 person eighteen years of age or older.

24 **Sec. 7.** RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each
25 amended to read as follows:

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

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

38 (3) A juvenile may be under the jurisdiction of the juvenile
39 court or the authority of the department of children, youth, and

1 families beyond the juvenile's eighteenth birthday only if prior to
2 the juvenile's eighteenth birthday:

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

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

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

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

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

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

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

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

34 (d) While proceedings are pending in a case in which jurisdiction
35 (~~(has been transferred to)~~) is vested in the adult criminal court
36 pursuant to RCW 13.04.030, the juvenile turns eighteen years of age
37 and is subsequently found not guilty of the charge for which he or
38 she was transferred, or is convicted in the adult criminal court of a
39 lesser included offense, and an automatic extension is necessary to

1 impose the disposition as required by RCW 13.04.030(1)(e)(v)(~~(E)~~)
2 (B)(II); or

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

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

11 ~~(3))~~ (4) Except as otherwise provided herein, in no event may
12 the juvenile court have authority to extend jurisdiction over any
13 juvenile offender beyond the juvenile offender's twenty-first
14 birthday ~~((except for the purpose of enforcing an order of~~
15 ~~restitution or penalty assessment))~~.

16 ~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a
17 person pursuant to this section, the juvenile court has no
18 jurisdiction over any offenses alleged to have been committed by a
19 person eighteen years of age or older.

20 NEW SECTION. Sec. 8. A new section is added to chapter 13.40
21 RCW to read as follows:

22 The department must take appropriate actions to protect younger
23 children in confinement from older youth who may be confined pursuant
24 to this act, recognizing both the potential for positive mentorship
25 and the potential risks relating to victimization and the exercise of
26 negative influence. The court may exercise oversight if needed to
27 accomplish the goals of this section.

28 NEW SECTION. Sec. 9. The Washington state institute for public
29 policy must assess the impact of this act on community safety, racial
30 disproportionality, recidivism, state expenditures, and youth
31 rehabilitation, to the extent possible, and submit, in compliance
32 with RCW 43.01.036, a preliminary report to the governor and the
33 appropriate committees of the legislature by December 1, 2023, and a
34 final report to the governor and the appropriate committees of the
35 legislature by December 1, 2031.

36 NEW SECTION. Sec. 10. Sections 1 and 6 of this act expire July
37 1, 2019.

1 NEW SECTION. **Sec. 11.** Sections 2 and 7 of this act take effect
2 July 1, 2019.

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