H-1252.1

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**HOUSE BILL 1828**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Bronoske and Leavitt

AN ACT Relating to discretionary decline hearings; and amending RCW 13.40.110.

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

**Sec.**  RCW 13.40.110 and 2019 c 322 s 10 are each amended to read as follows:

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

(a) The respondent is, at the time of proceedings, at least ((~~fifteen~~)) 15 years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030;

(b) The respondent is, at the time of proceedings, ((~~fourteen~~)) 14 years of age or younger and is charged with ((~~murder~~)) any of the following offenses:

(i) Murder in the first degree (RCW 9A.32.030)((~~, and/or murder~~)) or an attempt to commit that offense;

(ii) Murder in the second degree (RCW 9A.32.050) or an attempt to commit that offense;

(iii) Assault in the first degree (RCW 9A.36.011);

(iv) Rape in the first degree (RCW 9A.44.040);

(v) Rape in the second degree (RCW 9A.44.050); or

(vi) Kidnapping in the first degree (RCW 9A.40.020); or

(c) The respondent is any age and is charged with custodial assault, RCW 9A.36.100, and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age ((~~twenty-one~~)) 21.

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when the information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age ((~~twenty-one~~)) 21.

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

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

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