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HOUSE BILL 2314

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Morris, Long, Orr, Van Luven, Johanson, Campbell, Brough, Basich, Quall, Chandler, Kremen and Talcott

Read first time 01/12/94. Referred to Committee on Judiciary.

1 AN ACT Relating to juvenile offenders; and amending RCW 13.40.110.

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

3 **Sec. 1.** RCW 13.40.110 and 1990 c 3 s 303 are each amended to read  
4 as follows:

5 (1) The prosecutor, respondent, or the court on its own motion may,  
6 before a hearing on the information on its merits, file a motion  
7 requesting the court to transfer the respondent for adult criminal  
8 prosecution and the matter shall be set for a hearing on the question  
9 of declining jurisdiction. Unless waived by the court, the parties,  
10 and their counsel, a decline hearing shall be held where:

11 (a) The respondent is fifteen, sixteen, or seventeen years of age  
12 and the information alleges a class A felony or an attempt,  
13 solicitation, or conspiracy to commit a class A felony; or

14 (b) The respondent is seventeen years of age and the information  
15 alleges assault in the second degree, extortion in the first degree,  
16 indecent liberties, child molestation in the second degree, kidnapping  
17 in the second degree, or robbery in the second degree.

18 (2) The court after a decline hearing may order the case  
19 transferred for adult criminal prosecution upon a finding that the

1 declination would be in the best interest of the juvenile or the  
2 public. The court shall consider the relevant reports, facts,  
3 opinions, and arguments presented by the parties and their counsel.

4 (3) When the respondent is sixteen or seventeen years of age and is  
5 charged with a violent crime as defined in RCW 9.94A.030, and the  
6 respondent's criminal history includes two previous convictions for  
7 violent crimes, the court shall automatically decline jurisdiction over  
8 the respondent, and the court shall transfer the respondent for adult  
9 criminal prosecution.

10 (4) When the respondent is transferred for criminal prosecution,  
11 other than under subsection (3) of this section, or retained for  
12 prosecution in juvenile court, the court shall set forth in writing its  
13 finding which shall be supported by relevant facts and opinions  
14 produced at the hearing.

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