

2SHB 1289 - H AMD 884

By Representative Hope

1 On page 2, line 30, after "~~(B)~~" strike all material through "~~(C)~~"  
2 on line 37 and insert ") a violent offense as defined in RCW  
3 9.94A.030 and the juvenile has a criminal history consisting of: (I)  
4 One or more prior serious violent offenses; (II) two or more prior  
5 violent offenses; or (III) three or more of any combination of the  
6 following offenses: Any class A felony, any class B felony, vehicular  
7 assault, or manslaughter in the second degree, all of which must have  
8 been committed after the juvenile's thirteenth birthday and prosecuted  
9 separately;

10 ((~~(C)~~)"  
11

12 On page 3, line 27, after "approval" strike all material through  
13 ~~plea))~~" on line 33 and insert ".".

14 If the juvenile challenges the state's determination of the  
15 juvenile's criminal history under (e)(v) of this subsection, the state  
16 may establish the offender's criminal history by a preponderance of  
17 the evidence. If the criminal history consists of adjudications  
18 entered upon a plea of guilty, the state shall not bear a burden of  
19 establishing the knowing and voluntariness of the plea"

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EFFECT: (1) Provides that adult superior court has original jurisdiction over a juvenile age 16 or 17 who is charged with a violent offense and has a criminal history of a serious violent offense, violent offense or other felonies.

(2) Reinstates provision that the state may establish a juvenile's criminal history by a preponderance of the evidence and that the state bears no burden to establish that any plea of guilty was knowing and voluntary.

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