
HOUSE BILL 1828

State of Washington

68th Legislature

2023 Regular Session

By Representatives Bronoske and Leavitt

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

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

4 **Sec. 1.** RCW 13.40.110 and 2019 c 322 s 10 are each amended to
5 read as follows:

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

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

15 (b) The respondent is, at the time of proceedings, ~~((fourteen))~~
16 14 years of age or younger and is charged with ~~((murder))~~ any of the
17 following offenses:

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

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

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

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

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

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

5 (c) The respondent is any age and is charged with custodial
6 assault, RCW 9A.36.100, and, at the time the respondent is charged,
7 is already serving a minimum juvenile sentence to age (~~(twenty-one)~~)
8 21.

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

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

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

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