

**Joint Legislative Task Force
Juvenile Sentencing Reform**
2014 Briefing Paper

Transferring Juveniles to Adult Criminal Jurisdiction in Washington

Under Washington law, a "juvenile" is defined as any person under the age of eighteen. RCW 13.40.020(14). Juvenile courts have exclusive original jurisdiction over all proceedings relating to juveniles alleged or found to have committed criminal offenses, with some exceptions.

- **Discretionary Decline Hearing (RCW 13.40.110(1)).** The juvenile court has the discretion to hold a hearing on whether to "decline" juvenile court jurisdiction on its own motion or when a party files a motion requesting the court transfer the juvenile to adult criminal court.
- **Mandatory Decline Hearing (RCW 13.40.110(2)).** The juvenile court is required to hold a decline hearing in the following circumstances, unless waived by the court and all parties:
 - The juvenile is 16 or 17 and is alleged to have committed a class A felony or attempt, solicitation, or conspiracy to commit a class A felony;
 - The juvenile is 17 and is alleged to have committed assault in the 2nd degree, extortion in the 1st degree, indecent liberties, child molestation in the 2nd degree, kidnapping in the 2nd degree, or robbery in the 2nd degree; or
 - The information alleges an escape and the juvenile is serving a minimum juvenile sentence to age 21.
- **Automatic Transfer (RCW 13.04.030).** A juvenile will automatically be transferred to adult criminal court when the juvenile is 16 or 17 on the date of the alleged offense and the alleged offense is:
 - A serious violent offense;
 - A violent offense and the juvenile has a criminal history consisting of a prior serious violent offense; two or more prior violent offenses; or three or more of any combination of a class A felony, class B felony, vehicular assault, manslaughter in the 2nd degree;
 - Robbery in the 1st degree, rape of a child in the 1st degree, or drive-by shooting;
 - Burglary in the 1st degree and the juvenile has a criminal history of one or more prior felony or misdemeanor offenses; or
 - Any violent offense and the juvenile is alleged to have been armed with a firearm;

If the juvenile is found not guilty of the charge for which he or she was transferred or is convicted of a lesser included offense, the juvenile court has exclusive jurisdiction of the disposition of the remaining charges in the case.

The prosecutor and the respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction and remove the proceeding back to juvenile court with the court's approval.

Once an adult always an adult. (RCW 13.40.020). Once a juvenile is declined to adult court jurisdiction, he or she is automatically declined for all future actions. However, if the juvenile is found not guilty or acquitted of the crime for which he or she was transferred, this provision will not apply.