

HOUSE BILL REPORT

HB 2783

As Reported By House Committee On:

Law & Justice

Title: An act relating to including juvenile offenses in offender score calculation.

Brief Description: Including juvenile offenses in offender score calculation.

Sponsors: Representatives Clements, Skinner, Silver, Thompson and Blanton.

Brief History:

Committee Activity:

Law & Justice: 1/30/96, 2/1/96 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 12 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Robertson; Smith and Sterk.

Minority Report: Do not pass. Signed by 5 members: Representatives Dellwo, Ranking Minority Member; Cody; Morris; Murray and Veloria.

Staff: Pat Shelledy (786-7149).

Background: When an adult defendant is convicted of a felony, the defendant is sentenced under the Sentencing Reform Act. Under the act, the defendant's presumptive sentence is determined by the seriousness of the offense and the defendant's prior criminal history. For each prior felony, the defendant is given a certain number of points which, when added together, is the defendant's "offender score." The number of "points" an offender receives for a particular prior felony depends on the nature of the current offense charged and the nature of the prior offense.

Take the example of a defendant convicted of residential burglary. The defendant has one prior conviction for residential burglary when committed as an adult and one prior conviction for theft when committed as an adult. The defendant receives two points for the prior residential burglary, because the defendant is convicted of residential burglary again, and one point for the prior theft, for a total of three points.

The seriousness level of residential burglary is level 4. A defendant with an offender score of three points has a standard range in prison of 13-17 months.

Under most circumstances, prior adjudications of felonies committed when the defendant was a juvenile do not count as much as prior convictions for felonies the defendant committed as an adult. In the example above, the defendant who was charged with residential burglary as an adult would receive only one point instead of two for the prior residential burglary, if the burglary was committed when the defendant was a juvenile.

In addition, some prior juvenile adjudications "wash out" or do not count towards the adult offender score, if a certain period of time has elapsed since the commission of the juvenile offense and the commission of the adult offense. Prior juvenile adjudications for sex offenses and serious violent offenses always count. Other prior class A felonies count only if the offender was 15 or older when the juvenile offense was committed. Other prior class B and C juvenile felony adjudications count only if the offender was 15 or older when the juvenile offense was committed, and the offender was less than 23 when he or she committed the current offense as an adult.

Prior adult felonies can also "wash out." Prior class A and sex offenses never wash out. Prior class B convictions other than sex offenses wash out if the offender has spent 10 consecutive years in the community without another conviction for any crime since the last date of release from confinement. Prior class C felony and serious traffic convictions other than sex offenses wash out if the offender has spent five years in the community without another conviction for any crime since the last date of release from confinement.

When an adult offender has never been convicted of a felony and is convicted of certain offenses, the offender may be eligible for a sentencing option called the "first-time offender waiver." A juvenile adjudication for an offense committed before age 15 is not a "previous felony" except for adjudications of sex and serious violent offenses.

Summary of Bill: Prior juvenile adjudications for felonies are treated the same as prior convictions for offenses committed as an adult when calculating an adult offender's "offender score" under the Sentencing Reform Act. Prior juvenile adjudications will be given as many points as prior adult convictions. The "wash-out" provisions that apply to adult prior convictions will apply to prior juvenile adjudications. Prior felonies committed as a juvenile are considered "felonies" for purposes of excluding adult offenders from the "first-time offender waiver."

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Chronic juvenile offenders get too many breaks when they continue offending as adults. They should be treated more harshly by counting fully their recent criminal history.

Testimony Against: None.

Testified: Representative Clements, prime sponsor; and Jeff Sullivan, Washington Association of Prosecuting Attorneys.