

SENATE BILL REPORT

SB 5942

As of February 26, 1997

Title: An act relating to offenders.

Brief Description: Revising the Juvenile Code.

Sponsors: Senators Roach, Johnson, McCaslin, Zarelli, Stevens, Swecker, Finkbeiner and Oke.

Brief History:

Committee Activity: Law & Justice: 2/26/97.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: There is general agreement that the juvenile justice system is in need of some changes. Current sentencing guidelines for juveniles assign points based on the offender's age, the seriousness of the present crime, the number and seriousness of past crimes, and the length of time between past offenses and the current offense. The total number of points determines the standard range sentence. There is concern that the juvenile disposition grid and formulas for determining the disposition to be imposed on an offender are very complicated and do not allow sufficient judicial discretion. In addition, many juvenile offenders experience chemical dependency and the proponents of this bill believe there should be a disposition option which has chemical dependency treatment as its main focus. It is also believed by supporters of this bill that young offenders should remain in the jurisdiction of juvenile court long enough to benefit from rehabilitative services and conditions imposed by the court.

Summary of Bill: Adult Criminal History: An adult's criminal history includes all prior juvenile adjudications, regardless of the age of the juvenile at the time of the offense. Prior juvenile adjudications entered or sentenced on the same date are counted as separate offenses unless they encompass the same criminal conduct.

Payment of Treatment: If an offender under adult jurisdiction is found eligible for the special sex offender sentencing alternative and was less than 18 years old at the time the charge was filed, the state pays for the cost of initial evaluation and treatment.

Capacity of Ten and 11 Year Olds: A hearing is required to be held when a child, age ten or 11 years, is alleged to have committed an offense in order for the court to determine whether the child has the capacity to understand the act or neglect and that it was wrong.

Jurisdiction: Juvenile court has jurisdiction over civil infractions unless the infraction is committed by a juvenile age 16 years of age or older and, if committed by an adult, the infraction is heard in a court of limited jurisdiction. In that case, a court of limited jurisdiction has jurisdiction over the offense. Adult criminal court has exclusive original

jurisdiction over proceedings in which a juvenile age 16 or 17 years is charged with a violent offense.

Standard Range Disposition: The current structure for determining an offender's standard range disposition is replaced with a new disposition grid. The distinctions between minor/first, middle, and serious offenders are removed. The standard range disposition for a juvenile offender is based on the seriousness of the current offense and prior felony adjudications. Based on the seriousness of the current offense and prior felony adjudications, a juvenile offender receives a standard range disposition of either local sanctions or commitment to JRA. Prior misdemeanor offenses and the seriousness of prior felony adjudications may be considered for the purpose of imposing a manifest injustice disposition. Local sanctions consist of up to 30 days confinement, up to 12 months of community supervision, up to 150 hours of community service, and up to a \$500 fine. A misdemeanor or gross misdemeanor offender receives a standard range disposition of local sanctions. The initial JRA commitment range is increased to 24-36 weeks. An offender who commits a B+ or more serious offense receives a standard range disposition of commitment to JRA for at least 24-36 weeks. Other felony offenders receive commitment to JRA only if the offender has one or more prior felony adjudications. An offender who commits an A+ offense is committed to JRA for 180 weeks up to age 21. A juvenile offender may be released only to a responsible adult.

Deferred Adjudication: Deferred adjudication is replaced with deferred disposition. Juvenile court has the authority to continue a case for disposition for up to one year from the date of entry of a plea of guilty or a finding of guilt. The offender is placed on community supervision and upon full compliance with the terms of the supervision, the adjudication is vacated and the case is dismissed.

Chemical Dependency Disposition Alternative (CDDA): Offenders with a standard range disposition of local sanctions or commitment to JRA for 24-36 weeks who have not committed an A- or B+ offense are eligible for the CDDA if examination shows them to be chemically dependent and amenable to treatment. The court suspends the standard range disposition on the condition that the offender undergo available outpatient or inpatient drug/alcohol treatment and comply with conditions of community supervision. The court may impose up to 30 days confinement. The sum of confinement and inpatient treatment may not exceed 90 days.

Firearm Enhancement: A court must impose a disposition of at least ten days for an offender who is found in violation of minor in possession of a firearm.

Juvenile Offender Basic Training Camp: Offenders who receive a disposition of up to 36 weeks of confinement are eligible for the basic training camp.

Parental Participation: Notice of juvenile hearings are required to be given to the juvenile's parent, guardian, or custodian and that person is required to attend. The person notified may be held in contempt for failing to attend without reasonable cause. The court is directed to consider all factors relevant to the person's ability to appear in deciding whether to pursue contempt.

Restitution: When the court determines the amount and conditions of restitution that a juvenile offender must pay, it may fashion a payment plan that extends up to ten years after the respondent's 18th birthday. Language is deleted that allowed a court to excuse payment of either full or partial restitution because of the inability of the offender to pay. The formula for determining how much detention time is counted against unpaid restitution is also removed.

Juvenile Records: A juvenile's record may not be sealed until full restitution has been paid. The subsequent charging of an adult felony nullifies a sealing order on the offender's juvenile records.

Drive-by Shooting: Reckless endangerment first degree is renamed drive-by shooting.

Appropriation: None.

Fiscal Note: Requested on February 25, 1997.

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