

HOUSE BILL REPORT

SSB 6244

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to the extension of juvenile court jurisdiction to enforce a penalty assessment.

Brief Description: Extending juvenile court jurisdiction for the purpose of enforcing penalty assessments.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, McAuliffe and Winsley).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/25/00 [DP];

Appropriations: 2/26/00 [DP].

Brief Summary of Substitute Bill

- Extends the length of time that the court retains jurisdiction over a juvenile offender for purposes of compliance with payment of the penalty assessment.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

A juvenile adjudicated of an offense is required to pay a victim penalty assessment. The assessment is \$100 for each case that includes one or more adjudications for a felony or gross misdemeanor and \$75 for each case that includes adjudications of one

or more misdemeanors. The penalty assessment is used for county programs that provide comprehensive services to victims and witnesses of crimes.

The juvenile court has jurisdiction over a juvenile beyond the juvenile's 18th birthday only in certain specified instances, and jurisdiction never extends beyond the juvenile's 21st birthday, except for the enforcement of a restitution order.

A recent Court of Appeals decision, *State v. Y.I.*, held that the victim penalty assessment was part of the disposition order and terminates when the community supervision period expires. In reaching its decision, the court noted that if the Legislature had intended the court's jurisdiction to extend beyond this time period, it would have enacted a specific grant of jurisdiction for this purpose as it did for restitution orders.

Summary of Bill:

The court retains jurisdiction over a juvenile who is required to pay a penalty assessment for up to 10 years after the juvenile's 18th birthday. Before the expiration of the 10-year period, the court may extend the judgment for payment of the penalty assessment for an additional 10 years. The bill applies retroactively to the date of the decision in *State v. Y.I.* (March 29, 1999).

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately. Applies retroactively to March 29, 1999.

Testimony For: This bill definitely enhances all of the legislation that the county clerks have been pursuing over the last several years. The clerks have been instrumental in getting legislation passed that would allow the extension of jurisdiction to enhance the collection of legal financial obligations for both adults and juveniles. The recent court case held, however, that this extension of jurisdiction does not extend to the penalty assessment. The end result of the decision is that penalty assessments will never be received because the community supervision period expires before they can be collected. The bill is necessary because it holds juvenile offenders accountable and also increases the credibility of the court to impose these orders. There is a small fiscal impact on the bill which the counties are willing to assume since the benefits of the bill would far out weigh the costs.

Testimony Against: None.

Testified: Debbie Wilke, Washington State Association of County Clerks.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately. Applies retroactively to March 29, 1999.

Testimony For: County clerks have made efforts over the last six years to improve the collections of offender debt, both for juveniles and adults. This will help improve collection. Right now, the period of supervision (and hence collection) is very short, typically six months after the juvenile is released from incarceration. This will help hold youth accountable and make them responsible adults. While there will be an impact on court time, it is worthwhile and it will be offset by increased revenue collections.

Testimony Against: None.

Testified: Debbie Wilke, Washington State Association of County Clerks.