

FINAL BILL REPORT

SSB 6244

C 71 L 00

Synopsis as Enacted

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).

Senate Committee on Human Services & Corrections
House Committee on Criminal Justice & Corrections
House Committee on Appropriations

Background: On March 29, 1999, Division I of the Washington State Court of Appeals decided *State v. Y.I.* The court held that the victim penalty assessment, which the defendant in this case did not pay, was part of a disposition order. Because the state did not file a motion on violation of the disposition order before the expiration of the community supervision period, the court held the trial court had no jurisdiction to hear the matter. Furthermore, the court held that if the Legislature had intended that the court's jurisdiction extend past the expiration of the community supervision period, it would have specifically stated that as it did in RCW 13.40.190 with restitution orders. Since the Legislature was not specific, the trial court was without jurisdiction to hear the matter.

In *State v. Humphrey*, 139 Wn.2d 53 (1999), the Supreme Court held that the term whenever,— as used to designate the triggering event for assessing a victim penalty, does not specify a precise point in time. Therefore, it was not clear whether the triggering event for imposing the penalty assessment was the date of conviction or date of sentencing.

Summary: The legislative intent is to clarify the holding in *State v. Y.I.* to require juvenile offenders to satisfy penalty assessments. If a juvenile is required to pay a penalty assessment, he or she remains under the court's jurisdiction for 10 years after his or her 18th birthday. Before expiration of the 10-year period, the court may extend the judgment for payment of the penalty assessment for an additional 10 years.

A person's conviction is the triggering event for purposes of assessing a victim penalty assessment, thus clarifying the holding in *State v. Humphrey*.

Votes on Final Passage:

Senate	44	0	
House	98	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: March 22, 2000

