

# FINAL BILL REPORT

## EHB 1187

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Synopsis as Enacted

**Brief Description:** Eliminating mandatory minimum sentences for certain youthful offenders tried as adults.

**Sponsors:** By Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa.

**House Committee on Juvenile Justice & Family Law**  
**Senate Committee on Human Services & Corrections**

### **Background:**

Generally, juvenile court exercises jurisdiction over criminal offenses committed by juveniles 17 years of age or younger. However, the adult court may exercise jurisdiction over an offender under the age of 18 in two circumstances. First, the court may hold a hearing and decline jurisdiction over the youth. Second, jurisdiction may be automatically transferred to adult court if the youth is 16 or 17 years old and the specific criteria for automatic transfer is met.

If the youth is convicted of the offense in adult court, he or she will be subject to the same penalties as an adult who is over the age of 18. The Sentencing Reform Act governs the sentencing of adults and juveniles prosecuted as adults. Offenders are sentenced based upon a grid by which the sentence is calculated from the seriousness level given to the offense and the offender's prior criminal history. The sentencing grid contains a range of months of confinement from which the judge may choose a specific number of months as the sentence to be imposed on the defendant.

A judge may impose a sentence outside the standard range only if he or she finds aggravating or mitigating circumstances sufficient to support an exceptional sentence that is either above or below the standard range.

Some offenses carry a mandatory minimum sentence, meaning that the judge may not give a sentence below the period of confinement specified in the statute. These sentences cannot be reduced by factors that would be considered in a standard range sentence, such as exceptional sentences or earned early release. Mandatory minimum sentences apply to both adults and juveniles who are tried as adults.

### **Summary:**

The adult mandatory minimum sentences do not apply when a juvenile is sent to adult court after a decline hearing has been held in juvenile court and the court determines the adult court is the appropriate court for the juvenile. When a juvenile has been discretionarily declined, a

judge may either sentence a juvenile to any sentence within the standard range for the offense or impose an exceptional sentence downward. The juvenile would also be eligible for the same opportunity for earned early release as any person sentenced for a standard range sentence.

The mandatory minimum sentences will continue to apply to cases that are automatically transferred to adult court. The sentencing change applies only to offenses committed on or after the effective date of the act.

**Votes on Final Passage:**

House	96	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 24, 2005