1 AN ACT Relating to elimination of mandatory minimum sentences for
2 youthful offenders tried as adults; amending RCW 9.94A.540; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. Sec. 1. (1) The legislature finds that emerging
6 research on brain development indicates that adolescent brains, and
7 thus adolescent intellectual and emotional capabilities, differ
8 significantly from those of mature adults. It is appropriate to take
9 these differences into consideration when sentencing juveniles tried as
10 adults. The legislature further finds that applying mandatory minimum
11 sentences for juveniles tried as adults prevents trial court judges
12 from taking these differences into consideration in appropriate
13 circumstances.

14 (2) The legislature intends to eliminate the application of
15 mandatory minimum sentences under RCW 9.94A.540 to juveniles tried as
16 adults, and to continue to apply all other adult sentencing provisions
17 to juveniles tried as adults.
Sec. 2.  RCW 9.94A.540 and 2001 2nd sp.s. c 12 s 315 are each amended to read as follows:

(1) Except to the extent provided in subsection (3) of this section, the following minimum terms of total confinement are mandatory and shall not be varied or modified under RCW 9.94A.535:

(a) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years.

(b) An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years.

(c) An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years.

(d) An offender convicted of the crime of sexually violent predator escape shall be sentenced to a minimum term of total confinement not less than sixty months.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.728(4).

(3)(a) Subsection (1) of this section shall not be applied in sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)(i).

(b) This subsection (3) applies only to crimes committed on or after the effective date of this act.

Passed by the House April 21, 2005.
Passed by the Senate April 21, 2005.
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