
Public Safety Committee

HB 1896

Brief Description: Promoting fair and proportional sentencing by modifying scoring provisions in the sentencing reform act.

Sponsors: Representatives Morgan, Jinkins, Ormsby, Tharinger, Davis, Appleton, Fitzgibbon, Robinson and Frame.

Brief Summary of Bill

- Excludes juvenile dispositions and certain convictions for offenses committed by persons under the age of 18 from counting towards an offender score under the Sentencing Reform Act, resulting in those prior offenses not factoring into the calculation of a sentence for a present offense charged in adult court.

Hearing Date: 2/18/19

Staff: Kelly Leonard (786-7147).

Background:

When a person is convicted of a ranked felony, the Sentencing Reform Act (SRA) applies and determines a specific sentence range within a statutory maximum. Sentences are determined by reference to a sentencing grid, which provides a standard range of months for the sentence. This range is based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history.

The seriousness level of an offense is designated in statute, and ranges from level I to level XVI. The offender score may vary from zero to nine or more points, depending on certain factors. The offender score is primarily based on the number of prior felony convictions. Prior felony convictions are assigned between one-half and three points each, depending on the nature and circumstances of the present and prior offense. Certain prior felony convictions "wash out" after specified crime-free time periods and are not included in an offender score.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Although juvenile records are generally sealed, a sealing order is nullified when a person is charged with an adult felony subsequent to the sealing. Those unsealed dispositions are included in the offender score, unless sufficient time has passed for the general wash-out provisions to apply. Prior juvenile dispositions are often counted differently than adult convictions, depending on the nature of the prior offense and the current offense. For example, for sentencing a present nonviolent offense, a prior nonviolent juvenile disposition counts as one-half of a point and a prior violent juvenile disposition counts as one point, as compared to one point for any prior adult conviction. However, both prior adult convictions and juvenile dispositions are assigned higher point values in certain circumstances.

While most crimes committed by persons under the age of 18 are adjudicated in juvenile court, some cases are transferred to adult court after a discretionary hearing or are otherwise automatically transferred to adult court based on statutory criteria. A person age 16 or 17 is automatically transferred to adult court when charged with a serious violent offense, a certain violent offense where he or she has a qualifying criminal history, or Rape of a Child in the first degree. If a person under the age of 18 is convicted in adult court, the conviction is considered an adult conviction for offender scoring in subsequent cases.

In addition to the base sentence, other factors affect criminal sentencing, including, for example: enhancements; exceptional sentences, either above or below the base sentence; consecutive or concurrent sentences; and alternative sentences.

Summary of Bill:

Offender scoring provisions are modified. Prior juvenile dispositions do not count towards an offender score. Prior adult convictions for any offenses committed before the age of 18 do not count towards an offender score, unless those offenses would be subject to automatic transfer from juvenile to adult court under the laws in place at the time of the present offense. Similar changes are made to account for out-of-state and federal offenses, including excluding those offenses from counting if they would have otherwise been adjudicated in juvenile court under Washington laws.

Appropriation: None.

Fiscal Note: Requested on February 13, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.