
Children, Youth & Families Committee

SB 5609

Brief Description: Eliminating fingerprinting at juvenile dispositions.

Sponsors: Senators Trudeau, Wilson, C., Das, Hasegawa, Nguyen, Nobles and Stanford; by request of Administrative Office of the Courts.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Eliminates the requirement that a fingerprint of a juvenile adjudicated of a felony offense be attached to an adjudication order.

Hearing Date: 2/16/22

Staff: Luke Wickham (786-7146).

Background:

Juvenile Offender Proceedings.

In the State of Washington, juvenile courts are a division of the state's superior court system. Juvenile courts have jurisdiction over persons under age 18 who are alleged to have committed a crime. However, there are several exceptions to that jurisdiction where state law requires youth to be tried in adult courts. There are three situations where adult criminal courts may have jurisdiction over persons under age 18:

- The juvenile court declines jurisdiction to adult court following a discretionary decline hearing which a court can initiate on its own motion or any party may file a motion requesting the court transfer the juvenile to adult court only if:
 - the respondent is at least age 15 and is charged with a serious violent offense;
 - the respondent is age 14 or younger and is charged with Murder in the first or second degree; or
 - the respondent is any age and is charged with custodial assault and, at the time the

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- respondent is charged, is already serving a minimum juvenile sentence to age 21.
- The juvenile court is required to hold a decline hearing in circumstances when the information alleges an escape and the juvenile is serving a minimum juvenile sentence to age 21.
 - Adult criminal courts have exclusive jurisdiction (often referred to as "automatic decline") over juveniles age 16 or 17 on the date of the offense when the offense is:
 - a serious violent offense;
 - a violent offense and the juvenile has a criminal history consisting of a prior serious violent offense, two or more prior violent offenses, or three or more of any combination of class A felonies, class B felonies, Vehicular Assault, or Manslaughter in the second degree; or
 - Rape of a Child in the first degree.

Juvenile court dispositions are subject to statutory sentencing guidelines. Juvenile offenses are categorized using letters E through A++ to indicate the seriousness level of the offense. A statutory grid establishes the standard sentencing range for a particular offense based on the offense category and an individual's prior adjudications. Each prior felony adjudication counts as one point, and each prior violation, misdemeanor, or gross misdemeanor counts as one-fourth point. Fractional points are rounded down.

The sentencing category called local sanctions is the least serious category for juvenile sentencing purposes. Local sanctions include a range of up to 30 days in confinement, up to 12 months of community service, up to 150 hours of community service, and up to a \$500 fine. When a juvenile court sentences a juvenile offender to local sanctions, the court must impose a determinate sentence within the standard range. Confinement imposed by a juvenile court up to 30 days is served in a county juvenile detention facility.

Any confinement imposed that is greater than 30 days is served through commitment at a Department of Social and Health Services juvenile rehabilitation facility.

Fingerprinting Following Arrest or Adjudication.

Each county sheriff or director of public safety, chief of police of every town or city, and chief officer of other law enforcement agency must photograph and fingerprint all adults and juveniles lawfully arrested for the commission of any felony or gross misdemeanor offense. When an arrested juvenile is brought directly to a juvenile detention facility, the juvenile court administrator is also authorized, but not required, to photograph and fingerprint these juveniles.

Each county sheriff or director of public safety, chief of police of a city or town, and chief officers of other law enforcement agencies operating within the state must transmit to the Washington State Patrol identifying information, including fingerprints, within 72 hours.

At the preliminary hearing or the arraignment of a felony case, the judge must make sure that the felony defendants have been fingerprinted. In cases where fingerprints have not been taken, the judge must order the chief law enforcement officer or the juvenile court administrator to initiate

fingerprinting and transmit the fingerprints to the Washington State Patrol.

Every judgment and sentence for a felony conviction and every order adjudicating a juvenile for a felony offense requires a fingerprint of the person who was convicted or adjudicated of the felony offense. When requested, the actual affixing of the fingerprints must be done by a representative from the county sheriff's office. The court clerk must attest that the fingerprints are those of the individual included on the judgment or adjudication.

Summary of Bill:

The requirement that every order adjudicating a juvenile of a felony offense include the fingerprint of the juvenile attached to the original adjudication order is removed.

Appropriation: None.

Fiscal Note: Available.

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