

SENATE BILL REPORT

SB 5365

AS OF JANUARY 31, 1991

**Brief Description:** Changing juvenile disposition standards.

**SPONSORS:** Senators Nelson and Rasmussen.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Richard Rodger (786-7461)

**Hearing Dates:** February 4, 1991

**BACKGROUND:**

The juvenile sentencing standards are used to determine the sentencing ranges for juvenile offenders. The factors used in setting the standards include: the seriousness of the offense, the juvenile's age, the offender's criminal history, and the time period that has elapsed between the current offense and the last offense the juvenile committed. The Juvenile Disposition Commission reviews the standards on an annual basis and makes its recommendations to the Legislature.

Offense categories. Various offenses are labeled by 10 seriousness categories ranging from the least serious "E" to the most serious "A+." The commission recommends expanding the number of categories to 13 to provide more sentencing options.

Juvenile offender minor/first category. Juvenile offenders are divided into three categories: minor/first offenders, middle offenders, and serious offenders. An offender falls into a category depending on the factors identified above. Certain offenses considered too serious to be in the minor/first category are excluded regardless of the offender's age or criminal history. Offenses currently designated "B+" or greater offenses are excluded except possession of an incendiary device, first-degree promoting prostitution, and violation of the Uniform Controlled Substances Act - narcotic sale. Inclusion of those three offenses within the possible minor/first category creates an apparent discrepancy in the sentencing scheme.

Prior offense factors. Juvenile offenders who have committed crimes more recently receive more "points" than other offenders. Currently, three time spans are used to determine the number of points for prior offenses: 0 to 12 months, 13 to 24 months, or over 25 months from the last offense. The commission recommends using two time span categories for prior offenses.

Age categories for determining standard ranges. Currently, six age categories are used as factors in determining the standard range for offenses of various seriousness levels. The six categories are: 12 and under, 13, 14, 15, 16, and 17. In general, the older the offender is the higher the sentencing range for offenses of the same seriousness level. In order to simplify the schedule, the commission recommends using three age categories.

Penalties for dealing drugs within 1000 feet of a school ground or school bus stop. Under the adult sentencing scheme, drug offenders who deal drugs within 1000 feet of a school ground or a school bus stop may receive a sentence enhancement up to double the amount of the normal sentence. The commission recommends increasing the penalties for juveniles who sell drugs near school grounds or school bus stops.

**SUMMARY:**

New schedule of categorizing offenses. The number of offense seriousness levels is increased from 10 to 13 to allow for more sentencing options. The categories now range from the lowest "M1" offenses that are equivalent to misdemeanors, to the highest "A1" which is first-degree murder. The new categories are numbered as follows: A1, A2, A3, A4, B1, B2, B3, C1, C2, GM1, GM2, GM3, and M1. Two of the three new categories assign a greater number of points for selected offenses that were previously in lower categories.

The three new categories provide greater sentencing options between first and second-degree murder, in general more severe sentences for crimes against persons than property, and a more severe penalty for residential burglary than commercial burglary.

Deletion of offenses from the minor/first offender category. The following offenses are deleted from consideration of the minor/first offender category: possession of an incendiary device, first-degree promoting prostitution, and violation of the Uniform Controlled Substance Act - narcotic sale. This amendment corrects the current conflict in the sentencing structure.

Reduction in prior offense categories. The prior offense categories used in determining the increase for sentences is reduced from three to two categories. The new categories are 0-12 months and 13 or more months from the current offense. The factor for offenses more than 13 months ago will be the factor currently used for offenses occurring 25 or more months prior to the current offense. This change will reduce sentences for juveniles whose prior offenses were committed between 13 to 24 months prior to the current offenses.

Reduction in number of age categories. The current six age categories used for determining standard ranges are reduced to three categories: 13 and under, 14 and 15, and 16 and 17. The change is intended to simplify the sentencing scheme and is not intended to have significant sentencing or bed impacts.

Increased penalties for drug dealers who deal near schools.  
The penalties for dealing drugs within 1000 feet of a school or school bus stops are increased, but no more than double the standard sentence for drug dealing. For example, the average minimum sentence for a narcotic sale is increased from 37 weeks to 60 weeks.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 28, 1991

**Effective Date:** July 1, 1991