

# HOUSE BILL REPORT

## SSB 6105

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### As Passed House - Amended:

March 3, 2004

**Title:** An act relating to juvenile penalties for animal cruelty.

**Brief Description:** Revising penalties for animal cruelty.

**Sponsors:** By Senate Committee on Judiciary (originally sponsored by Senator McCaslin).

### Brief History:

#### Committee Activity:

Juvenile Justice & Family Law: 2/24/04, 2/26/04 [DPA].

#### Floor Activity:

Passed House - Amended: 3/3/04, 96-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Increases the juvenile sentencing category for animal cruelty in the first degree from a C, which is current law, to a B offense.
- Permits a court to order a mental health evaluation, and treatment if necessary, when an offender is entering a deferred disposition for animal cruelty in the first degree.
- Removes the court's ability to vacate a conviction of animal cruelty in the first degree upon successful completion of the terms of deferred disposition.

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### HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

**Staff:** Sonja Hallum (786-7092).

### Background:

Sentencing for juvenile offenses is based upon a grid system in which the seriousness of

the offense and the juvenile's prior offenses are used to calculate the current sentence. Most juvenile offenses are categorized in statute and assigned a seriousness level. Dispositions for offenses not listed in this statute may be determined by converting adult offense classifications into the corresponding juvenile category. Animal cruelty in the first degree is not specifically listed on the juvenile offense description and category list. The adult classification for animal cruelty in the first degree is a class C felony. Therefore, for the purposes of juvenile sentencing, animal cruelty in the first degree is classified as a category C offense for a juvenile.

The standard range disposition for a juvenile who is found to have committed animal cruelty in the first degree is composed of "local sanctions." Local sanctions may include any of the following: 0 - 30 days confinement, 0 - 12 months community supervision, 0 - 150 hours community restitution, and \$0 - \$500 fine.

An alternative disposition to a standard range sentence for a juvenile offender is a deferred disposition sentence. If the court imposes a deferred disposition, the court may continue the case for a period not to exceed one year and place the juvenile under community supervision. The court will require payment of restitution and may impose other conditions of supervision it deems appropriate. At the conclusion of the period of deferral, if there has been full compliance, the court will vacate the juvenile's conviction and dismiss the case.

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**Summary of Amended Bill:**

Animal cruelty in the first degree is added to the juvenile Offense Description and Offense Category list as a B offense. The disposition for a B offense is a commitment sentence that would vary depending upon the juvenile's criminal history. Depending on the prior adjudications of the juvenile, the sentence would be a minimum of local sanctions and a maximum of 52 - 65 weeks of commitment.

If a juvenile is granted a deferred disposition for animal cruelty in the first degree, the court may require the offender to submit to a mental health evaluation to determine if the offender would benefit from treatment and to attend the treatment to address issues pertinent to the offense. At the conclusion of the deferred disposition period, if the respondent successfully completes the deferred disposition, the deferred disposition will end; however, the court will not vacate the conviction for animal cruelty in the first degree.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect on July 1, 2004.

**Testimony For:** None.

**Testimony Against:** None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.