

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1187**

Chapter 437, Laws of 2005

59th Legislature  
2005 Regular Session

JUVENILE OFFENDERS--SENTENCING

EFFECTIVE DATE: 7/24/05

Passed by the House April 21, 2005  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 21, 2005  
Yeas 49 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 13, 2005.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1187** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

May 13, 2005 - 2:24 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1187**

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AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa

Read first time 01/18/2005.      Referred to Committee on Juvenile Justice & Family Law.

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.

1       **Sec. 2.** RCW 9.94A.540 and 2001 2nd sp.s. c 12 s 315 are each  
2 amended to read as follows:

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

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

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

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

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

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

32       (3)(a) Subsection (1) of this section shall not be applied in  
33 sentencing of juveniles tried as adults pursuant to RCW  
34 13.04.030(1)(e)(i).

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

Passed by the House April 21, 2005.

Passed by the Senate April 21, 2005.

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.