

FINAL BILL REPORT

E2SSB 6160

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Synopsis as Enacted

Brief Description: Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Kuderer, Darneille and Palumbo).

Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means
House Committee on Early Learning & Human Services
House Committee on Appropriations

Background: Juvenile courts have exclusive original jurisdiction over criminal offenses, traffic or civil infractions, and violations committed by a youth under 18 unless an exception applies. One such exception, known as autodecline, applies to juveniles who are 16 or 17 on the date of the offense and are charged with:

- a serious violent offense;
- a violent offense and the juvenile has a criminal history consisting of a serious violent offense, two or more violent offenses, or three of a number of specified felony offenses;
- robbery 1;
- rape of a child 1;
- drive-by shooting;
- burglary 1 if the juvenile has a prior felony or misdemeanor offense; or
- any violent offense when the juvenile is alleged to have been armed with a firearm.

The Juvenile Justice Act (JJA) provides a sentencing grid which uses a comparison between a seriousness level—called current offense category—and the number of prior adjudications to produce a determinate sanction ranging from local sanctions to a maximum range of confinement from 180 weeks to until age 21. Local sanctions means zero to 30 days in custody, one year or less on probation, 150 hours of community restitution, or a fine of up to \$500.

A suspended disposition alternative, called Option B, exists for juvenile offenders who are not adjudicated for certain offenses. Imposition of Option B results in the suspension of the standard penalty range and imposition of local sanctions and an educational or treatment requirement.

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.

A discretionary decline hearing is a hearing set at the motion of the prosecutor, the juvenile, or the court to request the transfer of the juvenile to adult court for adult criminal prosecution. A mandatory decline hearing must be held, unless waived by all parties and the court, if:

- the juvenile is 16 or 17 and charged with a class A felony or attempt, solicitation, or conspiracy to commit a class A felony;
- the juvenile is 17 years old and charged with assault 2, extortion 1, indecent liberties, child molestation 2, kidnaping 2, or robbery 2; or
- the juvenile is charged with escape and is serving a minimum sentence to age 21.

Serious violent felonies include murder 1, murder 2, homicide by abuse, manslaughter 1, assault 1, kidnaping 1, rape 1, assault of a child 1, and attempts, criminal solicitations, and criminal conspiracies to commit one of these felonies. Violent offenses include all of the above and any class A felony, any attempt, solicitation, or conspiracy to commit a class A felony, manslaughter 2, indecent liberties by forcible compulsion, kidnaping 2, arson 2, assault 2, assault of a child 2, extortion 1, robbery 2, and drive-by shooting.

The JJA includes certain minimum terms and sentencing enhancements when the court finds that the juvenile or an accomplice was armed with a firearm during an offense. The juvenile firearm enhancement is six months for a class A felony, four months for a class B felony, and two months for a class C felony. The court may impose a different disposition when this disposition would effectuate a manifest injustice. The firearm enhancement applicable in adult court is five years for a class A felony, three years for a class B felony, and 18 months for a class C felony.

A juvenile may not be committed to placement in a juvenile institution beyond the juvenile's 21st birthday. Parole may be ordered for a maximum of 12 months.

The Sentencing Reform Act has two sections establishing sentencing provisions for offenders in adult court related to criminal street gangs and their members and associates. A sentencing enhancement increases the standard sentencing range by multiplying it by 125 percent for any person 18 or older who compensated, threatened, or solicited a minor in the commission of a criminal street gang-related felony offense. An aggravating factor supports imposition of an exceptional sentence above the standard range if the defendant committed an offense with the intent to cause any benefit, aggrandizement, gain, profit, or other advantage to a criminal street gang, its reputation, influence, or membership.

Summary: The following offenses are transferred from the exclusive original jurisdiction of adult court to the exclusive original jurisdiction of juvenile court when committed by a youth aged 16 or 17:

- robbery 1;
- drive by shooting;
- burglary 1 if juvenile has a prior felony or misdemeanor offense; and
- any violent offense when juvenile is alleged to have been armed with a firearm.

Sentencing ranges under the JJA are modified to create a new A++ sentencing range of 129 to 260 weeks, which is applied to persons age 16 or 17 adjudicated for drive-by shooting, and

robbery 1. The penalty range of burglary 1 is increased for all 16-17 year olds, with a resulting increase in standard range sanctions, for example, from 15-36 weeks to 30-40 weeks for juveniles with no prior adjudications.

The range of juvenile offenders authorized to receive an Option B suspended disposition alternative is increased to include offenders adjudicated for the following offenses:

- robbery 2;
- residential burglary;
- burglary 2;
- intimidating a witness; and
- manufacturing, delivery, or possession with intent to deliver a controlled substance or amphetamine, except in circumstances involving infliction of bodily harm or possession of a deadly weapon.

Second or subsequent Option B diversions are disallowed, and certain juveniles adjudicated for manslaughter 2 are made ineligible.

A discretionary decline hearing may not be set unless the juvenile is at least age 15 and charged with a felony which is a serious violent offense, or unless the juvenile is age 14 or younger and charged with murder 1 or murder 2. Mandatory decline hearings are eliminated, except for allegations of escape when a juvenile is serving a minimum sentence to age 21.

The firearm enhancement under the JJA is increased to 12 months for any juvenile aged 16 or 17 who is adjudicated for a violent offense. A sentencing enhancement is created in juvenile court requiring three months total confinement, to be served consecutively with any other enhancement, which must be added to the sentence of a youth aged 16 or 17 who is charged with robbery 1, drive-by shooting, burglary 1, or any violent offense while armed by a firearm if the court finds that the juvenile's participation was related to membership in a criminal street gang or related to advancing the benefit, aggrandizement, gain, profit, or other advantage of a criminal street gang.

The age limit for placement in a juvenile institution is increased to 25 years of age for juveniles aged 16 or 17 who are convicted of robbery 1, drive by shooting, or who receive a 12-month firearm sentencing enhancement. For these juveniles, the length of parole is increased from 12 to 24 months, and may extend until the juvenile's 25th birthday.

Juvenile Rehabilitation must take appropriate actions to protect younger children in the custody of Juvenile Rehabilitation from older youth confined in its facilities to reduce potential risks of victimization and negative influences. The court may exercise oversight to accomplish this goal.

The Washington Institute for Public Policy is directed to assess the impact of this act on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation to the extent possible and submit a preliminary report to the Governor and Legislature on December 1, 2023, and a final report on December 1, 2031.

Votes on Final Passage:

Senate	35	12	
House	58	40	(House amended)
Senate	31	18	(Senate concurred)

Effective: June 7, 2018
July 1, 2019 (Sections 2 and 7)