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**Human Services, Youth, & Early  
Learning Committee**

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**HB 2186**

**Brief Description:** Concerning deferred adjudications for juveniles.

**Sponsors:** Representatives Senn, Taylor, Simmons, Reed and Ormsby.

**Brief Summary of Bill**

- Replaces the juvenile court dispositional option called a "deferred disposition" with a "deferred adjudication" that defers the adjudication phase of the juvenile court process pending the juvenile's compliance with the terms imposed by the court (instead of the court entering a finding or plea of guilt before entering a deferred disposition, which defers the dispositional phase of the juvenile court process).
- Expands eligibility for deferred adjudications to allow eligibility for juveniles with a robbery in the second degree charge and those with a previous deferred adjudication.

**Hearing Date:** 1/17/24

**Staff:** Luke Wickham

**Background:**

*Juvenile Justice.*

In 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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 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 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 Children, Youth, and Families juvenile rehabilitation facility.

#### *Deferred Disposition.*

A deferred disposition allows an eligible juvenile to defer the imposition of a disposition (equivalent to an adult sentence) and instead be placed on local sanctions, which may include community supervision for up to 12 months. If the juvenile completes the terms of that

community supervision, the adjudication is vacated and the case is dismissed.

Community supervision includes an order that the juvenile refrain from committing new offenses, attend school, and may include one or more of the following:

- community-based sanctions;
- community-based rehabilitation;
- monitoring and reporting requirements;
- posting of a probation bond; and
- residential treatment.

Community supervision may not include detention.

If the conditions of community supervision are not met by the end of the supervision term, the court may continue the case for an additional 12 months for good cause. If the court finds that the conditions of supervision are not satisfied, the court may revoke the deferred disposition and impose a different disposition option.

A juvenile must request a deferred disposition at least 14 days before trial unless there is good cause to allow less time. The court may not impose a deferred disposition unless the juvenile agrees to it. In all cases where a juvenile is eligible for a deferred disposition, there is a strong presumption that the court will grant the request.

A juvenile is eligible for a deferred disposition unless the person:

- is charged with a sex or violent offense;
- has a criminal history which includes a felony;
- has a prior deferred disposition or deferred adjudication; or
- has two or more adjudications.

A juvenile who agrees to a deferred disposition must:

- stipulate to the admissibility of the facts in the police report;
- acknowledge that the police report will be entered and used to support a finding of guilt if the juvenile fails to comply with the supervision terms;
- waive rights to a speedy disposition and call and confront witnesses; and
- acknowledge the consequences of being found guilty.

### **Summary of Bill:**

#### *Deferred Adjudication.*

The juvenile court dispositional option called a "deferred disposition" is replaced with a "deferred adjudication" that defers the adjudication phase of the juvenile court process pending the juvenile's compliance with the terms imposed by the court (instead of entering a finding or plea of guilt before entering a deferred disposition, which defers the dispositional phase of the juvenile court process).

For this deferred adjudication, the juvenile acknowledges that if the deferred adjudication is revoked by the court the juvenile must:

- stipulate to the admissibility of the facts as agreed to by the parties or the admissibility of the police report;
- acknowledge that the police report will be entered and used to support a finding of guilt and to impose a disposition;
- waive rights to a speedy trial, speedy disposition, call and confront witnesses, and contest the admissibility of evidence; and
- acknowledge the consequences if found guilty.

The court is authorized to revoke a deferred adjudication and review any admissible written police reports or stipulated facts agreed to by the parties to determine whether to enter a finding of guilt and disposition if the court finds that the juvenile failed to comply with the terms of a deferred adjudication.

A deferred adjudication does not constitute an adjudication or finding of guilt unless the deferred adjudication is revoked and a finding of guilt is entered.

*Expansion of Eligibility.*

The eligibility for a deferred adjudication is expanded (beyond what is currently allowed for deferred dispositions) to include all juveniles unless the juvenile:

- is charged with a sex or violent offense other than Robbery in the second degree (current law excludes all sex or violent offenses including Robbery in the second degree);
- has a criminal history which includes any felony adjudication; or
- on the date of the offense, had two prior deferred dispositions or adjudications, except that multiple prior deferred adjudications entered on the same date count as one prior deferred adjudication for purposes of eligibility for an additional deferred adjudication (current law only allows a juvenile to obtain one deferred adjudication).

There is a strong presumption that the court enter a deferred adjudication when the juvenile is eligible except for charges of Robbery in the second degree or cases where the youth has a prior deferred adjudication. In those cases, the court has discretion whether to grant a deferred adjudication.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2024.

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