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

HB 2217

Brief Description: Concerning authority over individuals found guilty of or accused of criminal offenses that occurred when the individual was under age 18.

Sponsors: Representatives Cortes, Senn, Santos, Ormsby, Reed, Fosse, Doglio and Pollet.

Brief Summary of Bill

- Expands juvenile court jurisdiction to include criminal proceedings pertaining to individuals under age 21 who are accused of a criminal offense committed under the age of 18.
- Allows the juvenile court to extend jurisdiction past the age of 18 in cases in which the parties, with the court's approval, have waived exclusive adult court jurisdiction and agreed to transfer the case to juvenile court.
- Modifies the conditions under which a discretionary decline hearing may be held to allow a decline hearing when a juvenile charged with certain qualifying offenses was at the requisite age at the time of the offense, rather than at the time of the proceedings.
- Makes changes to jurisdiction and disposition provisions pertaining to juveniles accused or adjudicated of Murder in the first or second degree committed at age 14 or 15 or of Rape in the first degree committed at age 15.

Hearing Date: 1/17/24

Staff: Omeara Harrington (786-7136).

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.

Background:

Juvenile Court Jurisdiction.

Juvenile courts are a division of the state's superior court system. In general, juvenile courts only have jurisdiction over criminal matters concerning persons who are under the age of 18 through the point of adjudication (a juvenile conviction). If criminal proceedings commence after a person's eighteenth birthday for an offense committed prior to the person's eighteenth birthday, the proceedings must be held in adult court and the person is subject to adult sentencing. A juvenile with a pending case in juvenile court at the time they turn 18 may continue to be under the jurisdiction of the juvenile court beyond the juvenile's eighteenth birthday only if, before that date, the juvenile court enters an order extending jurisdiction. With some limited exceptions, the court cannot extend jurisdiction over proceedings past the juvenile's twenty-first birthday.

In addition, there are several circumstances under which state law requires exclusive adult court jurisdiction or allows the juvenile court to decline jurisdiction and transfer the case to adult court:

- The juvenile court may decline jurisdiction to adult court following a discretionary decline hearing initiated on the court's own motion, or on the motion of any party requesting a transfer to adult court, in circumstances in which:
 - 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 considering a transfer to adult court 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.

The parties may also agree to waive exclusive adult court jurisdiction in a criminal matter involving a person under the age of 18 and, with the court's approval, move the matter to juvenile court.

Sentences for Criminal Offenses.

Juvenile court dispositions and adult felony criminal sentences are subject to statutory sentencing guidelines. In both the juvenile and adult systems, a statutory grid establishes the standard sentencing range for a particular offense based on the seriousness level of the offense and an

individual's prior juvenile adjudications or adult convictions.

In the juvenile disposition system, the disposition category called local sanctions is the least serious category and may include any of, or a combination of, the following: up to 30 days in confinement in a county juvenile detention facility; up to 12 months of community supervision; and up to 150 hours of community restitution. Any confinement imposed that is greater than 30 days is served through commitment at a Department of Children, Youth, and Families (DCYF) juvenile rehabilitation facility.

In general, a juvenile disposition may extend past a juvenile's eighteenth birthday, but may not extend past their twenty-first birthday. However, for juveniles age 16 or 17 who are adjudicated of Robbery in the first degree, Drive By Shooting, or any Violent offense while armed with a firearm, jurisdiction remains until the juvenile turns age 25. In these circumstances, jurisdiction is also automatically extended to include a period up to 24 months of parole, not extending past the individual's twenty-fifth birthday.

Felony criminal convictions in adult court are sentenced under the Sentencing Reform Act (SRA). The SRA's sentencing grid ranges from a low-end sentence of 0 to 60 days of incarceration for a seriousness level I offense to a possible life sentence for a seriousness level XVI offense. Persons convicted of felonies in adult courts serve sentences of less than one year at local jail facilities, and longer sentences at prison facilities operated by the Department of Corrections. However, minors convicted in adult court serve sentences at a DCYF juvenile rehabilitation facility until they age out of the facility, at which point they transfer to the state prison system.

Summary of Bill:

Juvenile court jurisdiction over persons age 18 and older is expanded.

Except in cases in which the adult court has exclusive jurisdiction or the juvenile court has declined jurisdiction, the juvenile court has jurisdiction over all criminal proceedings pertaining to individuals under age 21 who are accused of committing an offense under the age of 18. The current law requirements for charges to be initiated and for the court to extend jurisdiction prior to the juvenile's eighteenth birthday no longer apply.

The juvenile court may also extend jurisdiction over persons over the age of 18 accused of criminal offenses committed at the age of 16 or 17 that would otherwise be subject to exclusive adult court jurisdiction when the parties, with the court's approval, have agreed to juvenile court jurisdiction.

Changes are made to the jurisdiction and disposition provisions concerning juveniles accused or adjudicated of Murder in the first or second degree committed at age 14 or 15 or of Rape in the first degree committed at age 15:

- an individual accused of one of these offenses may be committed by the juvenile court to

the DCYF for placement in a juvenile rehabilitation facility up to their twenty-third birthday; and

- jurisdiction is extended to allow for up to 24 months of parole for persons adjudicated of one of these offenses, not to extend past the person's twenty-fifth birthday.

The conditions for when a discretionary decline hearing may be held when a juvenile is charged with a serious violent offense or Murder in the first or second degree require that the respondent was at the requisite age at the time of the offense, rather than at the time of the proceedings.

Provisions allowing the juvenile court to extend jurisdiction over a person over the age 18 upon agreement of the parties to waive exclusive adult court jurisdiction, provisions making changes to jurisdiction and disposition provisions pertaining to juveniles accused or adjudicated of Murder in the first or second degree committed at age 14 or 15 or of Rape in the first degree committed at age 15, and provisions modifying the age-related requirements for when a discretionary decline hearing may be held, apply retroactively to all charges that are pending as of the effective date of the bill, and to charges that are filed after the effective date of the bill, but that are based on conduct that occurred before the effective date of the bill.

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.