

SENATE BILL REPORT

SB 5189

As of February 2, 1995

Title: An act relating to capability of children to commit crimes.

Brief Description: Reducing the age at which children can be considered capable of crimes.

Sponsors: Senators Roach, Smith, Rasmussen, Deccio and Haugen.

Brief History:

Committee Activity: Law & Justice: 2/2/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Lidia Mori (786-7755)

Background: Children under the age of eight years are incapable of committing crime. Children eight years to under 12 years are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand what they did or did not do, and to know it was wrong.

The incidences of younger children committing violent offenses have created the concern that the age limits may no longer be appropriate and serve, instead, as artificial barriers to accountability.

Summary of Bill: Children under the age of six years are incapable of committing crime. Children six to under ten years of age are presumed to be incapable of crime. A child ten years or more is issued a summons to appear in court when a petition alleging dependency or an information is filed. A juvenile ten years or more taken into custody and held in detention is given notice of the detention hearing.

Appropriation: None.

Fiscal Note: Requested on January 26, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.