

HOUSE BILL REPORT

HB 2825

As Passed House:
February 8, 2006

Title: An act relating to deferred disposition of juveniles.

Brief Description: Revising provisions relating to deferred disposition of juveniles.

Sponsors: By Representatives Lovick and McCoy.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/31/06, 1/31/06 [DP].

Floor Activity:

Passed House: 2/8/06, 97-1.

Brief Summary of Bill

- Prohibits a deferred disposition for a juvenile who is charged with possessing a firearm at any public or private school.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

Deferred disposition is a juvenile disposition alternative. Under a deferred disposition sentence, the juvenile pleads guilty to the offense and the court continues the disposition of the case for up to one year. During the one year the case is continued, the juvenile is placed on community supervision and must comply with conditions ordered by the court, including the full payment of any restitution owing in the case.

If the juvenile fails to comply with the conditions of the community supervision, the court will revoke the deferred disposition and enter an order of disposition, imposing a sentence on the juvenile. If the juvenile complies with all conditions of community supervision for the period ordered by the court, the juvenile's adjudication will be vacated and the case will be dismissed. However, an adjudication for cruelty to animals in the first degree may not be vacated.

A juvenile is ineligible for deferred disposition if:

- the current charge is for a sex or violent offense;
- the juvenile has a criminal history of any felony;
- the juvenile has a prior deferred disposition or deferred adjudication; or
- the juvenile has two or more adjudications.

Summary of Bill:

A juvenile is ineligible for a deferred disposition if the juvenile is charged with the gross misdemeanor offense of possessing a dangerous weapon on school facilities by having possession or control of a firearm at any public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Testimony For: The purpose of this bill is to encourage a policy of discouraging guns at school. The penalty for carrying a dangerous weapon on school property is the same as having alcohol. We need to send a message that this is a serious offense. The deferred disposition is unique to juvenile court. We have removed certain offenses from eligibility to send a message that these offenses are too serious to essentially be considered "free crimes." This bill doesn't affect the ability of a juvenile to have the records sealed.

Testimony Against: None.

Persons Testifying: (In support) Representative Lovick, prime sponsor; Joe Pope, Association of Washington School Principals; and Chuck Lind, King County Prosecuting Attorney's School Violence Program.

Persons Signed In To Testify But Not Testifying: None.