

HOUSE BILL REPORT

HB 2475

As Reported By House Committee On:
Corrections

Title: An act relating to juvenile dispositions.

Brief Description: Revising penalties for certain juvenile offenders.

Sponsors: Representatives Thibaudeau, Chappell, Johanson, Rayburn and Conway.

Brief History:

Reported by House Committee on:
Corrections, January 27, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak and Ogden.

Minority Report: Do not pass. Signed by 1 member: Representative Padden.

Staff: Kristen Lichtenberg (786-7156).

Background:

Offender Category. The current juvenile justice system bases the type and length of a juvenile's disposition (sentence) on several factors, including the juvenile's offender category. A juvenile's offender category depends on the juvenile's age and current offense. By statutory definition, "minor or first offenders" are 16 and younger. In other words, a 17-year-old who commits a minor or first offense is always treated as a "middle" offender. The statute defines a "serious offender" as a juvenile, 15 or older, whose current offense is a Class A felony or a designated Class B felony. This means that a juvenile 14 or younger will be treated as a middle offender, even if charged with a Class A felony.

When sentencing a juvenile, the court uses a different schedule depending on the juvenile's offender category.

These schedules contain disposition ranges based upon the juvenile's "points." Points are determined by assigning a score to the juvenile's age and current offense, and increasing this score based upon the type and recency of the juvenile's criminal history.

Ranges for Minor/First and Middle Offenders. For both minor/first and middle offenders, the standard disposition ranges contain terms of community service (probation). Minor/first and middle offenders with the same number of points receive the same standard ranges of community supervision. The only difference is that middle offenders are eligible for detention time in addition to community service.

The standard range for a middle offender includes 30 days or less of detention time if the offender has fewer than 110 points. If the middle offender's point total exceeds 110, the presumptive range includes commitment to the Division of Juvenile Rehabilitation (DJR).

Middle offenders with more than 110 points need not be committed; they can receive community supervision under Option B.

Option B. Instead of choosing a disposition within the standard range, courts can impose a determinate disposition of community supervision under Option B. For middle offenders, this disposition can include up to 30 days of confinement. To impose this confinement, the court must state aggravating or mitigating factors.

SSODA and Suspended Sentences. If a juvenile is convicted of certain sex offenses, the court can order a disposition within the standard range, and the court can suspend this disposition to permit the offender to receive treatment. This is known as the special sex offender disposition alternative (SSODA). During this time, the offender must comply with community supervision and other conditions. SSODA is the only portion of the law to permit suspended sentences.

Community Supervision Violations. If a juvenile fails to comply with a term of community supervision, the court can impose confinement of up to 30 days.

Summary of Substitute Bill:

Offender Categories. The bill changes the definition of "minor or first offender" to include juveniles of all ages, not just those 16 or younger. This means that a 17-year-old who commits a minor or first offense will be treated under

the minor/first offender disposition schedule. The bill changes the definition of "serious offender" to include juveniles of all ages. All juveniles who commit Class A or selected Class B felonies are "serious offenders."

SSODA Violations. If a juvenile offender is sentenced under the special sex offender disposition alternative, the court may impose up to 30 days confinement for violations of the disposition conditions. Confinement imposed for violations shall run consecutively with confinement imposed as part of the disposition.

Community Supervision Violations. When a juvenile offender wilfully violates terms of community supervision, the court can impose further community supervision conditions, in addition to the confinement already permitted by the statute.

Suspended Sentences and Option B. The bill gives the court authority to impose a suspended sentence under Option B. When a middle offender has fewer than 110 points, and the presumptive range therefore does not include commitment to DJR, the court may use "Option B" to impose a determinate sentence of community supervision and up to 30 days of detention.

If the middle offender has more than 110 points, and the range thus requires commitment to DJR, the court may impose the statutory term of commitment, but it may suspend this commitment on condition that the offender serve up to 30 days of confinement and comply with community supervision. If the offender fails to comply with the community supervision conditions, the court may either use the statutory sanctions for community supervision, or the court may revoke the suspended disposition and order execution of the term of commitment. To impose confinement under this option, the court must state aggravating or mitigating factors.

Substitute Bill Compared to Original Bill: The substitute bill adds a provision about SSODA dispositions. If the juvenile violates conditions and the court orders execution of the disposition, the court may declare a manifest injustice and impose a manifest injustice disposition.

The substitute bill adds an emergency clause to make the act effective immediately.

Fiscal Note: Requested January 24, 1994.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Offenses, not age, should drive offender category. To induce juvenile offenders to comply with community supervision, courts need more sentencing options, such as suspended terms of commitment and additional penalties for violations. SSODA offenders who violate conditions require the incentive of a possible manifest injustice sentence.

Testimony Against: Current sanctions for probation violations are sufficient. Suspended terms of commitment are not appropriate uses of DJR time. It is anomalous for Option B middle offenders to receive suspended terms of commitment, because their placement on Option B indicates that they are not candidates for commitment.

Witnesses: Representative Thibaudeau, prime sponsor (in favor); Michael Bates, Court Services, Walla Walla (pro); Lois Smith, WA Juvenile Court Administrators (pro); Dave Gowan, Court Administrator, Othello (pro); Tom McDonald, Skamania County Juvenile Court Administrator (pro); Sid Sidorowicz, Acting Director, Department of Social and Health Services Division of Juvenile Rehabilitation (neutral); Patrick Dowd, Defense Attorney, King County (con); Margaret Casey, Superior Court Judge's Association (pro); and Tom McBride, Washington Association of Prosecuting Attorneys (con).