

**HOUSE BILL ANALYSIS**  
**1296**

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<b>Title:</b>	An act relating to juvenile persistent offenders.
<b>Brief Description:</b>	Committing juvenile persistent offenders to the department of social and health services for confinement until the offender's twenty-first birthday.
<b>Sponsors:</b>	Representatives DeBolt, Pennington, Ballasiotes, Robertson, Schoesler, Carrell, Mielke, Boldt, McMorris, Mulliken, Clements, Talcott, Parlette, Benson, Crouse, Backlund, Costa, Sullivan, Sump, Sheldon, Cooke, Morris, Thompson, Conway, and D. Schmidt.

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**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS**

<b>Hearing Date:</b>	January 27, 1998.
<b>Prepared By:</b>	Yvonne Walker, Research Analyst (786-7841).
<b>Background:</b>	Under the Juvenile Justice Act a juvenile offender has a standard range for his or her crime. That range is developed in part by calculating offender "points." Points are based upon present and past crimes, age, type of offense, and recency. These factors are calculated and put into a juvenile sentencing grid. The results determine a sentencing range for that particular youth.

Persistent Offender. The Juvenile Justice Act does not contain a provision for juvenile persistent offenders.

Serious Offender. A serious offender is a juvenile fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree; or
- (c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon.

Middle Offender. A middle offender is a juvenile who has committed an offense and who is neither a serious offender nor a minor or first offender. A minor/first offender is a person whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;

- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors; and
- (d) Three gross misdemeanors.

Juvenile Offender Basic Training Camp. Offenders eligible for the Juvenile Offender Basic Training Camp include youth with a disposition of not more than 78 weeks.

Disposition Hearing. The Juvenile Justice Act specifies disposition standards for juveniles adjudicated of an offense. Possible dispositions include commitment to the Department of Social and Health Services or a local detention facility, community supervision, community service, or a fine.

Before entering a final disposition order for a juvenile offender found to have committed an offense, the court must hold a disposition hearing. During the hearing the court must consider a number of items including: all facts supporting the allegations of the crime, all information and arguments offered by both parties, any predisposition reports, testimony of the victim, restitution owed, consulting with the guardian of the offender, whether the offender is a serious, middle, or minor offender, and whether any mitigating or aggravating factors exist. **Summary:** Juveniles offenders characterized as a “persistent offender” will be committed to the Department of Social and Health Services for confinement until the offender's twenty-first birthday.

Persistent Offender. A persistent offender is a juvenile who has committed three or more offenses which, if committed by an adult, would be the equivalent of or greater than one felony and two gross misdemeanors.

In cases where a juvenile defendant is found to be a persistent offender, the court must commit the offender to the Department of Social and Health Services (Juvenile Rehabilitation Administration) for total confinement until he or she reaches the age of twenty one years old unless the court recommends that the department commit the offender to the Juvenile Offender Basic Training Camp program. If the persistent offender fails to successfully complete the basic training camp program, complete a substance abuse treatment program if the Department of Social and Health Services determines that such a program is necessary, and complete a course to obtain a general equivalency degree, then the offender must be committed to the department for confinement until his or her twenty-first birthday.

Serious Offender. A serious offender is a juvenile who is not a persistent offender.

Middle Offender. A middle offender is a person who has committed an offense and who is neither a minor or first offender, a serious offender nor a persistent offender.

Juvenile Offender Basic Training Camp. Upon recommendation by the court, persistent offenders are eligible for the Juvenile Offender Basic Training Camp.

Disposition Hearing. During a disposition hearing the court must consider whether the juvenile defendant is a persistent offender. In addition, during plea dispositions, it is not appropriate for a prosecutor to accept a plea of guilty to a charge that does not adequately describe the nature of the offender's action if a consideration in the plea is the avoidance of a designation as a persistent offender.**Rules Authority:** No.

**Fiscal Note:** Requested.

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