

FINAL BILL REPORT

HB 2380

C 171 L 02

Synopsis as Enacted

Brief Description: Changing provisions relating to children offenders.

Sponsors: By Representatives Dickerson, Eickmeyer, O'Brien, Kenney, Rockefeller, Ruderman, Kagi, Darneille, Tokuda, Chase, Lovick and Haigh.

House Committee on Juvenile Justice & Family Law
Senate Committee on Human Services & Corrections

Background:

Generally, the juvenile court has jurisdiction over offenders under the age of 18. Offenders charged in juvenile court are usually not held in detention pending the juvenile's trial or disposition unless certain circumstances apply.

The juvenile court must automatically decline jurisdiction over juveniles who are 16 or 17 years old and who commit certain violent felonies. Those offenders are tried as adults. In addition, the juvenile court has discretion to decline jurisdiction over other offenders, in which case the adult court asserts its jurisdiction.

Prior to 1997, juveniles convicted as adults ("youthful offenders") were not separated from adults in the correctional facility. In 1997 the Legislature amended the statute to require that offenders under the age of 18 who are convicted as adults and committed to an adult correctional facility must be separated from offenders 18 years and older, until the youthful offender reaches the age 18.

The Department of Corrections (DOC) must provide youthful offenders in the adult system education that will assist them in getting a high school diploma or a general equivalency degree (GED).

Summary:

Changes are made to the statute governing detention for offenders under the juvenile court jurisdiction and to the statute governing youthful offenders convicted as adults.

Within available funds, a juvenile under juvenile court jurisdiction who has been found guilty of rape in the first or second degree or rape of a child in the first degree must be detained pending the juvenile's disposition.

A youthful offender in an adult correctional facility who has reached the age of 18 may remain in the separate housing unit for offenders under 18 if the secretary of the DOC determines that: (1) the offender's needs and correctional goals could continue to be better met by the programs and housing environment that is separate from offenders 18 years and older; and (2) the programs or housing environment for offenders under the age of 18 will not be substantially affected by the offender's continued placement.

The offender may remain placed in the housing unit until the secretary determines that the offender's needs and correctional goals are no longer better met in that environment, but in no case past the offender's twenty-first birthday.

Votes on Final Passage:

House 96 0
Senate 45 0 (Senate amended)
House (House refused to concur)
Senate 48 0 (Senate amended)
House 97 0 (House concurred)

Effective: March 27, 2002