

HOUSE BILL REPORT

HB 1145

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to the placement of juveniles under the age of eighteen who have been convicted as adults.

Brief Description: Changing provisions relating to the placement of juveniles under the age of eighteen who have been convicted as adults.

Sponsors: Representatives Eickmeyer, Delvin, Pettigrew, Carrell, Upthegrove, Haigh and McMahan.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/28/03, 2/5/03 [DP].

Brief Summary of Bill

- Requires the Department of Corrections to evaluate a youthful offender upon the offender's initial intake to determine if the offender is eligible to be transferred to a juvenile facility.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Eickmeyer, Hinkle and Upthegrove.

Staff: Trudes Hutcheson (786-7384).

Background:

Generally, youth under the age of 18 who are charged with a crime remain under the jurisdiction of the juvenile court. However, a juvenile may be charged as an adult if: (a) the juvenile court, after a hearing, declines jurisdiction over the case (called "discretionary declines"); or (b) the juvenile court is statutorily required to decline jurisdiction and transfer the case to adult criminal court (called "automatic declines").

The juvenile court must automatically decline a juvenile if the juvenile is 16 or 17 years old and is charged with:

- (a) a serious violent offense;
- (b) a violent offense and the offender has certain criminal history consisting of serious felonies;
- (c) robbery 1, rape of a child 1, or drive-by shooting;
- (d) burglary 1 and the offender has a criminal history of one or more prior felonies or misdemeanors; or
- (e) any violent offense and the offender is alleged to have been armed with a firearm.

Offenders under the age of 18 who are convicted as adults are placed in an adult facility managed by the Department of Corrections (DOC), but are housed separately from the adult offenders.

The DOC, with the consent of the Department of Social and Health Services (DSHS), may transfer an offender under the age of 18 to a juvenile facility. The DOC must make an independent assessment and evaluation of the offender to determine if the offender's needs and correctional goals could better be met by the programs and housing environment provided in a juvenile facility. The transferred offender may remain at a juvenile facility until he or she turns 21, and then the offender must be returned to the custody of the DOC.

The DOC and the DSHS must regularly review the appropriateness of the offender's placement in the juvenile facility. The departments consider the level of maturity and sophistication of the offender, the offender's behavior and progress, security needs, and the program and treatment alternatives that could best prepare the offender for a successful return to the community.

The statutes do not specify when the DOC must evaluate a youthful offender for transferability.

Summary of Bill:

An offender under the age of 18 who has been committed to the Department of Corrections must be evaluated upon the offender's intake and classification to determine if the offender is eligible for transfer to a juvenile facility.

The DOC and the DSHS must jointly develop screening criteria for the transfer of youthful offenders.

Appropriation: None.

Fiscal Note: Requested on January 23, 2003.

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

Testimony For: This bill provides more flexibility for the placement of children in the juvenile justice system. There are more program alternatives in the juvenile facilities. This will provide a review at the beginning of the process rather than later. The agencies will look at the maturity level and sophistication of the offender and will also talk to the families to consider the individual's needs. There are not as many mental health treatment programs in the DOC as there are in the Juvenile Rehabilitation Administration, and most juvenile offenders have mental health issues.

Testimony Against: None

Testified: (In support) Rep. Eickmeyer, prime sponsor; Rep. Dickerson; and Anne Fiala, Department of Corrections.