

SENATE BILL REPORT

SB 6105

As Reported By Senate Committee On:
Judiciary, January 22, 2004

Title: An act relating to juvenile penalties for animal cruelty.

Brief Description: Revising penalties for animal cruelty.

Sponsors: Senator McCaslin.

Brief History:

Committee Activity: Judiciary: 1/14/04, 1/22/04 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6105 be substituted therefor, and the substitute bill do pass.

Signed by Senators Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Washington's Juvenile Justice Act, RCW 13.40, establishes procedures for superior courts to handle cases involving criminal offenses committed by persons under 18 years old. The act authorizes prosecution of certain juvenile offenders as adults. The juvenile courts have discretion to decline jurisdiction and transfer certain juvenile offenders to adult court.

If a juvenile is eligible for a deferred disposition, the juvenile court may continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty and place the juvenile under community supervision. The court will require payment of restitution and may impose other conditions of supervision it deems appropriate. At the conclusion of the period of deferral, if there has been full compliance, the court will vacate the juvenile's conviction.

Animal cruelty in the first degree is a class C felony and is classified as an offense category C for a juvenile. The standard range disposition for a juvenile who is found to have committed animal cruelty in the first degree is composed of "local sanctions." Local sanctions include all or any of the following: 0 to 30 days confinement, 0 to 12 months community supervision, 0 to 150 hours community restitution, and \$0 to \$500 fine. The standard range disposition for a juvenile offender who commits animal cruelty in the first degree and has two prior convictions for animal cruelty in the first degree is also local sanctions. The fourth conviction for animal cruelty in the first degree involves a standard range disposition of 15 to 36 weeks confinement.

Summary of Substitute Bill: A juvenile convicted of animal cruelty first degree is not subject to a mandatory decline hearing. The juvenile court may impose a deferred disposition and require the offender to submit to a mental health evaluation. After consideration of the results, the court may order the offender to attend treatment as a condition of community supervision. At the conclusion of the period in the order of deferral, the offender's conviction for animal cruelty first degree is not vacated from his or her record. Animal cruelty first degree is ranked as offense category B+ which involves a standard range disposition of 15 to 36 weeks instead of the local sanctions under current law (0 to 30 days, 0 to 12 months community supervision, 0 to 150 hours community restitution, and \$0 to \$500 fine).

Substitute Bill Compared to Original Bill: The original bill required juvenile court to hold a decline hearing when the information alleges animal cruelty in the first degree. The substitute removes this requirement. A juvenile is not eligible for a deferred disposition in the original bill when charged with animal cruelty first degree. A juvenile is eligible for a deferred disposition in the substitute bill but the conviction for animal cruelty first degree is not vacated from his or her record. Animal cruelty in the first degree is a offense category B in the substitute.

Appropriation: None.

Fiscal Note: Requested on January 13, 2004.

Effective Date: July 1, 2004.

Testimony For: The prime sponsor spoke in support.

Testimony Against: All judges should have the option of deferred prosecution with intensive treatment. Treatment is not available at the adult criminal level. Juveniles that commit animal cruelty in the first degree are sometimes crying out for help.

Testified: Sherry Appleton, WA Defender Assn, WA Assn of Criminal Defense Lawyers (con).