

FINAL BILL REPORT

SHB 2061

C 238 L 05

Synopsis as Enacted

Brief Description: Requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court.

Sponsors: By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Darneille, Moeller and Dickerson).

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

Background:

In general, the juvenile court has exclusive original jurisdiction over juveniles under age 18 who are charged with a criminal offense, traffic infraction, or violation. However, in some situations, the case is transferred to adult court and juvenile court does not have jurisdiction.

A case must be transferred to adult court through an automatic transfer procedure that permits the case to be filed directly into adult court and never enter juvenile court. A case may also be transferred to adult court if a court holds a decline hearing and decides to decline juvenile court jurisdiction.

A case may be automatically transferred to adult court if the juvenile is 16 or 17 years old and the alleged offense is a:

- serious violent offense; or
- violent offense and the offender has a criminal history consisting of:
 - one or more prior serious violent offenses;
 - two or more prior violent offenses; or
 - three or more of any combination of the following offenses: any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's 13th birthday and prosecuted separately.

If a case is automatically transferred to the adult court, and the prosecutor reduces the charge to an offense that does not require automatic transfer of jurisdiction, the case must be returned to juvenile court, where all further proceedings will be held.

However, in a recent Washington Court of Appeals case, *State v. Manro*, the court found the juvenile automatic transfer of jurisdiction statute requires that if a person is found not guilty of the charge that was the basis of the automatic transfer, but is found guilty of a second count that was not an automatic transfer charge, or if the person were found guilty of a lesser included offense, the case would not be sent to juvenile court for disposition. Instead, the

adult court would retain jurisdiction regardless of whether the offense for which the juvenile was convicted was one requiring automatic transfer.

The juvenile court loses jurisdiction over a juvenile when the juvenile turns age 18, unless the court extends juvenile court jurisdiction by issuing a written order. In no event may the juvenile court extend jurisdiction over any juvenile offender beyond the juvenile's 21st birthday.

Summary:

If a juvenile offender case is transferred to adult court pursuant to the automatic transfer of jurisdiction statute, and the juvenile is then charged with multiple counts in adult court, the case will be returned to juvenile court for disposition if the juvenile is found not guilty in the adult criminal court of the charge for which he or she was transferred or is convicted in the adult criminal court of a lesser included offense that is not one requiring automatic transfer.

If the juvenile has turned 18 years of age during the adult criminal court proceedings, the juvenile court must enter an order extending juvenile court jurisdiction.

Votes on Final Passage:

House	96	0
Senate	42	0

Effective: July 24, 2005