
**Juvenile Justice & Family Law
Committee**

HB 2064

Brief Description: Clarifying provisions relating to automatic transfer of jurisdiction from juvenile court.

Sponsors: Representatives Roberts, McDonald, Darneille, Moeller, Ericks, Lantz, McCune, Dickerson and Kagi.

Brief Summary of Bill

- Clarifies that the date of the offense determines whether a case may be automatically transferred to adult court, rather than the date the prosecutor files the charges.

Hearing Date: 2/23/05

Staff: Sonja Hallum (786-7092).

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 may be transferred to adult court through an automatic transfer procedure which 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:

- (1) a serious violent offense; or
- (2) a violent offense and the offender has a criminal history consisting of:
 - (a) one or more prior serious violent offenses;
 - (b) two or more prior violent offenses; or
 - (c) 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.

In a recent Washington Supreme Court case, *State v. Salavea*, the court found that whether an offense may be transferred to adult court is determined by the date the prosecutor files the charges rather than the date of the offense. The court looked at the statute and found that if the legislature intended that the determination of whether to automatically transfer a case to adult court be based on the age of the offender at the time the offense took place, it could have used language to indicate this intent. The fact that the legislature failed to add this language was viewed as an intent to have the transfer determination be based upon the date the case was filed.

Summary of Bill:

Clarifies that the juvenile must be 16 or 17 years old at the time the offense is committed in order for the automatic transfer of jurisdiction statute to apply.

Appropriation: None.

Fiscal Note: Requested on February 18, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.