

SENATE BILL REPORT

EHB 1187

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to elimination of mandatory minimum sentences for youthful offenders tried as adults.

Brief Description: Eliminating mandatory minimum sentences for youthful offenders tried as adults.

Sponsors: Representatives Dickerson, Moeller, Kagi, Roberts, Darneille, Schual-Berke, Chase, Clibborn, McIntire, Upthegrove and Hasegawa.

Brief History: Passed House: 3/10/05, 96-0.

Committee Activity: Human Services & Corrections: 3/29/05, 3/31/05 [DPA, DNP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland and Carrell.

Minority Report: Do not pass.

Signed by Senator McAuliffe.

Staff: Kiki Keizer (786-7430)

Background: Generally, the juvenile court has exclusive original jurisdiction over juveniles under age 18 who are charged with a criminal offense, traffic infraction, or violation. However, if a juvenile is 16 or 17 years old and accused of committing certain violent offenses, the adult criminal court has exclusive original jurisdiction. In addition, a juvenile court may hold a hearing to decline jurisdiction over a juvenile offender.

Offenders under age 18 who are convicted and sentenced in adult court are subject to the same penalties as adult offenders. In most cases, the court must sentence within a range of months, calculated by considering the seriousness of the current offense and the offender's criminal history. In cases involving certain violent crimes or sex offenses, the court must impose a mandatory minimum sentence specified in the statutory law. Mandatory minimum sentences cannot be reduced on the basis of mitigating circumstances. Persons serving mandatory minimum sentences are not eligible for earned early release.

Summary of Amended Bill: If a juvenile court holds a hearing and declines jurisdiction in a juvenile case, and the juvenile offender in that case is tried and convicted in adult criminal court, then the juvenile is not subject to mandatory minimum sentencing in adult court. If the juvenile offender's case is automatically transferred to adult court because of the offender's

age and the seriousness of the offense, then mandatory minimum sentencing would apply if the offender were convicted of certain crimes.

Amended Bill Compared to Original Bill: If a juvenile court holds a hearing and declines jurisdiction in a juvenile case, and the juvenile offender in that case is tried and convicted in adult criminal court, then the juvenile is not subject to mandatory minimum sentencing in adult court. If the juvenile offender's case is automatically transferred to adult court because of the offender's age and the seriousness of the offense, then mandatory minimum sentencing would apply if the offender were convicted of certain crimes.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Judges should be able to use their discretion, and take into account current science on brain development, in cases involving youth who would otherwise be subject to mandatory minimum sentences.

Testimony Against: The laws on sentencing should be clear.

Who Testified: PRO: Rep. Mary Lou Dickerson, prime sponsor; Ida Leggett, Sentencing Guidelines Commission; Michele Shaw, Washington Defenders Association; Cedric Barquet, Governor's Juvenile Justice Advisory Committee.

CON: Douglas McWhite, citizen.