

SENATE BILL REPORT

SHB 2061

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

Title: An act relating to requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court.

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

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

Brief History: Passed House: 3/09/05, 96-0.

Committee Activity: Human Services & Corrections: 3/21/05, 3/31/05 [DP, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

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

Minority Report: That it be referred without recommendation.

Signed by Senator Carrell.

Staff: Kiki Keizer (786-7430)

Background: Generally, the juvenile court has exclusive original jurisdiction over juveniles under age 18 who are charged with criminal offenses. However, if a juvenile is 16 or 17 years old, and the alleged offense is one of the violent offenses specified by statute, then the juvenile's case is automatically transferred, and the adult criminal court has exclusive original jurisdiction.

The Court of Appeals of Washington recently ruled on a case that was automatically transferred to adult criminal court. At trial in the adult criminal court, the defendant was found not guilty of the charge that triggered the automatic transfer (Assault I). However, the defendant was found guilty of a charge that would not have caused automatic transfer (Assault IV). On appeal, the court determined that the adult court was not required to remand the case to juvenile court for disposition, based upon the not guilty verdict on Assault I charge.

Summary of Bill: If a case involving a 16 or 17 year old is automatically transferred to adult criminal court because the defendant has committed one of the offenses requiring automatic transfer, and later the juvenile is not found guilty of any charge that would qualify for automatic transfer to the adult criminal court, then the juvenile court must have exclusive jurisdiction over the disposition in that case.

If the juvenile is not found guilty of a charge that would qualify for automatic transfer to the adult criminal court, and the juvenile turned 18 years of age during the course of the adult criminal court proceedings, then the court must order an extension of the juvenile court's jurisdiction.

Once the case is returned to juvenile court, the juvenile court may hold a decline hearing to determine whether to retain the case or to return the case to adult criminal court for sentencing.

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: Keeping juveniles in the juvenile system allows creative intervention at the juvenile justice level. The bill corrects the courts' misinterpretation of the existing statute.

Testimony Against: None.

Who Testified: PRO: Representative Jeannie Darneille, prime sponsor; George Yeannakis, Washington Defenders Association.