

SENATE BILL REPORT

HB 2825

As of February 22, 2006

Title: An act relating to deferred disposition of juveniles.

Brief Description: Revising provisions relating to deferred disposition of juveniles.

Sponsors: Representatives Lovick and McCoy.

Brief History: Passed House: 2/08/06, 97-1.

Committee Activity: Human Services & Corrections: 2/21/06.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: A "deferred disposition" is a one-time sentencing alternative available to juveniles. Under a deferred disposition sentence, the juvenile pleads guilty to the offense and the court continues the disposition of the case for up to one year. During the period of time the case is continued, the juvenile is placed on community supervision and must comply with conditions ordered by the court, including the full payment of any restitution owing in the case.

If the juvenile fails to comply with the conditions of the community supervision, the court will revoke the deferred disposition and immediately sentence the juvenile. If the juvenile complies with all conditions of community supervision for the period ordered by the court, the juvenile's adjudication will be vacated and the case will be dismissed. However, an adjudication for cruelty to animals in the first degree may not be vacated.

A juvenile is not eligible for a deferred disposition alternative if:

- the current charge is for a sex or violent offense;
- the juvenile has a criminal history of any felony;
- the juvenile has a prior deferred disposition or deferred adjudication; or
- the juvenile has two or more adjudications.

Current law provides that possession of a firearm on school property is a gross misdemeanor. A gross misdemeanor for a juvenile is a level D offense and subject to local sanctions. Under educational provisions, a student who has possession of a firearm on public school property must be expelled for a period of not less than one year, unless the period is modified by the school superintendent.

In Fiscal Year 2005, 43 juveniles were adjudicated for possession of a firearm on school property. Three received manifest injustice (exceptional) dispositions. The average for the 40 standard range dispositions was 10.875 days detention. These statistics do not include those juveniles that may have received deferred dispositions as those cases are not adjudicated.

Summary of Bill: A juvenile who is charged with having possession or control of a firearm on school property is not eligible for deferred disposition.

School property includes public or private school premises, school-provided transportation, or facilities being used exclusively by public or private schools.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: The School Safety Advisory Committee has adhered to a no tolerance policy for firearms on school property. This issue is reflective of circumstances where this happened and they felt that a deferred disposition sentence did not adhere to the no tolerance policy. This bill is trying to make things more in concert with the mind set of the educational community.

Testimony Against: None.

Testimony Other: Deferred disposition is after the charging determination. The bill says that deferred disposition would not be an option on the table at that point. This crime currently is eligible for deferred disposition. It may be the case that prosecutors have another charge available where a deferred disposition could still be used.

Who Testified: PRO: Joe Pope, Association of Washington School Principals.

OTHER: Tom McBride, WAPA.