
ENGROSSED HOUSE BILL 1187

State of Washington

59th Legislature

2005 Regular Session

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

Read first time 01/18/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to elimination of mandatory minimum sentences for
2 youthful offenders tried as adults; amending RCW 9.94A.540; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that emerging
6 research on brain development indicates that adolescent brains, and
7 thus adolescent intellectual and emotional capabilities, differ
8 significantly from those of mature adults. It is appropriate to take
9 these differences into consideration when sentencing juveniles tried as
10 adults. The legislature further finds that applying mandatory minimum
11 sentences for juveniles tried as adults prevents trial court judges
12 from taking these differences into consideration in appropriate
13 circumstances.

14 (2) The legislature intends to eliminate the application of
15 mandatory minimum sentences under RCW 9.94A.540 to juveniles tried as
16 adults, and to continue to apply all other adult sentencing provisions
17 to juveniles tried as adults.

1 **Sec. 2.** RCW 9.94A.540 and 2001 2nd sp.s. c 12 s 315 are each
2 amended to read as follows:

3 (1) Except to the extent provided in subsection (3) of this
4 section, the following minimum terms of total confinement are mandatory
5 and shall not be varied or modified under RCW 9.94A.535:

6 (a) An offender convicted of the crime of murder in the first
7 degree shall be sentenced to a term of total confinement not less than
8 twenty years.

9 (b) An offender convicted of the crime of assault in the first
10 degree or assault of a child in the first degree where the offender
11 used force or means likely to result in death or intended to kill the
12 victim shall be sentenced to a term of total confinement not less than
13 five years.

14 (c) An offender convicted of the crime of rape in the first degree
15 shall be sentenced to a term of total confinement not less than five
16 years.

17 (d) An offender convicted of the crime of sexually violent predator
18 escape shall be sentenced to a minimum term of total confinement not
19 less than sixty months.

20 (2) During such minimum terms of total confinement, no offender
21 subject to the provisions of this section is eligible for community
22 custody, earned release time, furlough, home detention, partial
23 confinement, work crew, work release, or any other form of early
24 release authorized under RCW 9.94A.728, or any other form of authorized
25 leave of absence from the correctional facility while not in the direct
26 custody of a corrections officer. The provisions of this subsection
27 shall not apply: (a) In the case of an offender in need of emergency
28 medical treatment; (b) for the purpose of commitment to an inpatient
29 treatment facility in the case of an offender convicted of the crime of
30 rape in the first degree; or (c) for an extraordinary medical placement
31 when authorized under RCW 9.94A.728(4).

32 (3)(a) Subsection (1) of this section shall not be applied in
33 sentencing of juveniles tried as adults pursuant to RCW 13.04.030(1)(e)
34 (i) and (v).

35 (b) This section applies only to crimes committed on or after the
36 effective date of this act.

--- END ---