
Human Services Committee

HB 3102

Brief Description: Expanding the circumstances under which a person may be under the jurisdiction of the juvenile court beyond his or her eighteenth birthday.

Sponsors: Representatives Darneille and Roberts.

Brief Summary of Bill

- Authorizes the court to extend the juvenile court's jurisdiction over a person after the person turns 18 years of age, but before the age of 21.
- Extends to age 24, the maximum time that a person can be confined to a correctional facility, if the juvenile court's jurisdiction has been extended after the person's 18th birthday.
- Requires that a person for whom jurisdiction has been extended after his or her birthday spend any confinement in a correctional facility operated by or under contract with the Department of Corrections.
- Extends the sentencing range for A+ felonies for juveniles for whom juvenile court jurisdiction has been extended after the age of 18.

Hearing Date: 2/5/08

Staff: Linda Merelle (786-7092).

Background:

The juvenile court has jurisdiction of criminal cases involving juveniles except when the juvenile court, after a hearing, declines jurisdiction over the juvenile because of his or her history and the current offense charged. This is called a "decline hearing." The juvenile court also does not have exclusive jurisdiction if the juvenile is 16 or 17 and is automatically declined after being charged with certain serious offenses. This is referred to as an "automatic decline." There are other

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exceptions, but these transfers of jurisdiction as a result of a decline hearing or automatic decline are the primary exceptions.

Washington statutes define a juvenile as any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court as a result of a decline or who is not otherwise under adult court jurisdiction. Juveniles under the jurisdiction of the juvenile court legally do not have the right to a jury trial.

Whether a juvenile court has jurisdiction over a particular proceeding depends on when the state initiates proceedings against the offender, not when the juvenile commits the offense. The Juvenile court jurisdiction terminates when the defendant turns 18. Only if the court lawfully extends jurisdiction before the juvenile's 18th birthday can the juvenile court maintain jurisdiction over a person once they have turned 18, except for purposes of restitution.

As an example, if a juvenile commits a Theft in the 2nd Degree at the age of 17, but is not charged until the age of 18, the juvenile court currently does not have jurisdiction and that person is subject to the sentencing requirements under the adult sentencing guidelines.

Summary of Bill:

Under this bill, the court is authorized to extend the juvenile court's jurisdiction over an offender prior to his or her 21st birthday if it does so by way of a written order which sets forth the court's reasoning. If the jurisdiction is extended before the juvenile's 18th birthday because proceedings are pending and will remain pending after the person turns 18, the maximum time for placement in a juvenile correctional institution will be until that juvenile turns 21. This time would be served in a facility operated by the Juvenile Rehabilitation Administration (JRA), within the Department of Health and Social Services.

If a person is between the ages of 18 and 21 and the court extends the juvenile court jurisdiction because proceedings are pending: The maximum time for placement in a correctional institution will be until the age of 24, and any time served in confinement will be in a correctional institution operated by the Department of Corrections, rather than the JRA.

Appropriation: None.

Fiscal Note: Available.

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