

# SENATE BILL REPORT

## SB 5478

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As of January 27, 2009

**Title:** An act relating to the definition of a juvenile.

**Brief Description:** Changing the definition of a juvenile.

**Sponsors:** Senator Hargrove; by request of Sentencing Guidelines Commission.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/23/09.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** Juveniles charged with a criminal offense and prosecuted in adult court must be prosecuted in adult court for any subsequent offense. This rule applies whether or not the juvenile was actually previously convicted in adult court.

**Summary of Bill:** Juveniles prosecuted in adult court who are later charged with an offense that is not an offense for which there is an automatic or statutory adult court jurisdiction requirement could be prosecuted in juvenile court for the subsequent offense.

**Appropriation:** None.

**Fiscal Note:** Requested January 23, 2009

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This is the only section of law in Washington where a juvenile is penalized even if not found guilty. This statute completely blocks a prosecutor's and judge's discretion in this matter. The bill does not change any declination laws currently on the books.

CON: When the court decides to remove a juvenile to adult court, the court has looked at all the factors to consider in making that decision. It is unlikely that if the juvenile commits a

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future offense that reviewing the factors again would cause the judge to make a different decision so there does not seem to be a reason to change this law.

**Persons Testifying:** PRO: Jean Soliz-Conklin, Sentencing Guidelines Commission; Beth Colgan, Columbia Legal Services.

CON: Dan Satterberg, King County Prosecuting Attorney.