

SENATE BILL REPORT

SB 5478

As Reported by Senate Committee On:
Human Services & Corrections, February 03, 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: 1/20/09, 2/03/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass.

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

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 (Recommended Substitute): 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.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The title is amended.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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

Staff Summary of Public Testimony on Original Bill: 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 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.