

HOUSE BILL REPORT

HB 2603

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to juvenile offender sentencing standards.

Brief Description: Reformatting the juvenile offender sentencing grid.

Sponsors: Representatives Goodman, Kagi and Walsh.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/27/12, 1/31/12 [DPS].

Brief Summary of Substitute Bill

- Makes technical changes to the standard-range disposition grid in the juvenile justice code for clarity and to reflect recent changes in statute.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

Staff: Linda Merelle (786-7092).

Background:

Juvenile Dispositions.

In the juvenile justice system, sentences for juvenile offenders are referred to as "dispositions." If a juvenile is found guilty of committing an offense, the court enters an order of disposition. Most disposition orders impose a punishment that is based upon a standard grid, which is set out in statute. The standard-range disposition is determined by the seriousness of the offense and the juvenile's prior criminal history. Under certain

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circumstances, the court may deviate from the standard range and impose a sentencing alternative or a sentence that is higher or lower than the standard range.

The disposition order may include detention, community service, a period of community supervision, restitution, and a fine. While adults are sentenced in terms of months and years, most juveniles are sentenced in terms of days and weeks.

Malicious Mischief.

A person is guilty of Malicious Mischief if he or she knowingly and maliciously causes physical damage to the property of another. The level of the offense is determined by the amount of the damage. Before 2009, the offense of Malicious Mischief in the third degree applied to property damage that did not exceed \$250. If the amount of the damage was greater than \$50 but less than \$250, the offense was categorized as a gross misdemeanor. If the amount of damage was less than \$50, the offense was categorized as a misdemeanor. As a result, in the juvenile disposition grid there were two seriousness levels assigned to the offense of Malicious Mischief in the third degree. The gross misdemeanor offense had a higher level than the misdemeanor.

In 2009 the Legislature removed any distinction based upon the amount of damage caused for the third degree offense. As a result, all third degree Malicious Mischief offenses are categorized as gross misdemeanors.

The juvenile disposition grid still reflects two separate levels of seriousness for third degree Malicious Mischief.

Summary of Substitute Bill:

The juvenile standard-range disposition grid is rearranged for ease of use and visual clarity. The grid is also revised to reflect the Legislature's elimination of two levels of seriousness for the offense of Malicious Mischief in the third degree.

Substitute Bill Compared to Original Bill:

There is no longer a distinction between a misdemeanor and gross misdemeanor charges of Malicious Mischief in the third degree. Any offense charged as Malicious Mischief in the third degree is a gross misdemeanor, and the distinction is removed from the disposition grid.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill presents a technical change to the juvenile disposition code. Judges and practitioners found that the current disposition grid was not easy to use, and this bill will make the grid more user-friendly. The reference to the differences in the charge of Malicious Mischief in the third degree is outdated, and this bill eliminates that difference.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.