

SENATE BILL REPORT

SHB 2603

As of February 17, 2012

Title: An act relating to juvenile offender sentencing standards.

Brief Description: Reformatting the juvenile offender sentencing grid.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman, Kagi and Walsh).

Brief History: Passed House: 2/09/12, 97-0.

Committee Activity: Human Services & Corrections: 2/17/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

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 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 that person 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.

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.

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 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.

Appropriation: None.

Fiscal Note: Not requested.

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 bill comes from the statutory law committee in response to various complaints from judges about the readability of the current grid. The current disposition grid is hard to read, so it is reformatted. The crime of malicious mischief was changed from a two-tiered offense to a single offense in 2009, so the crime that was eliminated is removed from the code.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Kyle Thiessen, Code Reviser.