

# FINAL BILL REPORT

## HB 1674

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### C 156 L 15

Synopsis as Enacted

**Brief Description:** Allowing youthful offenders who complete their confinement terms prior to age twenty-one equal access to a full continuum of rehabilitative and reentry services.

**Sponsors:** Representatives Pettigrew, Walsh, Goodman, Walkinshaw, Kagi, Appleton, Reykdal, Moscoso, Ormsby, McBride and Jinkins; by request of Department of Social and Health Services.

**House Committee on Public Safety**  
**Senate Committee on Human Services, Mental Health & Housing**

#### **Background:**

Generally, youth under the age of 18 years old who are charged with a crime remain under the jurisdiction of the juvenile court. However, a juvenile can be declined to adult court and charged as an adult if: (a) the juvenile court, after a hearing, declines jurisdiction over the case (called "discretionary declines"); or (b) the juvenile court is statutorily required to decline jurisdiction and transfer the case to adult criminal court (called "automatic declines").

The juvenile court must automatically decline a juvenile if the juvenile is 16 or 17 years old and is charged with: (a) a serious violent offense; (b) a violent offense and the offender has certain criminal history consisting of serious felonies; (c) Robbery in the first degree, Rape of a Child in the first degree, or Drive-by Shooting; (d) Burglary in the first degree and the juvenile offender has a criminal history of one or more prior felonies or misdemeanors; or (e) any violent offense and the offender is alleged to have been armed with a firearm.

#### Juvenile Confinement.

Most respondents adjudicated in juvenile court receive local sanctions, which can include up to 30 days of confinement in a juvenile detention center. The Juvenile Rehabilitation Administration (JRA), a division of the Department of Social and Health Services (DSHS), provides detention and other services for juvenile offenders who are not eligible for local sanctions. Confinement at the JRA occurs when a term of confinement is greater than 30 days and includes a minimum and maximum term of confinement.

Individuals who are declined from juvenile court jurisdiction are placed under the authority of the Department of Corrections (DOC). The DOC then makes an independent assessment

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to determine whether the needs and correctional goals of the child could better be met by programs and the housing environment provided by a juvenile correctional institution. Youthful offenders under the jurisdiction of the DOC must be housed separately from adult offenders.

#### Youthful Offender Program.

Declined youth committed to the custody of the DOC become part of the Youthful Offender Program. The Youthful Offender Program is jointly operated by the JRA and the DOC. Generally, declined youth less than 18 years of age are housed at the JRA. If the youth is expected to complete the term of confinement before age 21, that youth remains at the JRA. If the youth is expected to serve a term of confinement beyond the age of 21 years old, the case is reviewed when the youth is age 18 years old to determine if the youth is able to serve the remaining time at the DOC.

The JRA currently houses approximately 45 youthful offenders. Of the 45 youth, 35 are between the ages of 18 and 21, and 10 youth are between the ages of 16 and 18. Seventeen of the youths will complete their sentence before the age of 21 years old.

#### **Summary:**

Any youth convicted as an adult must initially be placed in a DOC facility to determine the child's earned release date (the anticipated date he or she will complete confinement).

#### Youth Turning 21 Years Old After Their Anticipated Release Date.

If a youth is anticipated to complete his or her confinement before turning 21 years old, the DOC must transfer the child to the custody of the DSHS until such time he or she completes his or her term of confinement. While in the custody of the DSHS, the child must have the same treatment, housing options, transfer, and access to program resources as any other child committed directly to that juvenile correctional facility. Treatment, placement, and program decisions must be at the discretion of the DSHS. The youth may only be transferred back to the custody of the DOC with the approval of the DSHS or in instances where a youth turns 21 years old and has time remaining in his or her time of confinement.

If a child's sentence includes a term of community custody, the DSHS may only release that child to community custody upon the DOC's approval of the child's release plan. If the child is held past his or her release date pending approval, the DSHS must retain custody until such time the child's plan is approved or the child completes the ordered term of confinement.

In any instance where the DSHS determines that retaining custody of a child presents a safety risk, the child may be returned to the custody of the DOC.

#### Youth Turning 21 Years Old Before Their Anticipated Release Date.

If an individual is anticipated to complete his or her confinement on or after turning 21 years old, the DOC must transfer the child to the custody of the DSHS, upon approval by the DSHS. Despite the transfer, the DOC will retain authority over the custody decisions and must approve any leave from the facility. While residing in a JRA facility, the DSHS has authority over all routine and day-to-day operations for the child while in their custody. When the child turns 21 years old, he or she must be transferred back to a DOC facility.

**Votes on Final Passage:**

House	96	1
Senate	49	0

**Effective:** July 24, 2015