
Early Learning & Human Services Committee

HB 1743

Brief Description: Addressing confinement in juvenile rehabilitation facilities for juveniles convicted in adult court.

Sponsors: Representatives Goodman, Stambaugh, Kagi, Klippert, Kilduff, Dent, Senn, Orwall, Appleton, Jinkins and Frame.

Brief Summary of Bill

- Allows juveniles convicted of felony crimes in adult court to be placed in a juvenile correctional facility until age 25.
- Places juveniles convicted of felony crimes in adult court in the custody of the Department of Social and Health Services.

Hearing Date: 2/8/17

Staff: Luke Wickham (786-7146).

Background:

Adult Court Jurisdiction Over Juveniles.

In the State of Washington, juvenile courts are a division of the state's superior court system. Juvenile courts have jurisdiction over persons under the age of 18 who are alleged to have committed a crime. However, there are several exceptions to that jurisdiction where state law requires youth to be tried in adult courts. There are three situations where adult criminal courts may have jurisdiction over persons under age 18:

- The juvenile court declines jurisdiction to adult court following a discretionary decline hearing which a court can initiate on its own motion or any party may file a motion requesting the court transfer the juvenile to adult court.
- The juvenile court is required to hold a decline hearing in circumstances when:

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- the accused person is age 16 or 17 and is alleged to have committed a class A felony or attempt, solicitation, or conspiracy to commit a class A felony;
- the juvenile is age 17 and is alleged to have committed assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or
- the information alleges an escape and the juvenile is serving a minimum juvenile sentence to age 21.
- Adult criminal courts have exclusive jurisdiction over juveniles age 16 or 17 on the date of the offense when the offense is:
 - a serious violent offense;
 - a violent offense and the juvenile has a criminal history consisting of a prior serious violent offense, two or more prior violent offenses, or three or more of any combination of class A felonies, class B felonies, vehicular assault, or manslaughter in the second degree.
 - robbery in the first degree, rape of a child in the first degree, or drive-by shooting;
 - burglary in the first degree and the juvenile has a criminal history of one or more prior felony or misdemeanor offenses; or
 - any violent offense and the juvenile is alleged to have been armed with a firearm.

Once a juvenile is declined to adult jurisdiction, he or she will be subject to adult jurisdiction for all future alleged crimes unless the juvenile is found not guilty. If the juvenile is found not guilty of the charge for which he or she was transferred to adult court or is convicted of a lesser offense, the juvenile court will have jurisdiction of the remaining charges in the case.

If a juvenile is 16 or 17 years old, and he or she is charged with a traffic, fish, boating, or game offense, or an infraction, the case is referred to district or municipal court.

Juvenile Rehabilitation Institutions.

The Department of Social and Health Services (DSHS) operates three juvenile institutions for juveniles convicted of crimes and sentenced to more than 30 days of confinement. Echo Glen Children's Center in Snoqualmie serves younger male offenders and female offenders. Green Hill School in Chehalis serves older male offenders. Naselle Youth Camp in Naselle provides services to male offenders and offers a forestry work program.

Juveniles convicted of felony crimes in adult court are placed in a Department of Corrections (DOC) facility to determine that child's earned release date. If that earned release date is before a youth's twenty-first birthday, the DOC shall transfer the youth to a juvenile institution operated by the DSHS. If a child's earned release date is on or after the individual's twenty-first birthday, the DOC shall, with the consent of the DSHS, transfer the individual to a DSHS facility until the individual turns twenty-one, at which time the individual shall be transferred back to DOC custody.

Summary of Bill:

Children under the age of 18 who are convicted of felony crimes in adult court and committed to a term of confinement shall be placed in a facility operated by the DSHS. The DSHS is required to consult the DOC prior to releasing an individual who was convicted of a felony in adult court

before age 18 to community custody. If the DSHS determines that retaining the individual convicted of a felony in adult court before age 18 presents a significant safety risk to the individual or other individuals, the individual may be transferred to the custody of the DOC. Individuals convicted of felony crimes in adult court before age 18 may remain in a juvenile correctional facility until age 25, or until age 25.5 if there are six months or less remaining on an individual's term of confinement at age 25.

The Washington State Institute for Public Policy must assess the impact of this change on community safety and youth rehabilitation and submit a report to the Governor and Legislature by December 1, 2019.

Appropriation: None.

Fiscal Note: Requested on January 31, 2017.

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