
Early Learning & Human Services Committee

HB 1876

Brief Description: Concerning the revision of exclusive adult jurisdiction.

Sponsors: Representatives Frame, McDonald, Goodman, Kagi, Fitzgibbon, Ryu, Ortiz-Self, Doglio, Macri and Ormsby.

Brief Summary of Bill

- Removes from exclusive adult court jurisdiction cases involving 16 or 17 year olds charged with robbery in the first degree, rape of a child in the first degree, drive by shooting, burglary in the first degree when the juvenile has criminal history, and any violent offense when the juvenile is alleged to have been armed with a firearm.
- Requires that a juvenile court conduct a mandatory decline hearing when a juvenile age 16 or 17 is charged with any violent offense and the juvenile is alleged to have been armed with a firearm.

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.

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.

- The juvenile court is required to hold a decline hearing in circumstances when:
 - 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.

Violent Offense.

Violent offenses are specifically defined by law as felony offenses which include:

- any class A or attempt to commit a class A felony;
- criminal solicitation of or criminal conspiracy to commit a class A felony;
- manslaughter in the first or second degree;
- indecent liberties committed by forcible compulsion;
- kidnapping in the second degree;
- arson in the second degree;
- assault in the second degree;
- assault of a child in the second degree;
- extortion in the first degree;
- robbery in the second degree;
- drive-by shooting;
- vehicular assault when caused by the operation or driving of a vehicle by a person under the influence of intoxicating liquor or any drug or by operating a vehicle in a reckless manner; and
- vehicular homicide when proximately caused by the driving of any vehicle by a person under the influence of intoxicating liquor or any drug or by operating a vehicle in a reckless manner.

Summary of Bill:

Removes adult court exclusive jurisdiction over 16 and 17 year olds charged with the following crimes:

- 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; and
- any violent offense and the juvenile is alleged to have been armed with a firearm.

When a juvenile age 16 or 17 is charged with any violent offense and the juvenile is alleged to have been armed with a firearm, a juvenile court must hold a hearing to consider whether juvenile court should decline jurisdiction to adult court.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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