
Early Learning & Human Services Committee

HB 2907

Brief Description: Concerning confinement in juvenile rehabilitation facilities.

Sponsors: Representatives Goodman, Frame, Kagi and Doglio.

Brief Summary of Bill

- Allows individuals convicted of felony crimes in adult court for offenses that were committed while a juvenile to be placed in a juvenile correctional facility until the maximum age of commitment by a juvenile court.
- Extends the maximum age of juvenile court commitment for serious violent offenses to age 25.5.
- Requires a Washington Institute for Public Policy report on the impact of the changes made by the bill on community safety, racial disproportionality, and youth rehabilitation by December 1, 2026.

Hearing Date: 1/30/18

Staff: Luke Wickham (786-7146).

Background:

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

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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 21, at which time the individual shall be transferred back to the DOC custody.

On July 1, 2019, the juvenile rehabilitation functions of the DSHS will transfer to the Department of Children, Youth, and Families.

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:
 - 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 Offender Sentencing.

Juvenile court dispositions are subject to statutory sentencing guidelines.

Juvenile offenses are categorized using letters E through A+ to indicate the seriousness level of the offense with E being the least serious and A+ being the most serious offense category. A statutory grid establishes the standard sentencing range for a particular offense based on the offense category and an individual's prior adjudications. Each prior felony adjudication counts as one point and each prior violation, misdemeanor, or gross misdemeanor counts as 1/4 point. Fractional points are rounded down.

Local sanctions is the least serious category for juvenile sentencing purposes. Local sanctions include a range of up to 30 days in confinement, up to 12 months of community service, up to 150 hours of community service, and up to a \$500 fine. When a juvenile court sentences a juvenile offender to local sanctions, the court must impose a determinate sentence within the standard range. Confinement imposed by a juvenile court up to 30 days is served in a county juvenile detention facility.

Any confinement imposed that is greater than 30 days is served through commitment a Department of Social and Health Services (DSHS) juvenile rehabilitation facility.

If the court concludes that disposition within the standard range would effectuate a manifest injustice, the court must impose a disposition outside the standard range. A court's finding of manifest injustice must be supported by clear and convincing evidence.

A juvenile offender cannot be committed by the juvenile court beyond the offender's twenty-first birthday.

Serious Violent Offense.

A serious violent offense is a category offenses which includes:

- murder in the first degree;
- homicide by abuse;
- murder in the second degree;
- manslaughter in the first degree;
- assault in the first degree;
- kidnapping in the first degree;
- rape in the first degree;
- assault of a child in the first degree; or
- an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

Summary of Bill:

Individuals under the age of 18, when charged with an offense, 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 or if after July 1, 2019, to the Department of Children, Youth, and Families (department). The department 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 department 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 that were committed before age 18 may remain in a juvenile correctional facility

until the maximum age of juvenile offender commitment by a juvenile court for the same offense.

Juvenile offenders adjudicated of a serious violent offense may be committed by the juvenile court to the department for placement in a juvenile correctional institution up to the time the juvenile offender is age 25.5.

The act applies to all individuals placed, or who will be placed in juvenile rehabilitation facilities on or before the effective date of the bill, in all other respects the bill applies prospectively.

The Washington State Institute for Public Policy must assess the impact of this change on community safety, racial disproportionality, and youth rehabilitation and submit a report to the Governor and the Legislature by December 1, 2026.

Appropriation: None.

Fiscal Note: Requested on January 24, 2018.

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