

# SENATE BILL REPORT

## SB 5880

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As of February 19, 2019

**Title:** An act relating to juvenile sentencing.

**Brief Description:** Concerning juvenile sentencing.

**Sponsors:** Senators Kuderer, Darneille, Nguyen and Saldaña.

**Brief History:**

**Committee Activity:** Human Services, Reentry & Rehabilitation: 2/14/19.

### Brief Summary of Bill

- Reduces sentencing ranges in juvenile court for attempted drive-by shooting and attempted robbery 1 committed at age sixteen or seventeen.
- Eliminates a discretionary decline hearing when an offense is automatically returned from adult court to juvenile court for disposition.
- Allows a discretionary decline hearing for a second offense of custodial assault when a juvenile is serving a sentence until age twenty-one.

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### SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

**Staff:** Kevin Black (786-7747)

**Background:** Juvenile courts have exclusive original jurisdiction over criminal offenses committed by a person who is under eighteen unless an exception applies requiring the charge to be filed in adult court.

Engrossed Second Substitute Senate Bill 6160. In 2018, the Legislature passed E2SSB 6160, which transferred the offenses of robbery 1, drive-by shooting, violent offenses when the juvenile is alleged to have been armed with a firearm, and certain burglary 1 offenses committed by a person aged sixteen or seventeen from exclusive adult jurisdiction to the jurisdiction of juvenile court. A special sentencing range of A++ was created for these offenses, giving them a standard range in juvenile court of 129 to 260 weeks.

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*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.*

Discretionary Decline. There are limited situations in which a juvenile court may hold a discretionary decline hearing to consider whether to transfer jurisdiction over an offense to adult court. These involve situations where a juvenile is:

- fifteen years old and charged with a serious violent offense;
- fourteen years old or younger and charged with murder 1 or murder 2; and
- convicted in adult court of a lesser offense that is not subject to autodecline and the case is transferred to juvenile court for disposition.

Cases may be transferred to adult court following a decline hearing if the court determines that decline is in the best interest of the juvenile or the public. A mandatory decline hearing must be held if a juvenile is charged with escape and the juvenile is serving a minimum juvenile sentence until age twenty-one.

**Summary of Bill:** The sentencing range in juvenile court for drive-by shooting and robbery 1 committed at age sixteen or seventeen are lowered from A+ (180 weeks to age 21) to A (103-129 weeks).

The juvenile court's option to hold a discretionary decline hearing when an offense committed by a minor that is not subject to autodecline is returned to juvenile court for sentencing is eliminated and jurisdiction of the juvenile court is extended to allow for disposition.

A discretionary decline hearing may be held when a juvenile is charged with custodial assault and has a prior conviction for custodial assault when serving a sentence in JR until age twenty-one.

A technical amendment corrects a reference maintaining the concurrent jurisdiction of juvenile court with family court over matters under the Uniform Parentage Act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Last year's bill, E2SSB 6160, reformed our autodecline statute and extended juvenile court jurisdiction to age twenty-five. This was a seismic shift in juvenile justice for our state. This bill is a clean up bill. The change moving robbery 1 to the juvenile system created a situation where you could be sentenced for a longer period of time for attempted robbery 1 than for robbery 1. This brings the sentences in line and makes it more fair. The change in discretionary decline was recommended by the prosecutor's association. These are technical fixes intended to comply with the spirit of 6160, and fix a few things that were missed. The provision on custodial assault is a compromise; we settled on a permissible decline hearing if the juvenile is serving a sentence until age twenty-one and there has been a prior custodial assault.

**Persons Testifying:** PRO: Senator Patty Kuderer, Prime Sponsor; Russell Brown, Washington Association of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying:** No one.