

HOUSE BILL REPORT

SHB 2217

As Passed House:

February 9, 2024

Title: An act relating to authority over individuals found guilty of or accused of criminal offenses that occurred when the individual was under age 18.

Brief Description: Concerning authority over individuals found guilty of or accused of criminal offenses that occurred when the individual was under age 18.

Sponsors: House Committee on Human Services, Youth, & Early Learning (originally sponsored by Representatives Cortes, Senn, Santos, Ormsby, Reed, Fosse, Doglio and Pollet).

Brief History:

Committee Activity:

Human Services, Youth, & Early Learning: 1/17/24, 1/30/24 [DPS].

Floor Activity:

Passed House: 2/9/24, 54-43.

Brief Summary of Substitute Bill

- Provides the juvenile court with jurisdiction over cases pertaining to individuals accused of committing a criminal offense under the age of 18 when charges are brought before the age of 21, rather than only when charges are brought before the age of 18.
- Allows the juvenile court to retain jurisdiction to impose a standard range disposition up to the twenty-third birthday of an individual who was adjudicated of a juvenile offense after turning 18.
- Allows the juvenile court to extend jurisdiction past the age of 18 in cases in which the parties, with the court's approval, have waived exclusive adult court jurisdiction and agreed to transfer the case to juvenile court.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- Modifies the circumstances under which a discretionary decline hearing may be held to allow a decline hearing when a juvenile charged with certain qualifying offenses was at the requisite age at the time of the offense, rather than at the time of the proceedings.
- Makes changes to jurisdiction and disposition provisions pertaining to juveniles accused or adjudicated of Murder in the first or second degree committed at age 14 or older or of Rape in the first degree committed at age 15 or older.

HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Senn, Chair; Cortes, Vice Chair; Callan, Goodman, Ortiz-Self and Taylor.

Minority Report: Do not pass. Signed by 2 members: Representatives Couture, Assistant Ranking Minority Member; Walsh.

Minority Report: Without recommendation. Signed by 3 members: Representatives Rule, Vice Chair; Eslick, Ranking Minority Member; Dent.

Staff: Omeara Harrington (786-7136).

Background:

Juvenile Court Jurisdiction.

Juvenile courts are a division of the state's superior court system. In general, juvenile courts only have jurisdiction over criminal matters concerning persons who are under the age of 18 through the point of adjudication (a juvenile conviction). If criminal proceedings commence after a person's eighteenth birthday for an offense committed prior to the person's eighteenth birthday, the proceedings must be held in adult court and the person is subject to adult sentencing. A juvenile with a pending case in juvenile court at the time they turn 18 may continue to be under the jurisdiction of the juvenile court beyond the juvenile's eighteenth birthday only if, before that date, the juvenile court enters an order extending jurisdiction. With some limited exceptions, the court cannot extend jurisdiction over proceedings past the juvenile's twenty-first birthday.

In addition, there are several circumstances under which state law requires exclusive adult court jurisdiction or allows the juvenile court to decline jurisdiction and transfer the case to adult court:

- The juvenile court may decline jurisdiction to adult court following a discretionary decline hearing initiated on the court's own motion, or on the motion of any party

- requesting a transfer to adult court, in circumstances in which:
- the respondent is at least age 15 and is charged with a serious violent offense;
 - the respondent is age 14 or younger and is charged with Murder in the first or second degree; or
 - the respondent is any age and is charged with Custodial Assault and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age 21.
- The juvenile court is required to hold a decline hearing considering a transfer to adult court in circumstances when 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; or
 - Rape of a Child in the first degree.

The parties may also agree to waive exclusive adult court jurisdiction in a criminal matter involving a person under the age of 18 and, with the court's approval, move the matter to juvenile court.

Sentences for Criminal Offenses.

Juvenile court dispositions and adult felony criminal sentences are subject to statutory sentencing guidelines. In both the juvenile and adult systems, a statutory grid establishes the standard sentencing range for a particular offense based on the seriousness level of the offense and an individual's prior juvenile adjudications or adult convictions.

In the juvenile disposition system, the disposition category called local sanctions is the least serious category and may include any of, or a combination of, the following: up to 30 days in confinement in a county juvenile detention facility, up to 12 months of community supervision, and up to 150 hours of community restitution. Any confinement imposed that is greater than 30 days is served through commitment at a Department of Children, Youth, and Families (DCYF) juvenile rehabilitation facility.

In general, a juvenile disposition may extend past a juvenile's eighteenth birthday, but may not extend past their twenty-first birthday. However, for juveniles age 16 or 17 who are adjudicated of Robbery in the first degree, Drive By Shooting, or any violent offense while armed with a firearm, jurisdiction remains until the juvenile turns age 25. In these circumstances, jurisdiction is also automatically extended to include a period up to 24 months of parole, not extending past the individual's twenty-fifth birthday.

Felony criminal convictions in adult court are sentenced under the Sentencing Reform Act

(SRA). The SRA's sentencing grid ranges from a low-end sentence of zero to 60 days of incarceration for a seriousness level I offense to a possible life sentence for a seriousness level XVI offense. Persons convicted of felonies in adult courts serve sentences of less than one year at local jail facilities, and longer sentences at prison facilities operated by the Department of Corrections. However, persons convicted in adult court of an offense committed prior to turning 18 serve sentences at a DCYF juvenile rehabilitation facility until they age out of the facility, at which point they transfer to the state prison system.

Summary of Substitute Bill:

Juvenile court jurisdiction over persons age 18 and older is expanded.

Except in cases in which the adult court has exclusive jurisdiction or the juvenile court has declined jurisdiction, the juvenile court has jurisdiction over all criminal proceedings pertaining to individuals who are accused of committing an offense under the age of 18 when the information is filed before the individual turns 21. The current law requirements for charges to be initiated and for the court to extend jurisdiction prior to the juvenile's eighteenth birthday no longer apply. The court retains jurisdiction to impose a standard range disposition up to a person's twenty-third birthday when the person is adjudicated at age 18 or older for a juvenile offense.

The juvenile court may also extend jurisdiction over persons over the age of 18 accused of criminal offenses committed at the age of 16 or 17 that would otherwise be subject to exclusive adult court jurisdiction when the parties, with the court's approval, have agreed to juvenile court jurisdiction.

Changes are made to the jurisdiction and disposition provisions concerning juveniles accused or adjudicated of Murder in the first or second degree committed at age 14 or older or of Rape in the first degree committed at age 15 or older as follows:

- an individual accused of one of these offenses may be committed by the juvenile court to the DCYF for placement in a juvenile rehabilitation facility up to their twenty-third birthday; and
- jurisdiction is extended to allow for up to 24 months of parole for persons adjudicated of Murder in the first or second degree, and for 24 to 36 months of parole for persons adjudicated of Rape in the first degree, not to extend past the person's twenty-fifth birthday.

The circumstances for when a discretionary decline hearing may be held when a juvenile is charged with a serious violent offense or Murder in the first or second degree require that the respondent was at the requisite age at the time of the offense, rather than at the time of the proceedings.

Provisions providing juvenile court jurisdiction over cases in which the information was filed before the person turned 21, provisions modifying the discretionary decline provisions,

and provisions allowing cases to return to juvenile court from adult court in certain circumstances apply to all pending and future cases, including cases involving an offense that occurred prior to the effective date of the bill. The authorization for a juvenile court to impose a standard range disposition up to a person's twenty-third birthday applies to all cases charged in the future, including cases in which the offense occurred prior to the effective date of the bill.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is an effort to try to address as many cases as possible in juvenile court when the offense was committed by someone under the age of 18. Currently if a youth commits a crime at the age of 17 and for whatever reason the charges are not filed until they turn 18, the case moves to the adult criminal justice system. The exact same offense can be committed by two people of the same age, but because of how long it can take to process a case, one kid may have a completely different outcome than another. Prosecutor backlog is not the fault of the child. Even if the judge and parties are okay with bringing the case back to juvenile court, it is not always possible. These cases are rare, but the collateral consequences of being convicted as an adult are much more severe. There are some differing opinions as to whether this should apply between the ages of 18 and 21, or only 18 and 19.

The system should be fundamentally fair and based on brain development science, and in its current form it is not. There are vast differences between the juvenile system and the adult system. The juvenile system offers more developmentally appropriate treatment than adult court, which is not meant to handle people who commit crimes as juveniles. The bill also allows extension of jurisdiction for some serious offenses committed by juveniles. Allowing longer jurisdiction in these cases is an acknowledgement of the unique circumstances surrounding these offenses, and allows the rehabilitative aspects of juvenile rehabilitation to take place. This bill provides a way to address trauma appropriately, help avoid recidivism, and enhances safety for everyone. This is also one mechanism to address racial disparity.

Many young adults have been adversely affected by the age of 18 being the charging cutoff for juvenile court. It is not uncommon for someone who committed an offense right before turning 18 to be rushed into taking a deal that will result in their incarceration to the age of 21. These can be situations where the juvenile has no financial support to hire their own lawyer and no family support to help with the decision-making. If there was time to

negotiate and go through the process, they could have explored options for a better deal. This bill embodies the profound truth that each person is more than their worst act and is capable of change. Young people are opportunities to be invested in, not problems to be solved. People who committed offenses as juveniles deserve to be in a system that believes in their humanity and that is the juvenile justice system.

(Opposed) None.

Persons Testifying: Representative Julio Cortes, prime sponsor; Katie Hurley, King County Department of Public Defense; Judge Jennifer Forbes, Superior Court Judges' Association; Nicholas Oakley, Center for Children and Youth Justice; Julissa Sanchez, CHOOSE 180; Maureen McKee, Minority & Justice Commission; Cameron Miller; Zaheed Lynch; Matthew Murphy, Collective Justice Program Director, Restorative Dialogues; and Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.