

SENATE BILL REPORT

EHB 1324

As of March 24, 2023

Title: An act relating to the scoring of prior juvenile offenses in sentencing range calculations.

Brief Description: Concerning the scoring of prior juvenile offenses in sentencing range calculations.

Sponsors: Representatives Hackney, Senn, Simmons, Reed, Lekanoff, Doglio, Pollet and Macri.

Brief History: Passed House: 3/6/23, 51-45.

Committee Activity: Law & Justice: 3/27/23.

Brief Summary of Bill

- Prohibits juvenile adjudications from being included in a defendant's offender score for the purpose of adult felony sentencing.
- Allows an incarcerated individual to petition for resentencing after January 1, 2025, or January 1, 2026, if the individual remains in custody and their offender score was increased due to any juvenile adjudications.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Kevin Black (786-7747)

Background: Washington uses determinate sentencing for adult felony offenses under the Sentencing Reform Act in which a standard range sentence is determined by calculating an offender score based on prior adult convictions or juvenile adjudications, and comparing that to a seriousness level for the offense which is assigned by statute. The standard range is determined using a grid. Certain prior convictions and adjudications are excluded from offender score calculations if the person remains crime-free in the community for a specified period of time following release. When calculating the offender score, prior

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juvenile dispositions may be worth fewer points than equivalent adult convictions depending on the nature of the prior offense and the severity of the current offense.

Juvenile court adjudicates criminal offenses committed by individuals under 18 years of age, unless the offense is transferred to adult court, in which case the subsequent conviction would be treated as an adult offense. Adult court has exclusive jurisdiction over a serious violent offense or the offense of rape of a child in the first degree committed by a minor who is 16 or 17 years old, or a violent offense if the minor has a criminal history including a serious violent offense, two or more violent offenses, or three or more specified felony offenses. A discretionary decline hearing to adult court may be scheduled for a 15-year-old who has committed a serious violent offense, or a younger person who has committed murder in the first or second degree.

Summary of Bill: A juvenile court adjudication may not be included in a defendant's offender score for the purpose of adult felony sentencing.

An incarcerated individual sentenced to an offense with a release date on or after January 1, 2025, whose offender score was increased due to any juvenile adjudications may request an expedited resentencing hearing starting January 1, 2025, and be resentenced as if the juvenile adjudications were not part of the offender score at the time the original sentence was imposed. However, unless the following conditions apply, the juvenile may not be resentenced until January 1, 2026: by January 1, 2025, the juvenile must have served over 15 years or at least 50 percent of their sentence, or the juvenile's release date, based on an offender score without the juvenile adjudication, is before January 1, 2028.

Appropriation: None.

Fiscal Note: Available.

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

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