

SENATE BILL REPORT

SHB 2217

As of February 14, 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: Passed House: 2/9/24, 54-43.

Committee Activity: Human Services: 2/15/24.

Brief Summary of Bill

- Provides juvenile court jurisdiction over cases when the person is accused of committing an offense under the age of 18 and charges are filed before the person turns 21.
- Allows the juvenile court to retain jurisdiction to impose a standard range disposition up to the person's 23rd birthday when the person was adjudicated of an offense after turning 18.
- Modifies discretionary decline hearing requirements to allow a hearing based on the juvenile's age at the time of the offense rather than at the time of the proceedings.
- Alters jurisdiction and disposition provisions for juveniles adjudicated of certain crimes.

SENATE COMMITTEE ON HUMAN SERVICES

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.

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Background: Juvenile Court Jurisdiction. Juvenile courts are a division of the state's superior court system. Juvenile courts only have jurisdiction over criminal matters pertaining to persons who are under age 18 through the point of adjudication. If charges are filed after the person's 18th birthday for an offense committed prior to the person's 18th birthday, the proceedings must be held in adult court. A juvenile with a pending case in juvenile court at the time the person turns 18 may continue to be under the jurisdiction of the juvenile court beyond the person's 18th birthday only if, prior to the person's 18th birthday, the juvenile court enters an order extending jurisdiction, which cannot extend past the juvenile's 21st birthday.

There are also several circumstances where state law requires youth to be prosecuted and tried in adult court: discretionary decline, required decline, and auto-decline.

Discretionary Decline. The juvenile court may decline jurisdiction and transfer the matter to adult court following a discretionary decline hearing initiated on the court's motion or on the motion of any party requesting transfer if the person is:

- age 15 or older at the time of the proceedings and charged with a serious violent offense;
- age 14 or younger at the time of the proceedings and charged with murder in the first or second degree; or
- any age and charged with custodial assault and, at the time the respondent is charged, is already serving a minimum juvenile sentence to age 21.

Required Decline. The juvenile court is required to hold a decline hearing in circumstances when the person is charged with escape while serving a minimum juvenile sentence to age 21.

Auto-decline. Adult criminal courts have exclusive jurisdiction over juveniles who are 16 or 17 on the date of the offense and charged with the following offenses:

- a serious violent offense;
- rape of a child in the first degree; or
- a violent offense and the juvenile has a history of committing one prior serious violent offense, two or more prior violent offenses, or three or more prior offenses of any combination of class A or B felonies, vehicular assault, or manslaughter in the second degree.

An auto-decline case can be transferred to juvenile court if the prosecutor, youth, and court agree.

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 the person's prior juvenile adjudications or adult convictions.

Within the juvenile system, local sanctions can include one or a combination of up to 30 days of 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 in the custody of the Department of Children, Youth, and Families (DCYF) juvenile rehabilitation (JR) facility.

Juvenile court jurisdiction to impose a disposition ends on the juvenile's 21st birthday. 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 25. In these instances, jurisdiction is also automatically extended to include 24 months of parole, not extending beyond the person's 25th birthday.

Persons convicted in adult court of an offense committed prior to turning 18 serve their sentence at a DCYF JR facility until age 25. At age 25, they transfer to the custody of the Department of Corrections.

Summary of Bill: The jurisdiction of the juvenile court over persons over the age of 18 is expanded.

Time of Filing. The juvenile court has jurisdiction over criminal proceedings where the person is accused of committing an offense under the age of 18 and the information is filed before the person turns 21, except in auto-decline cases or when the juvenile court has declined jurisdiction.

The requirement for charges to be initiated, and for the court to enter an order extending jurisdiction, prior to the juvenile's 18th birthday are removed from current law.

Limits of Jurisdiction. For a juvenile who is 18 or older at the time of adjudication, the court retains jurisdiction to impose a standard range disposition up to the person's 23rd birthday.

A juvenile offender adjudicated of murder in the first or second degree committed at age 14 or older, or adjudicated of rape in the first degree committed at age 15 or older, may be committed by the juvenile court to DCYF for placement in a JR facility up to the person's 23rd birthday.

In addition, jurisdiction for parole is automatically extended for 24 months for a juvenile offender adjudicated of murder in the first or second degree committed at age 14 or older, and for 24-36 months for persons adjudicated of rape in the first degree, not to extend past the person's 25th birthday.

Return to Juvenile Court. The juvenile court has jurisdiction over persons over the age of 18

accused of criminal offenses committed at age 16 or 17 that would otherwise be subject to exclusive adult court jurisdiction when the parties agree to juvenile court jurisdiction with the court's approval.

Discretionary Decline Hearings. Requirements for discretionary decline hearings are modified so that a juvenile charged with a serious violent offense or murder in the first or second degree must be at the specified age at the time of the alleged offense, rather than at the time of the proceedings.

Application. The provision of the bill allowing the juvenile court to impose a standard range disposition up to the person's 23rd birthday for juvenile offenders who are 18 or older at the time of adjudication applies to all charges filed prospectively, regardless of whether the charges are based on conduct that occurred before the effective date of the bill.

Changes to the discretionary decline hearing requirements, changes providing juvenile court jurisdiction over cases in which the information is filed before the person turned 21, and changes relating to when cases may return to juvenile court from adult court apply to all cases with pending charges and all future cases, regardless of whether the charges are based on conduct that occurred before the effective date of the bill.

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.