

**Joint Legislative Task Force
Juvenile Sentencing Reform**
2014 Briefing Paper

Recent Changes in WA Juvenile Sentencing Laws

2SHB 1651 (2014) - The court must hold regular sealing hearings and seal a juvenile court record if the crime is not a most serious offense, a sex offense, or a felony drug offense and the respondent has completed the terms and conditions of disposition, including affirmative conditions and financial obligations.

ESHB 2164 (2014) - Requires most juveniles adjudicated for unlawful possession of a firearm to participate in an evidence-based program, where available, unless the court finds that participation in a program would be inappropriate.

2SSB 5064 (2014) - Modifies sentences for juveniles convicted of aggravated first degree murder. Juveniles under age 16 will receive a minimum sentence of 25 years. Juveniles 16 or 17 years of age will receive a minimum sentence of 25 years to life. Other juvenile offenders are eligible for parole after serving 20 years.

ESSB 5746 (2009) - Application of exclusive adult jurisdiction may be waived with the agreement of the prosecutor, respondent and court. Once an adult, always an adult, will not apply if a juvenile was convicted of a lesser charge or acquitted of the charge for which he or she was transferred to adult jurisdiction. Eliminates mandatory decline hearings for juveniles 15 years of age who commit a class A felony (or attempt, solicitation, or conspiracy to commit a class A felony).

SHB 2061 (2005) - Requires a case that was automatically transferred to adult court be returned to juvenile court for disposition if the juvenile is convicted of an offense that was not one requiring automatic transfer of jurisdiction, or if the juvenile was convicted of a lesser included offense.

HB 2064 (2005) - Clarifies that a juvenile must be 16 or 17 years old at the time the offense is committed in order for the automatic transfer of jurisdiction statute to apply.

EHB 1187 (2005) - Eliminates mandatory minimum sentences for youthful offenders tried as adults.

Changes Considered But Not Adopted

- HB 1862 (2014) - Allow court to impose mitigated exceptional sentence if the operation of the consecutive or concurrent sentence policy results in a clearly excessive sentence;
- SB 5479/HB 1260 (2009) - Remove Burglary 1 from list of offenses for automatic transfer to adult jurisdiction;
- SB 5479/HB 1260 (2009) - Limit transfer after discretionary hearing for 15 year olds only when charged with murder 1, murder 2, assault 1, or an attempt to commit those crimes;
- Sentencing Guidelines Commission - Juvenile Subcommittee (2008)
 - Eliminate discretionary declines for juveniles 13 or younger;
 - Remove robbery 2 and/or assault 2 from list of offenses that trigger a mandatory decline hearing and automatic transfer;
 - Create a blended sentencing scheme.