

SENATE BILL REPORT

SHB 1062

As Reported By Senate Committee On:
Law & Justice, March 20, 1995

Title: An act relating to using juvenile serious violent offenses as criminal history for purposes of adult sentencing.

Brief Description: Using juvenile serious violent offenses as criminal history for adult sentencing.

Sponsors: House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Koster, Cooke, Costa, Schoesler, Morris, Boldt, Benton, Foreman, Sheldon, Kremen, Mastin, Lisk, Chandler and Carlson).

Brief History:

Committee Activity: Law & Justice: 3/20/95 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Haugen, Johnson, Long, Roach and Schow.

Staff: Susan Carlson (786-7418)

Background: The Sentencing Reform Act (SRA) establishes standard sentence ranges for felony crimes. The standard range for a particular crime is determined by the seriousness level assigned to that crime and the extent of the defendant's criminal history.

The juvenile offenses that count towards criminal history are all sex offenses, class A felonies if the juvenile was 15 years old or older at the time of commission, and class B and C felonies if the juvenile was 15 years old or older at the time of commission and less than 23 at the time the current offense was committed.

Under current law, serious violent offenses committed prior to the age of 15 are not counted towards criminal history. Serious violent offenses are defined as first degree murder, homicide by abuse, second degree murder, first degree assault, first degree kidnapping, first degree rape, first degree assault of a child, as well as any attempt, criminal conspiracy or criminal solicitation to commit these offenses. All serious violent offenses are class A felonies.

It has been suggested that previous juvenile adjudications for serious violent offenses should always count towards criminal history.

Summary of Bill: Previous juvenile adjudications for serious violent offenses are always included in criminal history for purposes of determining the standard sentencing range under the SRA.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Convictions as a juvenile for serious violent crimes should count as criminal history if another crime is committed as an adult.

Testimony Against: None.

Testified: Representative Ida Ballasiotes, prime sponsor; Tom McBride, WA Assoc. of Prosecuting Attorneys (pro).