

PRACTICE ADVISORY | Table with Changes to Auto Decline and Decline | 3.26.18
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E2SSB 6160	IMPACT/CHANGES	REVISED LAW – <i>Effective 6.7.18</i>
<p>AUTO DECLINE: RCW 13.04.030(1)(e)(v) E2SSB 6160 (Sec. 1 and 2)</p>	<p>REMOVES youth 16/17 charged with robbery 1, drive by shooting, burglary 1, and violent offense committed with a firearm;</p>	<p>Auto-decline <u>still applies</u> to youth who are: (1) 16/17 charged with a serious violent offense; or (2) 16/17 charged with a violent offense + priors = (a) two or more prior violent offenses; OR (b) three or more class A, class B, vehicular assault, manslaughter 2 all after committed after age 13 and prosecuted separately; or (3) 16/17 charged with rape of a child 1 <i>*auto declined cases can go back to juvenile court by agreement</i></p>
<p>MANDATORY DECLINE RCW 13.40.110(2). E2SSB 6160 (Sec. 4)</p>	<p>REMOVES youth 16/17 charged with a class A or attempt, solicitation or conspiracy to commit a class A; Removes youth 17+ charged with assault 2, extortion, indecent lib, CM 2, kidnap 2 and robbery 2</p>	<p>Mandatory decline now ONLY held for juveniles charged with escape while serving minimum sentence until age 21.</p>
<p>DISCRETIONARY DECLINE RCW 13.40.110(1). E2SSB 6160 (Sec. 4)</p>	<p>REMOVES unlimited discretionary decline</p>	<p>Discretionary decline now limited to youth who are: (1) 15+ charged with serious violent offenses, or (2) 14 or younger charged with murder 1 or 2.</p>
<p>MAXIMUM SENTENCE RCW 13.40.300</p>	<p>INCREASES maximum confinement youth previously auto declined</p>	<p>Maximum confinement up to age 25 for youth 16/17 convicted of robbery 1, drive by shooting or a</p>

E2SSB 6160 (Sec. 6,7)		violent offense with a firearm; all others maximum term to age 21
PAROLE RCW 13.40.300 E2SSB 6160 (Sec. 4)	INCREASES range for parole youth previously auto declined	Parole “up to” 24 months for youth ages 16/17 convicted of robbery 1, drive by shooting or a violent offense with a firearm. Can be extended to 25 th birthday.
SENTENCING GRID: RCW 13.40.0357 E2SSB 6160 (Sec. 3)	ADDS new category (A++) and standard range for youth previously auto declined; some other ranges impacted also.	Youth who are 16/17 convicted of robbery 1 or drive by shooting have a standard range of 129-260 weeks.
OPTION B: RCW 13.04.0357 E2SSB 6160 (Sec. 3)	INCREASES eligible crimes for Option B; sets limit of one Option B sentence.	The crimes of robbery 2, burglary 2, residential burglary and intimidation of a witness are now eligible; VUCSA manufacture/deliver/PWI eligible except if results in bodily harm or use of deadly weapon; No second/subsequent option B.
ENHANCEMENTS – FIREARM RCW 13.40.193(3) E2SSB 6160 (Sec. 5)	INCREASES firearm enhancement (FAE) for some youth previously auto declined	12 months FAE for youth 16/17 convicted of a violent offense committed with a firearm;
ENHANCEMENTS – GANG RCW 13.40.193(4). E2SSB 6160 (Sec. 5)	ADDS new gang enhancement some youth 16/17 for some offenses	3 month gang enhancement for youth 16/17 convicted of robbery 1, drive by shooting, or violent offense with a firearm

The Final Bill Report (Bill Summary) for E2SSB 6160 is found here:

<http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/Senate/6160-S2.E%20SBR%20FBR%2018.pdf>

The Bill as Passed the Legislature, E2SSB 6160, is found here:

<http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/6160-S2.PL.pdf>