

**Youth in Adult Court: Changes to Place of Confinement (“JR to 25”)
E2SHB 1646 Effective Date: July 28, 2019**

Summary: This legislation provides for improved, age appropriate rehabilitative sentencing of youth by directing that youth who commit a crime prior to age 18 and who are convicted in adult court may serve their sentence up to age 25 in Juvenile Rehabilitation (JR).

- Permits youth convicted in adult court to serve a sentence in Juvenile Rehabilitation (JR) up to age 25.
- Allows a youth convicted in adult court to serve the remainder of a sentence on electronic home detention if his or her earned release date is between age 25 and 26.
- **Retroactive:** Creates a process for the Department of Corrections (DOC) and JR to review and move eligible individuals convicted of crimes prior to their 18th birthday from DOC to JR.
- Adds custodial assault committed while serving a minimum juvenile sentence to age 21 to the discretionary decline statute.

New Section/Purpose: Consider using this helpful language when representing a youth in adult court: “The legislature recognizes...efforts to reform policies that incarcerate youth and young adults in the adult criminal justice system...[and] that transferring youth and young adults to the adult criminal justice system is not effective in reducing future criminal behavioral. Youth and young adults incarcerated in the criminal justice system are more likely to recidivate than their counterparts housed in juvenile facilities. The legislature intends to enhance community safety by emphasizing rehabilitation of juveniles convicted even of the most serious violent offenses under the adult criminal justice system...The emphasis on rehabilitation up to age twenty-five reflects similar programming in other states, which has significantly reduced recidivism of juveniles confined in adult correctional facilities.”

Youth Prosecuted in Adult Court - Changes to Place of Confinement: Individuals who are convicted in adult court of crimes committed prior to their 18th birthday will serve their prison sentence until they reach age 25 in Juvenile Rehabilitation (JR), a division of the Department of Children, Youth and Families (DCYF). At age 25, JR will transfer the person to DOC to serve the remainder of the sentence. If a person presents a safety risk, JR may transfer the person to DOC prior to their 25th birthday.

Electronic Home Monitoring for Some at Age 25: An individual with an earned release date (ERD) between the age of 25 and 26 may serve the remainder of his or her sentence in partial confinement in electronic home monitoring (EHM) if it is in the best interest of both the individual and the community.

Retroactive and Prospective- Applies to Individuals Currently in DOC: Individuals currently serving a prison term in DOC for a crime committed prior to his or her 18th birthday are eligible for transfer to JR if they have not yet reached their 25th birthday. The individual must consent to the transfer.

Juvenile Court - Change in Offense Category: In juvenile court, the offense category for criminal attempt or solicitation to commit, or bail jump on, drive-by shooting and/or robbery in the first degree committed by youth at the age of 16 or 17 is reduced from an A+ to an A offense, lowering the confinement range from 180 weeks-age 21 to 103-129 weeks. Modifies RCW 13.40.0357.

Change in Discretionary Decline: The new law expands discretionary decline to include individuals charged with custodial assault, RCW 9A.36.100 while at the time of offense is already serving a minimum juvenile sentence to age 21. Modifies RCW 13.40.110(1).

Implementation: If a young adult is serving a commitment in JR at the time of effective date, the young adult will stay in JR until transferred to DOC pursuant to 72.01.410. If a young adult who is not yet 25 and who is serving a sentence for a crime committed before age 18 in DOC, he or she is eligible for transfer to JR beginning January 1, 2020. No later than September 1, 2019, DOC and JR shall create a process and identify a multidisciplinary team to review case by case the transfer of individuals from DOC to JR. The young adult individual affected must consent to the transfer from DOC to JR. After review, the team will make a recommendation regarding transfer by January 1, 2020. The secretaries of DOC and DCYF (JR) shall approve or deny the transfer within 30 days of receiving the recommendation.

WSIPP Study and Report: The Washington State Institute for Public Policy (WSIPP) must assess the impact of the act on community safety, racial disproportionality and youth rehabilitation and submit a preliminary report to the Governor and the Legislature by December 1, 2023. A final report is due on December 1, 2031.

The full Bill and Final Bill Report (Summary) for E2SSB 1646 (2019) are found [here](#).