

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 2795 HB	Title: Juvenile Court Jurisdiction	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

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Part II: Narrative Explanation

This bill would add a new section to RCW 13.04 and chapter 9.94 RCW relating to convictions for offenses that were committed at age sixteen or seventeen by persons convicted in adult court of a crime that was subject to autodecline at the time of conviction. This bill would allow for the qualified individual to petition the court to vacate the judgment and sentence and transfer the case for disposition in juvenile court.

This bill would appropriate the sum of five hundred thousand dollars from the State General Fund to the Office of Public Defense solely for the purpose of providing funds to legal advocacy organizations for legal assistance needed to assist petitioners with complying with this act.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 1 – Would provide a mechanism for a person convicted in adult court at the age of sixteen or seventeen of a crime which was subject to autodecline at the time of convictions, but subsequently transferred to the exclusive jurisdiction of the juvenile court by Chapter 162, Laws of 2018, to petition the superior court to vacate their conviction and seek disposition of the offense in juvenile court.

Section 2(1) – Would add a new section to chapter 13.04 RCW allowing any person convicted under exclusive original adult criminal jurisdiction for offenses committed at the age of sixteen or seventeen to petition the court to vacate the judgment and sentence and transfer the case for disposition in juvenile court if the conviction was for one of the following offenses;

- (a) Robbery in the first degree;
- (b) Drive-by shooting;
- (c) Burglary in the first degree when the juvenile has a prior criminal history of one or more prior felony, misdemeanor, or gross misdemeanor offenses; or
- (d) Any violent offense as defined in RCW 9.94A.030 and the juvenile was armed with a firearm.

Section 2(2) – After receiving the petition the superior court would vacate the judgment and sentence and transfer the case to juvenile court for disposition only if the following are applicable:

- (a) There are no pending appeals in the case to be vacated and transferred;
- (b) The petitioner proves facts necessary to support adjudication in juvenile court for any and all convictions subject to this section;
- (c) The convictions are not currently offenses subject to exclusive adult jurisdiction under RCW 13.04.030. If a cause number contains both offenses one that is no longer subject to exclusive adult jurisdiction and one that is subject to exclusive adult jurisdiction, the charges may be severed to allow for resentencing of those offenses no longer subject to exclusive adult jurisdiction;
- (d) The petitioner stipulates to an automatic extension of jurisdiction for purposes of imposing a disposition and supervision up to the age of twenty-five, regardless of the limitations set forth in RCW 13.40.300. If the petitioner is age twenty-five or older at the time of the resentencing, the juvenile court shall maintain jurisdiction to impose a juvenile disposition order under this title, but jurisdiction to enforce terms of supervision, sanctions, and confinement shall end at the conclusion of the disposition hearing; and
- (e) The petitioner stipulates he or she shall be subject to disposition in juvenile court and is aware that juvenile court shall not be required to impose a standard range disposition, but may impose any disposition allowed pursuant to this title provided that the juvenile court not impose any term of confinement, financial penalties, or restitution that exceeds

the terms of the petitioner's previous judgment and will receive credit for time served and restitution paid.

Section 2(3) – Would require the superior court of the judicial district in which the petitioner was originally convicted review the petition within thirty days of receipt of the written petition under this section or RCW 13.40.030.

Section 2(4) – The superior court would not be able to charge a filing fee for petitions submitted under this section. The petitioner does not have to be present for the resentencing review hearing and the superior court must review, transfer, and dispose of the case as required, regardless of whether the petitioner is present and the court must send copies of the court orders to the petitioner at his or her last known address or to the address specified in the petition.

Section 2(5) – Would require the Department of Corrections, in collaboration with the Administrative Office of the Courts and the Office of Public defense to provide written notice to all eligible persons of their right to petition the court for resentencing. The Department of Corrections would provide a list of all eligible persons with current contact information to the Office of Public Defense.

Section 2(6) – Would allow for a person appealing a conviction that would be eligible for vacation and transfer to a disposition in juvenile court to request dismissal of his or her appeal for the purpose of filing a petition under this section. After disposition in juvenile court the petitioner could file a new appeal. The new appeal would only be able to contain issues that were previously raised on appeal and are not mooted by the vacation of judgment, sentence, and disposition in juvenile court.

Section 3 – Would only allow for those convicted under exclusive original adult criminal jurisdiction between July 1, 1997 and June 7, 2018 for a crime committed at the age of sixteen or seventeen, which was transferred to the exclusive jurisdiction of juvenile court by chapter 162, Laws of 2018, may petition the court of conviction to vacate the judgment and sentence under section 2 of this act.

Section 4 – Would appropriate five hundred thousand dollars, for fiscal years ending June 30, 2021 and June 30, 2022 to the Office of Public Defense from the State General Fund for the purpose of providing funds to legal advocacy groups for legal assistance needed to assist petitioners with complying with this act.

Section 5 – Would take effect March 31, 2020.

II.B - Cash Receipt Impact

None

II.C – Expenditures

Indeterminate, but expected to be significant. There are currently 11,576 cases that may qualify. There is no data available to estimate how many individuals who would qualify for this vacation that would petition the court. Each motion and hearing would require varying amounts of judicial office time.

Vacating a conviction will require a motion and hearing before a superior court judge.

A superior court judge would be required to hear from the prosecutor and defense counsel and review the offender's criminal case history to ensure that the motion meets the statutory requirements to vacate the conviction. If the case was vacated in superior court there would need to be a sentencing hearing in juvenile court to establish the sentence in juvenile court.

This bill would require information technology modifications to the Juvenile Court System (JCS). This would be managed within existing resources.