

# JUVENILE AND YOUTHFUL OFFENDERS

Presenters:

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# JUVENILE COURT EXCLUSIVE JURISDICTION 13.04.030

Interstate Compact Matters, Dependency, Termination of parent and child relationship, Home placements, Traffic, civil infractions, or criminal violations

Except when the following circumstances are present:

The juvenile is **16 or 17 years of age** on the date the alleged offense is committed AND

- The offense is Rape of a Child First Degree; OR
- The offense is a “serious violent offense” as defined in RCW 9.94A.030; Murder 1, Murder 2, Homicide by Abuse, Manslaughter 1, Assault 1, Kidnapping 1, **Rape 1**, Assault of a Child 1, or an attempt, criminal solicitation, or conspiracy to commit one of these offenses; OR
- The offense is a “violent offense” ( offenses with Sexual Motivation/ Indecent Liberties with forcible compulsion) as defined in 9.94A.030 AND has a one or more prior serious violent offenses, two or more violent offenses, or three or more of any combination of any class B felony, vehicular assault, manslaughter 2, committed after 13<sup>th</sup> birthday and prosecuted separately.

# JUVENILE DISCRETIONARY DECLINE OF JURISDICTION

## RCW 13.40.110

Prosecutor, respondent, or Court may motion for the transfer of a case for adult prosecution only if:

- The youth is at least 15 years of age at time of proceedings AND is charged with a “serious violent offense”; OR
- The youth is at least 14 years of age at time of proceedings and is charged with Murder 1 and/or Murder 2; OR
- The youth is any age and is charged with custodial assault and youth is already serving a juvenile sentence to age 21.

Kent v. Unites States....

Factors to consider are (1) seriousness of offense and community protection, (2) was offense aggressive, violent, premeditated, or willful, (3) crime against persons or property, (4) merit of the complaint and whether grand jury would indict, (5) desirability of trial/sentence in one court vs the other, (6) sophistication/maturity of the juvenile, their history, (7) prior records of offenses, (8) prospects for adequate protection of the public and likelihood of reasonable rehabilitation currently available in juvenile court.

# JUVENILE OFFENDER / YOUTHFUL OFFENDER

“YOUTHFUL OFFENDER” – any person charged in adult superior court with a crime that was committed when the accused person was a minor

- NO statutory definition
- Encompasses both Juvenile offenders charged through (auto)declination from Juvenile Court AND offenders charged as adults

# YOUTHFUL OFFENDERS IN ADULT COURT

YOUTHFUL offenders convicted in adult court shall be sentenced under the SRA.

## STATUORY DISTINCTIONS:

- Certain sex offenses will NOT BE indeterminate sentences under RCW 9.94A.507(2): ***An offender convicted of Rape of a Child First/Second, or Child Molestation First, who was 17 year or younger at the time of the offense shall NOT be sentenced***

## Rape of a Child First Degree

RCW 9A.44.073  
**CLASS A – VIOLENT/SEX/CRIMES AGAINST PERSONS**  
**ATTEMPT = CLASS A**  
**OFFENDER SCORING RCW 9.94A.525(17)**

### SENTENCE RANGE

		Offender Score									
		0	1	2	3	4	5	6	7	8	9+
LEVEL XII		108m	119m	129m	140m	150m	161m	189m	207m	243m	279m
		93 - 123	102 - 136	111 - 147	120 - 160	129 - 171	138 - 184	162 - 216	178 - 236	209 - 277	240 - 318

## Rape of a Child Second Degree

RCW 9A.44.076  
**CLASS A – VIOLENT/SEX/CRIMES AGAINST PERSONS**  
**ATTEMPT = CLASS A**  
**OFFENDER SCORING RCW 9.94A.525(17)**

### SENTENCE RANGE

		Offender Score									
		0	1	2	3	4	5	6	7	8	9+
LEVEL XI		90m	100m	110m	119m	129m	139m	170m	185m	215m	245m
		78 - 102	86 - 114	95 - 125	102 - 136	111 - 147	120 - 158	146 - 194	159 - 211	185 - 245	210 - 280

# SENTENCING OF YOUTHFUL OFFENDERS:

❑ RCW 9.94A.535(1)(E): CAPACITY TO APPRECIATE WRONGFULNESS WAS SIGNIFICANTLY IMPAIRED

❑ CASE LAW RELATING TO YOUTH:

- ❑ State v. O'Dell, 183 Wn.2d 680 (2015)
- ❑ State v. Houston-Sconiers, 188 Wn.2d 1 (2017)
- ❑ Matter of Ali, 196 Wn.2d 220 (2020)

# COMMUNITY CUSTODY –

Offense	Sentenced to a term of confinement for one year or less. See RCW 9.94A.702	Sentenced to the Department of Corrections. See RCW 9.94A.701
Sex offenses (see page 108)	Up to 12 months	36 months (if not sentenced under RCW 9.94A.507)



# REGISTRATION –

**Q: How long does an offender have to register?**

**A:** The answer is found in RCW 9A.44.140. The duty to register under [RCW 9A.44.130](#) shall continue for the duration provided in this section.

(1) For a person convicted in this state of a **class A felony**, or a person convicted in this state of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue **indefinitely**.

(2) For a person convicted in this state of a **class B felony** who does not have one or more prior convictions for a sex offense or kidnapping offense, and has not been determined to be SVP, the duty to register shall end fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent **fifteen consecutive years** in the community without being convicted of a disqualifying offense during that time period.

(3) For a person convicted in this state of a **class C felony**, a violation of [RCW 9.68A.090](#) or [9A.44.096](#), or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person has not been deemed SVP, the duty to register shall end ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent **ten consecutive years** in the community without being convicted of a disqualifying offense during that time period.

(4) For a person required to register for a **tribal, federal, or out-of-state conviction**, the duty to register shall continue **indefinitely**.