

Eliminate Juvenile Points to Modernize Sentencing

EHB 1324

This bill brings Washington's sentencing system, as it relates to juvenile adjudications, in line with most other states. Eliminating juvenile points will reduce racial disparities, account for discoveries in developmental brain science, and stop punishing people twice by no longer counting juvenile points in adult sentencing calculations.

Current Law Does Not Reflect Modern Brain Science

Current scientific research has demonstrated that young people's brains are different and that their decision-making and impulse control are still developing. Questions of fairness and constitutionality regarding sentencing laws that do not consider developments in brain science have been raised by the Washington State Supreme Court.¹ Modernizing Washington's sentencing system to stop juvenile records from automatically increasing a person's sentence will bring it into better alignment with brain science research.

Automatically increasing a person's punishment because of an offense committed as a youth serves neither that individual nor public safety and raises the overall cost of corrections by effectively punishing people twice for the same offense and keeping people locked up for longer periods, simply because of their juvenile court adjudications.

This Bill Advances Racial and Economic Justice

Due to the over-policing of schools and communities of color, youth who are Black, Indigenous, or People of Color are disproportionately prosecuted and incarcerated, and therefore hold a disproportionate number of juvenile adjudications. Youth who lack the financial resources to navigate the criminal legal system are also at a disadvantage, making them more likely to accrue juvenile adjudications. Modernizing Washington's sentencing system would advance racial and economic equity by

eliminating this source of racial disproportionality from adult sentencing calculations.

Promotes Fairness in Sentencing

Counting juvenile records in the calculation of adult sentences punishes young people twice for offenses committed when their decision making and impulse control have not yet developed to adult levels. For years, the United States and Washington Supreme Courts have decided that youth are and should be treated differently.² However, in our current system, juvenile adjudications automatically impact the length of sentences imposed on adults. Punishments should not automatically increase based on behavior for which juveniles already served sentences.

Including Retroactivity Modernizes Sentencing in a Developmentally Appropriate and Efficient Way

Retroactively ensuring that juvenile adjudications do not automatically increase a person's sentence will not only bring Washington's sentencing system more in line with modern brain science, but it will advance racial justice and reduce corrections expenditures.

In order to mitigate the impact the bill will have on the courts, resentencings will not begin until January 1, 2025 and will be staggered over several years. The Superior Court Judges Association estimates the number of people impacted by the bill ranges from 809 to 1,437.

EHB 1324 modernizes our state's sentencing system as it relates to juvenile adjudications in a way that is developmentally appropriate and efficient.

¹ State v. Houston-Sconiers, 188 Wash.2d 1

² Miller v. Alabama, 567 U.S. 460 (2012)