

SB 5609: Eliminating Fingerprinting at Juvenile Dispositions

WDA and WACDL support the request by the Administrative Office of the Courts to eliminate fingerprinting for juvenile disposition hearings.

WDA and WACDL appreciate the proposed the Administrative Office of the Courts recognizing that “children are different.” As we learn about brain development, courts across this nation have repeatedly recognized that children are different. *See Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 2470, 183 L.Ed.2d 407 (2012), *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017), *State v. Domingo-Cornelio*, 196 Wn.2d 255, 474 P.3d 524 (2020). That difference has constitutional ramifications: “An offender's age is relevant to the Eighth Amendment, and [so] criminal procedure laws that fail to take defendants' youthfulness into account at all would be flawed.” *Graham v. Florida*, 560 U.S. 48, 76, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010); U.S. CONST. amend. VIII.

In recognizing that children are not the same as adults, the legislature amended many of the provisions that allowed automatic transfer of those under the age of 18 to adult court. In 2018, the legislature enacted SB 6160 which revised conditions under which a person is subject to exclusive adult jurisdiction and extended juvenile court jurisdiction over serious cases until age 25.

RCW 13.04.240 has long held that a juvenile court order is not the same as a conviction of crime. The law is clear that “[a]n order of court adjudging a child a juvenile offender or dependent under the provisions of this chapter shall in no case be deemed a conviction of crime.” Based on the statutory language, it is appropriate to stop treating children in juvenile court the same as adults.

The legislature should take the additional step of eliminating the need to obtain fingerprints for any resentencing that does not involve an additional conviction. As noted in the bill report:

Amended judgment and sentences issued pursuant to *State v. Blake* are exempt from the fingerprinting requirements when there are no additional offenses of conviction from the original judgment and sentence and the defendant is in custody in a correctional facility. The amended judgment and sentence must reference the original judgment and sentence and the fingerprints affixed to those documents.

The last two years have resulted in new court procedures, including the ability to do remote court appearances and remote pleas and sentencings. Numerous resentencing hearings have occurred pursuant to *State v. Blake*. Individuals that need to be sentenced pursuant to SB 5164, must have fingerprints taken. This requires extra work on the part of DOC or transporting an individual to the county of origin for the resentencing. For all cases in which a person must be resentenced and in which there are no additional offenses of conviction, fingerprints should not be required.

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