

CORRECT PAST HARMS: RETROACTIVELY ELIMINATE THE USE OF JUVENILE POINTS



HB 1274

In 2023, the Legislature stopped the practice of punishing people twice because of their prior involvement as children in the juvenile justice system. However, it only applied this correction in the law to new cases. This left behind up to 856 currently incarcerated people who are serving unjust sentences, the majority of whom are people of color, who may have received longer sentences due to their involvement in the juvenile justice system. This follow-up bill corrects this generational inequality that disproportionately impacts young people of color, while also recognizing public safety, the support needs of victims, and taking care to not overwhelm the capacity of the court system.

RETROACTIVITY IS KEY TO CORRECTING PAST HARMS

When the Legislature passed EHB 1324, it recognized that the use of juvenile points in sentencing results in unjust sentences and is not necessary for the preservation of public safety. It is fundamentally inequitable to require people to serve vastly different sentences for the same offense, and retroactive reform ensures that the changes we make to our criminal justice system benefit the people most impacted by it. If the Legislature decides that a law is bad policy going forward, it must also apply with equal force to those already impacted.

ADVANCES RACIAL AND ECONOMIC JUSTICE

Black, Indigenous, and people of color are disproportionately impacted by juvenile sentencing points in Washington state. The 57 Tribes of the Affiliated Tribes of Northwest Indians has twice passed resolutions that call on the Legislature to pass this policy. Juvenile points are a quiet driver of disproportionality in sentencing. Now we are faced with a generational inequality, where people of color who came of age during the “tough on crime” era are punished twice. Failing to apply changes in the law regarding the use of juvenile points retroactively leaves racially disproportionate sentences in place.

ALLOWS A JUDGE DISCRETION

The bill allows anyone currently incarcerated whose offender score was increased due to juvenile points to petition to go before a judge and be resentenced without the automatic use of their juvenile points. The resentencing hearing authorized by this bill is not guaranteed and will not result in the immediate release of people with juvenile points, nor does it guarantee a reduction in sentences. Instead, if granted a hearing, a judge can use discretion to consider an adult's juvenile record during resentencing, potentially adjusting within the new lower sentencing range. This bill was carefully crafted to stagger resentencing so as not to overwhelm the courts.

FREES UP RESOURCES FOR VICTIM SUPPORT

On average, it costs \$63k+ per year to incarcerate a person. Continuing to incarcerate a person when a judge has determined it is safe to reduce their sentence under current guidelines wastes scarce state resources. Instead, this bill funds victim support including, but not limited to therapy, relocation assistance, and travel fees.

Washington needs this bill so communities can begin to heal from the impacts of a sentencing system that has thrown away generations of its members. HB 1274 addresses existing racial disproportionality caused by the use of juvenile points and modernizes our sentencing system in a developmentally appropriate way – all while leaving public safety intact.