

Executive Summary: Health Impact Review of SSB 5434

Concerning the jurisdiction of juvenile court (2023 Legislative Session)

Evidence indicates that SSB 5434 would likely decrease juvenile criminal legal system involvement and recidivism for some youth aged 8 through 12 years, which would improve health outcomes across the life course.
It is unclear how the bill may impact equity.

BILL INFORMATION

Sponsors: Trudeau, Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Saldaña

Summary of relevant provisions of the bill

- Changes the procedural jurisdiction of Washington State juvenile courts from 8 through 17 years of age to 13 through 17 years of age such that:
 - Juveniles under 13 years of age are considered legally incapable of committing a crime. Except, juveniles 8 through 12 years of age (i.e., under 13 years of age) may be prosecuted in cases where the juvenile is alleged of Murder 1 or Murder 2 and the prosecution can present proof and evidence that a juvenile has sufficient capacity to understand that the act or neglect was wrong. Juveniles under 13 years of age may not be prosecuted for other crimes.
 - Juveniles aged 13 through 17 years (i.e., under 18 years of age) who are alleged of committing a crime are in the jurisdiction of juvenile court.
- Establishes the Raise the Age Juvenile Justice Task Force to consider and provide implementation recommendations to expand jurisdiction of juvenile court to include emerging adults aged 18 and 19 years. The Task Force must submit a report and plan for expansion on or before December 1, 2025.

HEALTH IMPACT REVIEW

Summary of Findings:

This Health Impact Review found the following evidence for relevant provisions in SSB 5434:

- **Informed assumption** that changing the procedural jurisdiction of juvenile court to 13 through 17 years of age would likely decrease juvenile criminal legal system^a involvement for some youth aged 8 through 12 years. This assumption is based on proposed changes to state law and information from key informants.

^a This analysis uses the phrases “juvenile criminal legal system” and “adult criminal legal system.” The term “juvenile” will be used in relation to specific laws or rules governing youth alleged of crimes through the juvenile criminal legal system. The term “youth” refers to people younger than 18 years of age and “emerging adults” refers to people 18 and 19 years of age.

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- **Very strong evidence** that changing the procedural jurisdiction of juvenile court to 13 through 17 years of age will decrease juvenile recidivism.^b
- **Very strong evidence** that decreased involvement in the juvenile criminal legal system would improve health outcomes across the life course.
- **Unclear impact** on equity due to intersectionality of overlapping identities, current inequities due to racism in the juvenile criminal legal system, and continued potential for involvement with the juvenile and adult criminal legal systems for 8 through 12-year-olds.
- “Other considerations” includes discussion of how expanding juvenile court jurisdiction to include 18- and 19-year-olds may impact health and equity for emerging adults.

UPDATE TO PREVIOUS HEALTH IMPACT REVIEW

This review is an update to the Health Impact Review completed for SB 5122, Concerning the jurisdiction of juvenile court (2021 Legislative Session) and reflects provisions of SSB 5434. As part of this update, staff:

- Realigned findings to reflect provisions of SSB 5434.
- Included information, data, and research published since 2020, as available.
- Included “Other Considerations” to discuss evidence related to how expanding juvenile court jurisdiction to include 18- and 19-year-olds has the potential to impact health and equity for emerging adults.

FULL REVIEW

For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at:

<https://sboh.wa.gov/sites/default/files/2023-02/HIR-2023-05-SSB5434.pdf>

^b In other Health Impact Reviews, we have used the term reincarceration to demonstrate the systemic nature in which those with fewer resources (e.g., people of color, those of low socioeconomic status) are more likely to become reincarcerated than those with greater access to resources. Washington State studies examining juvenile recidivism have used “the ‘Washington standard’ recidivism definition developed by the Washington State Institute of Public Policy [WSIPP] [that] requires a minimum of 30 months to complete the follow-up period, comprised of 18 months of ‘street time’ plus 12 months for court processing [...Washington State Center for Court Research] added a new recidivism metric: an offense committed within one year of the beginning of the follow-up period that results in a referral or petition filed in court.”²⁸ Since this definition includes referrals or petitions filed in court, we retain “recidivism” in this Health Impact Review for specificity and accuracy.

1. Research Washington State Center for Court. Juvenile Recidivism in Washington State: A 2014 Court Cohort and 2015 Juvenile Rehabilitation Release Cohort.2020.

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