



Written Statement of Daniel Landsman  
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In Support of HB 1324  
House Committee on Community Safety, Justice, and Reentry  
January 23<sup>rd</sup>, 2023

Chair Goodman, Vice-Chair Simmons, and the members of the House Committee on Community Safety, Justice, and Reentry, I thank you for the opportunity to submit written testimony on behalf of FAMM in support of HB 1324. This important piece of legislation would end a harmful relic of the “lock them up, and throw away the key” politics of the 1990s and bring Washington in line with a majority of state justice systems. We urge this committee to recommend “do pass” on HB 1324.

FAMM is a nonpartisan, nonprofit sentencing and prison reform organization founded in Washington, D.C. in 1991. For the last three decades, we have worked to create a more fair and effective justice system that respects our American values of individual accountability and dignity while keeping our communities safe.

House Bill 1324 is commonsense legislation to improve sentencing in Washington, reduce racial disparities, and bring the state in line with much of the country. Washington is one of only a few states that automatically includes juvenile adjudications in adult sentencing. Currently, juvenile adjudications are automatically included in any adult sentencing calculations for at least 10 years for Class B felonies, and at least 5 years for Class C felonies. This practice ignores what we know about childhood brain development and effective sentencing. We know that the brain is not fully developed until the age of 25, making children more impulsive and less likely to weigh the consequences of their actions.<sup>1</sup> This is why we have a separate justice system for children. The use of juvenile adjudications to increase adult sentencing ignores this science and essentially punishes an individual twice for mistakes they made as children.

Furthermore, this practice ignores what we know about sentencing and deterrence. It is well known that it is the certainty of being caught and swiftly held accountable, not the severity of punishment that deters criminal behavior.<sup>2</sup> These enhanced sentences are not only counter to

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<sup>1</sup> Arain M, Haque M, Johal L, Mathur P, Nel W, Rais A, Sandhu R, Sharma S. Maturation of the adolescent brain. *Neuropsychiatr Dis Treat*.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/#:~:text=The%20development%20and%20maturation%20of%20the%20prefrontal%20cortex%20occurs%20primarily,helps%20accomplish%20executive%20brain%20functions>.

<sup>2</sup> “Five Things About Deterrence”, National Institute of Justice, June 5, 2016, <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>



our understanding of brain development, but fail to make Washington safer by wasting finite resources on an ineffective approach to public safety.

This policy also greatly contributes to racial disparities in Washington's prison population. A 2021 report from the Taskforce on Race and Washington's Criminal Justice System found that children of color are disproportionately over-represented at every phase of the juvenile justice system.<sup>3</sup> Those juvenile adjudications automatically impact the length of sentences imposed on adults, effectively punishing people twice, which perpetuates racial disparities in our criminal legal system. Given the longstanding disparities in Washington's justice system, the legislature should embrace every opportunity to address contributing policies.

FAMM is grateful to this committee for considering this important piece of legislation. FAMM stands ready to answer any questions the committee may have about HB 1324 and urge the committee to give HB 1324 a recommendation of "do pass". Thank you for your time and consideration of our views.

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<sup>3</sup> Race and the Criminal Justice System, Task Force 2.0; "Report and Recommendations to Address Race in Washington's Juvenile Legal System: 2021 Report to the Washington Supreme Court" (2021). Fred T. Korematsu Center for Law and Equality. 118