

# HOUSE BILL REPORT

## SSB 6192

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### As Passed House - Amended:

March 2, 2010

**Title:** An act relating to the modification of restitution in juvenile cases.

**Brief Description:** Providing for modification of the disposition concerning restitution in juvenile cases.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Marr and Brandland).

### Brief History:

#### Committee Activity:

Human Services: 2/18/10, 2/22/10 [DPA].

#### Floor Activity:

Passed House: 3/2/10, 90-7.

### Brief Summary of Substitute Bill (As Amended by House)

- Permits the inclusion of costs of counseling reasonably related to the offense of which a juvenile has been adjudicated and restitution ordered.
- Permits the court to modify the order of restitution during the 10-year period after the juvenile's 18th birthday.
- Terminates the court's jurisdiction once the court has granted a motion to seal.
- Clarifies that a person may make a motion to seal at any time during the 10 years after his or her 18th birthday upon meeting the statutory criteria.

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## HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green and O'Brien.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Herrera and Walsh.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Linda Merelle (786-7092).

**Background:**

Restitution.

A juvenile offender, as part of the juvenile's disposition, may be required to make restitution to persons who have suffered loss or damage as a result of the offense committed by the juvenile. The juvenile court may determine the amount, terms, and conditions of the restitution including a payment plan of up to 10 years if the court determines that the juvenile does not have the means to make full restitution over a shorter period of time.

Prior to the expiration of the 10-year period, the juvenile court may extend the judgment for the payment of restitution for an additional 10 years.

**Summary of Amended Bill:**

In addition to other restitution amounts, a restitution order may include the costs of counseling reasonably related to the juvenile's offense.

The portion of the juvenile offender's disposition related to restitution may be modified as to amount, terms, and conditions within the 10-year period after the juvenile's 18th birthday. The court may still extend the judgment for the payment of restitution for an additional 10 years if the court does so prior to the expiration of the 10-year period after the juvenile turns 18 years old. If the court extends jurisdiction for an additional 10 years, the disposition of the restitution may not be modified.

If the court grants a motion to seal a juvenile record, the court's jurisdiction for the purposes of restitution is terminated. Nothing prevents a juvenile from moving to seal his or her records prior to the expiration of the 10-year period if the juvenile meets the statutory criteria.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill arose from a case where a victim was severely injured. His jaw was broken. He had to heal before a second surgery could be done and was not able to present medical costs already incurred by the time of the restitution hearing. The Court of Appeals called upon the Legislature to allow them to modify restitution orders within the next 10 years after the respondent's 18th birthday. The respondent may move the court during this time period to modify restitution orders.

(Opposed) This bill extends the court's ability to modify restitution after the offender turns 18. We don't believe that this bill is appropriate to the goals of allowing persons to put the troubles of their youth behind them. It is contrary to the design of the Juvenile Justice Act, which is to have swift and certain resolution of cases. This does not allow for finality. Respondents are left wondering whether there are changes to the court's restitution order. The sealing of records cannot be accomplished until restitution has been paid.

**Persons Testifying:** (In support) Tom McBride, Washington Association of Prosecuting Attorneys.

(Opposed) C. Wesley Richards, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.