

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6192

61st Legislature
2010 Regular Session

Passed by the Senate March 8, 2010
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 2, 2010
YEAS 90 NAYS 7

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6192** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6192

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington **61st Legislature** **2010 Regular Session**

By Senate Human Services & Corrections (originally sponsored by
Senators Marr and Brandland)

READ FIRST TIME 02/01/10.

1 AN ACT Relating to the modification of restitution in juvenile
2 cases; and amending RCW 13.40.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.190 and 2004 c 120 s 6 are each amended to read
5 as follows:

6 (1)(a) In its dispositional order, the court shall require the
7 respondent to make restitution to any persons who have suffered loss or
8 damage as a result of the offense committed by the respondent. In
9 addition, restitution may be ordered for loss or damage if the offender
10 pleads guilty to a lesser offense or fewer offenses and agrees with the
11 prosecutor's recommendation that the offender be required to pay
12 restitution to a victim of an offense or offenses which, pursuant to a
13 plea agreement, are not prosecuted.

14 (b) Restitution may include the costs of counseling reasonably
15 related to the offense.

16 (c) The payment of restitution shall be in addition to any
17 punishment which is imposed pursuant to the other provisions of this
18 chapter.

1 (d) The court may determine the amount, terms, and conditions of
2 the restitution including a payment plan extending up to ten years if
3 the court determines that the respondent does not have the means to
4 make full restitution over a shorter period. (~~Restitution may include~~
5 ~~the costs of counseling reasonably related to the offense.~~) For the
6 purposes of this section, the respondent shall remain under the court's
7 jurisdiction for a maximum term of ten years after the respondent's
8 eighteenth birthday and, during this period, the restitution portion of
9 the dispositional order may be modified as to amount, terms, and
10 conditions at any time. Prior to the expiration of the ten-year
11 period, the juvenile court may extend the judgment for the payment of
12 restitution for an additional ten years. If the court grants a
13 respondent's petition pursuant to RCW 13.50.050(11), the court's
14 jurisdiction under this subsection shall terminate.

15 (e) Nothing in this section shall prevent a respondent from
16 petitioning the court pursuant to RCW 13.50.050(11) if the respondent
17 has paid the full restitution amount stated in the court's order and
18 has met the statutory criteria.

19 (f) If the respondent participated in the crime with another person
20 or other persons, all such participants shall be jointly and severally
21 responsible for the payment of restitution. (~~For the purposes of this~~
22 ~~section, the respondent shall remain under the court's jurisdiction for~~
23 ~~a maximum term of ten years after the respondent's eighteenth birthday.~~
24 ~~Prior to the expiration of the ten-year period, the juvenile court may~~
25 ~~extend the judgment for the payment of restitution for an additional~~
26 ~~ten years.~~)

27 (g) At any time, the court may determine that the respondent is not
28 required to pay, or may relieve the respondent of the requirement to
29 pay, full or partial restitution to any insurance provider authorized
30 under Title 48 RCW if the respondent reasonably satisfies the court
31 that he or she does not have the means to make full or partial
32 restitution to the insurance provider and could not reasonably acquire
33 the means to pay the insurance provider the restitution over a ten-year
34 period.

35 (2) Regardless of the provisions of subsection (1) of this section,
36 the court shall order restitution in all cases where the victim is
37 entitled to benefits under the crime victims' compensation act, chapter
38 7.68 RCW. If the court does not order restitution and the victim of

1 the crime has been determined to be entitled to benefits under the
2 crime victims' compensation act, the department of labor and
3 industries, as administrator of the crime victims' compensation
4 program, may petition the court within one year of entry of the
5 disposition order for entry of a restitution order. Upon receipt of a
6 petition from the department of labor and industries, the court shall
7 hold a restitution hearing and shall enter a restitution order.

8 (3) If an order includes restitution as one of the monetary
9 assessments, the county clerk shall make disbursements to victims named
10 in the order. The restitution to victims named in the order shall be
11 paid prior to any payment for other penalties or monetary assessments.

12 (4) For purposes of this section, "victim" means any person who has
13 sustained emotional, psychological, physical, or financial injury to
14 person or property as a direct result of the offense charged. "Victim"
15 may also include a known parent or guardian of a victim who is a minor
16 child or is not a minor child but is incapacitated, incompetent,
17 disabled, or deceased.

18 (5) A respondent under obligation to pay restitution may petition
19 the court for modification of the restitution order.

--- END ---