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**Early Learning & Human Services  
Committee**

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**HB 1775**

**Brief Description:** Encouraging juvenile restorative justice programs.

**Sponsors:** Representatives Goodman and Kagi.

**Brief Summary of Bill**

- Provides that participation in a restorative justice program is sufficient to satisfy the requirements of a counsel and release for a juvenile whose case has been referred for a diversion.

**Hearing Date:** 2/11/11

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

**Background:**

If a juvenile is alleged to have committed a misdemeanor or gross misdemeanor, and it is his or her first violation, the prosecutor is required to "divert" the case rather than file a complaint. In some circumstances, the prosecutor has discretion whether to allow the juvenile to enter into a diversion or file the case.

A case is diverted when the juvenile enters into an agreement which may include, among other things, a requirement that the juvenile attend counseling or pay restitution. A probation counselor, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity may enter into a diversion agreement with a juvenile.

When a juvenile enters into a diversion agreement, the only information provided to the juvenile court for dispositional purposes is:

- (a) the fact that a charge or charges were made;

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- (b) the fact that a diversion agreement was entered into;
- (c) the juvenile's obligations under such agreement;
- (d) whether the alleged offender performed his or her obligations under such agreement; and
- (e) the facts of the alleged offense.

### Counsel and Release.

Where a diversion unit determines that there was no victim or that there was no threat of or instance of actual physical harm and that the offense did not involve more than \$50 in property loss or damage, and that there is no loss outstanding to the victim, it may counsel and release or release the juvenile without entering into a diversion agreement.

The diversion unit's authority to counsel and release a juvenile includes the authority to refer the juvenile to community-based counseling or treatment programs. A diversion or counsel and release is part of the juvenile's criminal history.

### Restorative Justice.

Restorative justice is a set of principles and practices that involve all parties, the offender, victim, and community, to address an offender's actions.

### **Summary of Bill:**

Participation in a restorative justice program is sufficient to satisfy the requirements of a "counsel and release."

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2011.

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