

# FINAL BILL REPORT

## SHB 1775

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C 201 L 12  
Synopsis as Enacted

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

**Sponsors:** House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Kagi).

**House Committee on Early Learning & Human Services**  
**Senate Committee on Human Services & Corrections**

### **Background:**

#### Diversions.

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 criminal complaint. The prosecutor may have discretion whether to allow the juvenile to enter into a diversion or file a criminal case for a subsequent misdemeanor or gross misdemeanor offense.

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

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

- the fact that a charge or charges were made;
- the fact that a diversion agreement was entered into;
- the juvenile's obligations under such agreement;
- whether the juvenile performed his or her obligations under such agreement; and
- the facts of the alleged offense.

#### Counsel and Release.

In some circumstances, the diversion unit may counsel and release the juvenile without requiring him or her to enter into a diversion agreement. A counsel and release is permitted if the diversion unit determines that there was no victim or that there was no threat of or

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instance of actual physical harm, that the offense did not involve more than \$50 in property loss or damage, and that there is no loss outstanding to the victim.

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 becomes 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:**

A juvenile offender's participation in a restorative justice program is sufficient to satisfy the requirements of a diversion agreement or counsel and release.

**Votes on Final Passage:**

House	96	1	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate insisted on position)
House	98	0	
Senate	48	0	

**Effective:** June 7, 2012