

# HOUSE BILL REPORT

## EHB 1775

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to juvenile restorative justice programs.

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

**Sponsors:** Representatives Goodman and Kagi.

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 1/20/12, 1/23/12, 1/24/12 [DPS].

**Brief Summary of Substitute Bill**

- Provides that participation in a restorative justice program is sufficient to satisfy the requirements of a juvenile diversion or a counsel and release.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

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

**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 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

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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:

- 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 alleged offender performed his or her obligations under such agreement; and
- 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.

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#### **Summary of Substitute Bill:**

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

#### **Substitute Bill Compared to Engrossed Bill:**

The definition of "restorative justice" was modified to incorporate programs that are sensitive to the needs of crime victims and that encourage the offender to accept responsibility for repairing harm caused by his or her actions.

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**Appropriation:** None.

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

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

**Staff Summary of Public Testimony:**

See House Bill Report in the 2011 Regular Session.

**Persons Testifying:** See House Bill Report in the 2011 Regular Session.

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