

HOUSE BILL REPORT

EHB 1775

As Amended by the Senate

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: 2/11/11, 2/15/11 [DP].

Floor Activity:

Passed House: 2/26/11, 96-1.

Senate Amended.

Passed Senate: 4/11/11, 47-0.

Brief Summary of Engrossed Bill

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

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: 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

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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:

- 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.

Summary of Engrossed Bill:

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

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removes the provision allowing restorative justice as part of a diversion agreement, limiting it only to juveniles referred for "counsel and release."

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Restorative justice is a voluntary option for remorseful defendants. It is about helping family and neighbors. It is an opportunity for young people to take responsibility for their behavior. It has worked amazingly well in every place that it has been tried. Restorative justice encourages healthier communications and stronger families. It holds youth accountable.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; Paul McCold, Friends Committee on Washington Public Policy; and Jana McKinley, Community Youth Services.

Persons Signed In To Testify But Not Testifying: None.