

SENATE BILL REPORT

HB 1894

As of February 15, 2022

Title: An act relating to expanding the period for juvenile diversion agreements.

Brief Description: Concerning the period for juvenile diversion agreements.

Sponsors: Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet; by request of Administrative Office of the Courts.

Brief History: Passed House: 2/2/22, 96-0.

Committee Activity: Human Services, Reentry & Rehabilitation: 2/16/22.

Brief Summary of Bill

- Allows a juvenile diversion agreement to be extended by six months at the request of a juvenile.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Julie Tran (786-7283)

Background: Juvenile Diversion Agreements. A juvenile diversion agreement is a contract between a juvenile accused of a crime and a diversion unit where the juvenile agrees to complete certain requirements instead of prosecution. Juvenile diversion agreements may only be executed after the prosecutor or probation counselor has determined that probable cause exists to believe that a crime was committed and that the juvenile committed it.

A juvenile diversion agreement may not exceed a period of six months and may include a period extending beyond the individual's eighteenth birthday. If additional time is needed to complete restitution to a victim, the period may be extended for six months. The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal

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history.

The requirements of a juvenile diversion agreement are limited to:

- community restitution not to exceed 150 hours;
- restitution limited to the amount of actual loss;
- attendance at up to 10 hours of counseling and 20 hours of positive youth development, educational, or information sessions at a community agency;
- requirements to remain during certain hours at home, school, or work, and restrictions on leaving or entering certain areas; and
- upon request of any victim or witness, requirements to refrain from contact with such victims or witnesses.

When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- 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.

The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs. A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

The "diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender; any other person, community accountability board, youth court under the supervision of the juvenile court; other entity with whom the juvenile court administrator has contracted to arrange and supervise such diversion agreements; or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements.

Prosecutors are required to divert a case if the alleged offense is a misdemeanor or gross misdemeanor and the alleged offense is the offender's first offense. In 2018, the Legislature expanded the circumstances when a prosecutor may divert rather than prosecute an alleged juvenile offender case. The circumstances when a prosecutor must file an information in juvenile court rather than divert a case are when:

- an alleged offender is accused of an offense that is defined as a sex offense or violent offense, other than Assault in the second degree or Robbery in the second degree; or
- an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

In making a filing decision, the prosecutor may be, but is not required to be, guided by the

length, seriousness, and recency of the juvenile's criminal history and the circumstances of the alleged offense.

Summary of Bill: A juvenile diversion agreement may be extended by six months at the request of a juvenile. A juvenile diversion agreement may be completed by a juvenile any time before an order terminates the diversion agreement.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.