

FINAL BILL REPORT

SHB 2580

C 124 L 96

Synopsis as Enacted

Brief Description: Extending the period of time that a victim of crime may collect restitution from a juvenile.

Sponsors: By House Committee on Corrections (originally sponsored by Representatives Costa, Ballasiotes, Sheahan, Murray, Hickel, Cooke, Conway and Boldt).

House Committee on Corrections
Senate Committee on Human Services & Corrections

Background: Background of the Juvenile Diversion Program. The juvenile diversion program allows a prosecutor to forego the filing of charges in the juvenile court and instead divert the case for alternative resolution. A diverted case is resolved by a contract between the juvenile and the local juvenile court's diversionary unit. This diversion agreement may last no longer than six months.

Some crimes are not eligible for diversion, including all Class A and Class B felonies and many of the more serious Class C felonies. A juvenile is eligible for diversion only twice. A juvenile who substantially violates the terms of the diversion agreement may be charged in court with commission of the original offense.

Restitution Under a Diversion Agreement. A diversion agreement may require the juvenile to pay restitution. The amount of this restitution, however, is limited in two ways. First, the amount may not exceed the victim's actual loss. Second, the amount may not exceed the juvenile's means or potential means to pay the restitution during the six-month period of the diversion agreement. Collection of this amount of restitution may occur during the six-month agreement period or during one six-month extension.

By comparison, restitution is less limited outside the diversion context. When a juvenile's case has not been diverted, and the court orders restitution after a finding of guilt, the court may look to a 10-year period in determining the juvenile's ability or potential ability to pay restitution. A judge may, however, waive restitution when committing a juvenile offender to a state juvenile facility for a period of confinement exceeding 15 weeks.

Summary: Any restitution required under a diversion agreement is no longer to be limited by any consideration of the juvenile's ability to pay restitution. Accordingly, the only upper limitation on the amount of restitution is the victim's actual loss.

If the amount of restitution required by the diversion agreement cannot be collected during the six-month period of the agreement or during the six-month extension, then the juvenile is to be referred to the juvenile court for entry of an order establishing the amount of restitution still owing. The juvenile may be required to pay full or partial restitution, depending on ability to pay, over a 10-year period. Jurisdiction over the juvenile is extended for a maximum term of 10 years after the juvenile's eighteenth birthday. The bill directs county clerks to make disbursements to victims, establishes the priority of restitution payments, and allows for modification of restitution orders.

A change is also made with regard to restitution in non-diversion cases. The bill removes the provision allowing a judge to waive restitution when committing a juvenile offender to a state juvenile facility for a period of confinement exceeding 15 weeks.

Votes on Final Passage:

House	96	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 6, 1996