

SENATE BILL REPORT

SHB 2580

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 1996

Title: An act relating to restitution.

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

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

Brief History:

Committee Activity: Human Services & Corrections: 2/14/96, 2/23/96 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, Thibaudeau and Zarelli.

Staff: Jodi Walker (786-7464)

Background: The juvenile diversion program allows a prosecutor to forego the filing of charges in a 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.

Crimes not eligible for diversion include all class A and class B felonies and several serious class C felonies. A juvenile is eligible for diversion only twice.

A diversion agreement can require the juvenile to pay restitution subject to limitations. The amount cannot exceed the victim's actual loss or exceed the juvenile's ability to pay during the six-month diversion period. Collection of restitution may occur during the six-month agreement period or during one six-month extension.

In a nondiversion case, the court may look to a 10-year period in determining the juvenile's ability or potential ability to pay restitution.

Summary of Amended Bill: Any restitution required under a diversion agreement is no longer limited by consideration of the juvenile's ability to pay restitution.

The restitution amount is not to exceed \$750 to be eligible for diversion. The diversion unit shall refer the case for prosecution if the restitution is greater than \$750.

Amended Bill Compared to Substitute Bill: The striking amendment states that the amount of restitution cannot be greater than \$750. If the restitution amount is higher, the diversion unit must refer the case for prosecution. Also, the collection agency provision is removed from the original bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Perpetrators should be made responsible for the amount of loss they have caused whether or not the juvenile is employed. By restricting to the juvenile's ability to pay in a six month period, victims might not be adequately or fairly compensated.

Testimony Against: None.

Testified: Representative Costa, original prime sponsor (pro); Becky Cruz, Washington Coalition of Sexual Assault Programs (pro).