

HOUSE BILL REPORT

HB 1332

As Passed House

January 16, 1998

Title: An act relating to diversion.

Brief Description: Authorizing diversion agreements to prohibit contact with victims or witnesses of offenses committed by the juvenile.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Sheahan, Costa, Dickerson, Blalock, O'Brien, Kenney, Linville, Wood, Benson, Ballasiotes, Ogden, Murray, Cody, Dunshee, Conway, Lantz, Carrell and Mason).

Brief History:

Committee Activity:

Law & Justice: 2/19/97, 2/27/97 [DP].

Floor Activity:

Passed House: 3/12/97, 97-0;

Passed House: 1/16/98, 94-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Edie Adams (786-7180).

Background: Diversion is a disposition option available for some juvenile offenders. The offender is diverted from the formal prosecution procedures and sanctions of the juvenile court and referred to a "diversion unit." The diversion unit may enter into a contract with the juvenile, refuse to enter into a contract with the juvenile and return the case to the prosecutor for filing, or in some cases, counsel and release the juvenile. If a juvenile successfully completes a diversion contract, no further action is taken.

A "diversion unit" may be an entity, such as a community accountability board, or an individual, such as a probation counselor. Community accountability boards are

comprised of community members such as teachers, high school students, parents, law enforcement officers, business owners, or school administrators.

A juvenile must be diverted if the alleged offense is a misdemeanor or gross misdemeanor and the juvenile has no prior offenses. If not specifically ineligible for diversion, the prosecutor may elect to divert a juvenile who is not subject to automatic diversion. A juvenile is not eligible for diversion if the offense is almost any felony offense, the juvenile has previously been committed to the Juvenile Rehabilitation Administration, the juvenile has been diverted at least two times, the juvenile is alleged to have been armed with a firearm during the offense, or the juvenile desires prosecution or is referred for prosecution by a diversion unit.

A diversion contract may consist of community service, restitution, counseling, educational sessions, a fine, requirements to be at home, school, or work at specified hours, or restrictions on entering certain areas of town.

If a juvenile eligible for diversion declines to enter into a diversion contract, the court may not enter a term of community supervision that exceeds the conditions allowed in a diversion agreement.

Summary of Bill: A diversion unit may impose a requirement that the juvenile refrain from contact with the victims or witnesses of offenses committed by the juvenile.

The provision that restricts a juvenile court from imposing on a juvenile who declined to enter into a diversion agreement a disposition in excess of that authorized in a diversion agreement is removed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Currently a diversion unit can not impose a requirement on a juvenile offender that the juvenile not contact a victim or witness of the crime. This option should be available to allow schools and parents to be involved in protecting victims from juvenile offenders. The court should not be limited in the disposition that the court may impose on a juvenile who declines to enter into a diversion agreement.

Testimony Against: None.

Testified: Helen Harlowe, Washington Coalition of Crime Victim Advocates (pro);
and Deborah Ruggles, Washington Coalition of Sexual Assault Programs (pro).