

HOUSE BILL REPORT

HB 2790

As Reported By House Committee On:

Law & Justice

Title: An act relating to restitution hearings for juvenile offenders.

Brief Description: Requiring restitution hearings for juvenile offenders to occur within one hundred eighty days of the disposition hearing.

Sponsors: Representatives Mastin, Sheahan, Costa and Lambert.

Brief History:

Committee Activity:

Law & Justice: 2/4/98 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill 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; Mulliken; Robertson and Sherstad.

Staff: Elizabeth Chambers (786-7291); Edie Adams (786-7180).

Background: In a disposition hearing for a juvenile offender, the court must determine the amount of restitution owed to the victim. The Washington Supreme Court recently interpreted this provision to require that a juvenile offender's restitution obligation must be determined at the disposition hearing unless the juvenile waives the right to have restitution set at that time. State v. Mollichi.

During the 1997 legislative session, the Washington Legislature passed juvenile justice legislation (E3SHB 3900) which clarifies that at a juvenile's disposition hearing, the court may set a later hearing date to determine the amount of restitution. This provision takes effect July 1, 1998.

In a sentencing hearing for an adult, if restitution is ordered, the court may determine the amount of restitution due within 180 days.

Summary of Substitute Bill: In juvenile court, if a hearing for restitution is set for a later date, that date must be within 180 days from the date of the disposition hearing, or the court may continue the hearing beyond the 180 days for good cause.

Substitute Bill Compared to Original Bill: The original bill did not allow for a continuance of the restitution hearing beyond 180 days for good cause.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on July 1, 1998.

Testimony For: This will bring the juvenile statutes in line with adult statutes with regard to setting a later date for restitution hearings.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys (pro).