

HOUSE BILL ANALYSIS

HB 1637

Title: An act relating to teen court programs.

Brief Description: Implementing teen court programs.

Sponsors: Representatives Costa, Ballasiotes, Dickerson, Keiser, Wood, Ogden, Blalock, Cooke and Scott.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: Juvenile court generally has exclusive original jurisdiction over all juveniles alleged to have committed an offense, traffic infraction, or violation. In addition, the juvenile court has jurisdiction over juveniles who violate compulsory school attendance laws. A court of limited jurisdiction may have jurisdiction over a juvenile who is 16 or older and who is alleged to have committed a traffic, fish, boating, or game offense or a traffic infraction.

Teen courts have developed over the last decade as an alternative method of handling certain youthful offenders. According to the American Probation and Parole Association, there are currently 30 states operating teen court programs. The operation and administration of teen court programs varies considerably across the states. Most teen court programs require the offender to plead guilty before participating in the program. Some programs are structured to allow the teen court to determine whether the juvenile is guilty or innocent. Teen court programs are administered by juvenile courts, private nonprofit organizations, juvenile probation departments, law enforcement agencies, or schools.

The American Probation and Parole Association has prepared a comprehensive implementation guide on teen court programs. The guide contains detailed information on how to design, implement, and enhance teen court programs.

According to the guide, there are two basic teen court program models: trial models and peer jury models.

Trial Models: Trial models use youth volunteers in the roles of defense attorney and prosecuting attorney. In programs that require the offender to plead guilty, the role of the youth volunteers serving as defense and prosecuting attorney is to argue

aggravating and mitigating circumstances or the facts of the case. There are three variations on the trial model:

- Trial Model A: Youth volunteers serve in the roles of prosecuting attorneys, defense attorneys, and jurors. Youth volunteers may also serve as court clerks and bailiffs. An adult volunteer serves in the role of judge.
- Trial Model B: Similar to trial model A except that youth volunteers also serve in the role of judge. Youth judges typically are required to have served for a specified period of time as a teen court attorney.
- Trial Model C: Similar to trial model B except that there is no peer jury. Youth attorneys present the case to a youth judge who determines the appropriate penalty.

Peer Jury Models: Peer jury models do not use teen defense and prosecuting attorneys. A panel of teen jurors directly question the defendant. Most have an adult volunteer serve in the role of judge.

A type of teen court program is currently in operation in Issaquah. The program is a student traffic court administered by the Issaquah District Court with Issaquah High School. The program only applies to teens from Issaquah High School who have been cited for traffic infractions. Issaquah High School students serve in the roles of judge and jurors to determine the appropriate penalty for the infraction. If the defendant complies with the penalty imposed, the infraction is dismissed.

Summary of Bill: The Office of the Administrator for the Courts is authorized to encourage the use of teen courts for juveniles who commit offenses, infractions, or are truants.

A teen court program must be developed using the guidelines of the American Probation and Parole Association Teen Courts Project. The teen court program must target juveniles between the ages of eight and 17 who are first-time nonviolent property offenders, nonviolent property offenders with a limited criminal history, or juveniles who have violated compulsory education or traffic laws.

A teen court program must emphasize the following principles: (1) youth must be held accountable for their problem behavior; (2) youth must be educated about the impact their actions have on themselves and others, including victims, families, and communities; (3) youth must develop skills to resolve problems with their peers more effectively; and (4) youth should be provided a meaningful forum to practice and enhance newly developed skills.

A teen court program may include a diversion unit, a law enforcement entity, juvenile court, a juvenile probation department, a private nonprofit organization, and a school. Teen court programs may be funded by government and private grants.

The definition of "diversion unit" is amended to include a teen court under the supervision of the juvenile court.

Fiscal Note: Requested February 13, 1997.

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

Office of Program Research