

SENATE BILL REPORT

HB 1332

As Reported By Senate Committee On:
Human Services & Corrections, February 19, 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: 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: Human Services & Corrections: 3/25/97, 4/1/97 [DPA]; 2/19/98 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

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

Staff: Joan K. Mell (786-7447)

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 Amended 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.

Persons who enter diversion agreements on prostitution type offenses must pay a fine into the prostitution prevention and intervention account.

Amended Bill Compared to Original Bill: The provision on fines into the prostitution prevention and intervention account is not in the House bill.

The statutory sections are updated to reflect changes in the law from last year.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Victims are protected by this bill.

Testimony Against: None.

Testified: Eileen O'Brien, WA Coalition of Crime Victim Advocates (pro).