

2 EHB 1749 - S AMD - 318
3 By Senator Costa

4 ADOPTED 4/13/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 13.40.127 and 1997 c 338 s 21 are each amended to
8 read as follows:

9 (1) A juvenile is eligible for deferred disposition unless he or
10 she:

- 11 (a) Is charged with a sex or violent offense;
- 12 (b) Has a criminal history which includes any felony; or
- 13 (c) Has a prior deferred disposition or deferred adjudication; or
- 14 (d) Has two or more diversions; or
- 15 (e) Has two or more gross misdemeanors or misdemeanors.

16 (2) The juvenile court may, upon motion at least fourteen days
17 before commencement of trial and, after consulting the juvenile's
18 custodial parent or parents or guardian and with the consent of the
19 juvenile, continue the case for disposition for a period not to exceed
20 one year from the date the juvenile is found guilty. The court shall
21 consider whether the offender and the community will benefit from a
22 deferred disposition before deferring the disposition.

23 (3) Any juvenile who agrees to a deferral of disposition shall:

- 24 (a) Stipulate to the admissibility of the facts contained in the
25 written police report;
- 26 (b) Acknowledge that the report will be entered and used to support
27 a finding of guilt and to impose a disposition if the juvenile fails to
28 comply with terms of supervision; and
- 29 (c) Waive the following rights to: (i) A speedy disposition; and
30 (ii) call and confront witnesses.

31 The adjudicatory hearing shall be limited to a reading of the
32 court's record.

33 (4) Following the stipulation, acknowledgment, waiver, and entry of
34 a finding or plea of guilt, the court shall defer entry of an order of
35 disposition of the juvenile.

1 (5) Any juvenile granted a deferral of disposition under this
2 section shall be placed under community supervision. The court may
3 impose any conditions of supervision that it deems appropriate
4 including posting a probation bond. Payment of restitution under RCW
5 13.40.190 shall be a condition of community supervision under this
6 section.

7 (6) A parent who signed for a probation bond has the right to
8 notify the counselor if the juvenile fails to comply with the bond or
9 conditions of supervision. The counselor shall notify the court and
10 surety of any failure to comply. A surety shall notify the court of
11 the juvenile's failure to comply with the probation bond. The state
12 shall bear the burden to prove, by a preponderance of the evidence,
13 that the juvenile has failed to comply with the terms of community
14 supervision.

15 (7) A juvenile's lack of compliance shall be determined by the
16 judge upon written motion by the prosecutor or the juvenile's juvenile
17 court community supervision counselor. If a juvenile fails to comply
18 with terms of supervision, the court shall enter an order of
19 disposition.

20 (8) At any time following deferral of disposition the court may,
21 following a hearing, continue the case for an additional one-year
22 period for good cause.

23 (9) At the conclusion of the period set forth in the order of
24 deferral and upon a finding by the court of full compliance with
25 conditions of supervision and payment of full restitution, the
26 respondent's conviction shall be vacated and the court shall dismiss
27 the case with prejudice.

28 **Sec. 2.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read
29 as follows:

30 For the purposes of this chapter:

31 (1) "Community-based rehabilitation" means one or more of the
32 following: Employment; attendance of information classes; literacy
33 classes; counseling, outpatient substance abuse treatment programs,
34 outpatient mental health programs, anger management classes, education
35 or outpatient treatment programs to prevent animal cruelty, or other
36 services; or attendance at school or other educational programs
37 appropriate for the juvenile as determined by the school district.

1 Placement in community-based rehabilitation programs is subject to
2 available funds;

3 (2) Community-based sanctions may include one or more of the
4 following:

5 (a) A fine, not to exceed five hundred dollars;

6 (b) Community service not to exceed one hundred fifty hours of
7 service;

8 (3) "Community service" means compulsory service, without
9 compensation, performed for the benefit of the community by the
10 offender as punishment for committing an offense. Community service
11 may be performed through public or private organizations or through
12 work crews;

13 (4) "Community supervision" means an order of disposition by the
14 court of an adjudicated youth not committed to the department or an
15 order granting a deferred disposition. A community supervision order
16 for a single offense may be for a period of up to two years for a sex
17 offense as defined by RCW 9.94A.030 and up to one year for other
18 offenses. As a mandatory condition of any term of community
19 supervision, the court shall order the juvenile to refrain from
20 committing new offenses. As a mandatory condition of community
21 supervision, the court shall order the juvenile to comply with the
22 mandatory school attendance provisions of chapter 28A.225 RCW and to
23 inform the school of the existence of this requirement. Community
24 supervision is an individualized program comprised of one or more of
25 the following:

26 (a) Community-based sanctions;

27 (b) Community-based rehabilitation;

28 (c) Monitoring and reporting requirements;

29 (d) Posting of a probation bond;

30 (5) "Confinement" means physical custody by the department of
31 social and health services in a facility operated by or pursuant to a
32 contract with the state, or physical custody in a detention facility
33 operated by or pursuant to a contract with any county. The county may
34 operate or contract with vendors to operate county detention
35 facilities. The department may operate or contract to operate
36 detention facilities for juveniles committed to the department.
37 Pretrial confinement or confinement of less than thirty-one days
38 imposed as part of a disposition or modification order may be served
39 consecutively or intermittently, in the discretion of the court;

1 (6) "Court," when used without further qualification, means the
2 juvenile court judge(s) or commissioner(s);

3 (7) "Criminal history" includes all criminal complaints against the
4 respondent for which, prior to the commission of a current offense:

5 (a) The allegations were found correct by a court. If a respondent
6 is convicted of two or more charges arising out of the same course of
7 conduct, only the highest charge from among these shall count as an
8 offense for the purposes of this chapter; or

9 (b) The criminal complaint was diverted by a prosecutor pursuant to
10 the provisions of this chapter on agreement of the respondent and after
11 an advisement to the respondent that the criminal complaint would be
12 considered as part of the respondent's criminal history. A
13 successfully completed deferred adjudication that was entered before
14 July 1, 1998, or a deferred disposition shall not be considered part of
15 the respondent's criminal history;

16 (8) "Department" means the department of social and health
17 services;

18 (9) "Detention facility" means a county facility, paid for by the
19 county, for the physical confinement of a juvenile alleged to have
20 committed an offense or an adjudicated offender subject to a
21 disposition or modification order. "Detention facility" includes
22 county group homes, inpatient substance abuse programs, juvenile basic
23 training camps, and electronic monitoring;

24 (10) "Diversion unit" means any probation counselor who enters into
25 a diversion agreement with an alleged youthful offender, or any other
26 person, community accountability board, youth court under the
27 supervision of the juvenile court, or other entity except a law
28 enforcement official or entity, with whom the juvenile court
29 administrator has contracted to arrange and supervise such agreements
30 pursuant to RCW 13.40.080, or any person, community accountability
31 board, or other entity specially funded by the legislature to arrange
32 and supervise diversion agreements in accordance with the requirements
33 of this chapter. For purposes of this subsection, "community
34 accountability board" means a board comprised of members of the local
35 community in which the juvenile offender resides. The superior court
36 shall appoint the members. The boards shall consist of at least three
37 and not more than seven members. If possible, the board should include
38 a variety of representatives from the community, such as a law
39 enforcement officer, teacher or school administrator, high school

1 student, parent, and business owner, and should represent the cultural
2 diversity of the local community;

3 (11) "Foster care" means temporary physical care in a foster family
4 home or group care facility as defined in RCW 74.15.020 and licensed by
5 the department, or other legally authorized care;

6 (12) "Institution" means a juvenile facility established pursuant
7 to chapters 72.05 and 72.16 through 72.20 RCW;

8 (13) "Intensive supervision program" means a parole program that
9 requires intensive supervision and monitoring, offers an array of
10 individualized treatment and transitional services, and emphasizes
11 community involvement and support in order to reduce the likelihood a
12 juvenile offender will commit further offenses;

13 (14) "Juvenile," "youth," and "child" mean any individual who is
14 under the chronological age of eighteen years and who has not been
15 previously transferred to adult court pursuant to RCW 13.40.110 or who
16 is otherwise under adult court jurisdiction;

17 (15) "Juvenile offender" means any juvenile who has been found by
18 the juvenile court to have committed an offense, including a person
19 eighteen years of age or older over whom jurisdiction has been extended
20 under RCW 13.40.300;

21 (16) "Local sanctions" means one or more of the following: (a)
22 0-30 days of confinement; (b) 0-12 months of community supervision; (c)
23 0-150 hours of community service; or (d) \$0-\$500 fine;

24 (17) "Manifest injustice" means a disposition that would either
25 impose an excessive penalty on the juvenile or would impose a serious,
26 and clear danger to society in light of the purposes of this chapter;

27 (18) "Monitoring and reporting requirements" means one or more of
28 the following: Curfews; requirements to remain at home, school, work,
29 or court-ordered treatment programs during specified hours;
30 restrictions from leaving or entering specified geographical areas;
31 requirements to report to the probation officer as directed and to
32 remain under the probation officer's supervision; and other conditions
33 or limitations as the court may require which may not include
34 confinement;

35 (19) "Offense" means an act designated a violation or a crime if
36 committed by an adult under the law of this state, under any ordinance
37 of any city or county of this state, under any federal law, or under
38 the law of another state if the act occurred in that state;

1 (20) "Probation bond" means a bond, posted with sufficient security
2 by a surety justified and approved by the court, to secure the
3 offender's appearance at required court proceedings and compliance with
4 court-ordered community supervision or conditions of release ordered
5 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of
6 cash or posting of other collateral in lieu of a bond if approved by
7 the court;

8 (21) "Respondent" means a juvenile who is alleged or proven to have
9 committed an offense;

10 (22) "Restitution" means financial reimbursement by the offender to
11 the victim, and shall be limited to easily ascertainable damages for
12 injury to or loss of property, actual expenses incurred for medical
13 treatment for physical injury to persons, lost wages resulting from
14 physical injury, and costs of the victim's counseling reasonably
15 related to the offense if the offense is a sex offense. Restitution
16 shall not include reimbursement for damages for mental anguish, pain
17 and suffering, or other intangible losses. Nothing in this chapter
18 shall limit or replace civil remedies or defenses available to the
19 victim or offender;

20 (23) "Secretary" means the secretary of the department of social
21 and health services. "Assistant secretary" means the assistant
22 secretary for juvenile rehabilitation for the department;

23 (24) "Services" means services which provide alternatives to
24 incarceration for those juveniles who have pleaded or been adjudicated
25 guilty of an offense or have signed a diversion agreement pursuant to
26 this chapter;

27 (25) "Sex offense" means an offense defined as a sex offense in RCW
28 9.94A.030;

29 (26) "Sexual motivation" means that one of the purposes for which
30 the respondent committed the offense was for the purpose of his or her
31 sexual gratification;

32 (27) "Surety" means an entity licensed under state insurance laws
33 or by the state department of licensing, to write corporate, property,
34 or probation bonds within the state, and justified and approved by the
35 superior court of the county having jurisdiction of the case;

36 (28) "Violation" means an act or omission, which if committed by an
37 adult, must be proven beyond a reasonable doubt, and is punishable by
38 sanctions which do not include incarceration;

1 (29) "Violent offense" means a violent offense as defined in RCW
2 9.94A.030.

3 (30) "Youth court" means a program under the supervision of the
4 juvenile court.

5 **Sec. 3.** RCW 13.40.080 and 1997 c 338 s 70 are each amended to read
6 as follows:

7 (1) A diversion agreement shall be a contract between a juvenile
8 accused of an offense and a diversionary unit whereby the juvenile
9 agrees to fulfill certain conditions in lieu of prosecution. Such
10 agreements may be entered into only after the prosecutor, or probation
11 counselor pursuant to this chapter, has determined that probable cause
12 exists to believe that a crime has been committed and that the juvenile
13 committed it. Such agreements shall be entered into as expeditiously
14 as possible.

15 (2) A diversion agreement shall be limited to one or more of the
16 following:

17 (a) Community service not to exceed one hundred fifty hours, not to
18 be performed during school hours if the juvenile is attending school;

19 (b) Restitution limited to the amount of actual loss incurred by
20 the victim;

21 (c) Attendance at up to ten hours of counseling and/or up to twenty
22 hours of educational or informational sessions at a community agency.
23 The educational or informational sessions may include sessions relating
24 to respect for self, others, and authority; victim awareness;
25 accountability; self-worth; responsibility; work ethics; good
26 citizenship; literacy; and life skills. For purposes of this section,
27 "community agency" may also mean a community-based nonprofit
28 organization, if approved by the diversion unit. The state shall not
29 be liable for costs resulting from the diversionary unit exercising the
30 option to permit diversion agreements to mandate attendance at up to
31 ten hours of counseling and/or up to twenty hours of educational or
32 informational sessions;

33 (d) A fine, not to exceed one hundred dollars. In determining the
34 amount of the fine, the diversion unit shall consider only the
35 juvenile's financial resources and whether the juvenile has the means
36 to pay the fine. The diversion unit shall not consider the financial
37 resources of the juvenile's parents, guardian, or custodian in
38 determining the fine to be imposed; and

1 (e) Requirements to remain during specified hours at home, school,
2 or work, and restrictions on leaving or entering specified geographical
3 areas.

4 (3) Notwithstanding the provisions of subsection (2) of this
5 section, youth courts are not limited to the conditions imposed by
6 subsection (2) of this section in imposing sanctions on juveniles
7 pursuant to section 9 of this act.

8 (4) In assessing periods of community service to be performed and
9 restitution to be paid by a juvenile who has entered into a diversion
10 agreement, the court officer to whom this task is assigned shall
11 consult with the juvenile's custodial parent or parents or guardian and
12 victims who have contacted the diversionary unit and, to the extent
13 possible, involve members of the community. Such members of the
14 community shall meet with the juvenile and advise the court officer as
15 to the terms of the diversion agreement and shall supervise the
16 juvenile in carrying out its terms.

17 ~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six
18 months and may include a period extending beyond the eighteenth
19 birthday of the divertee.

20 (b) If additional time is necessary for the juvenile to complete
21 restitution to the victim, the time period limitations of this
22 subsection may be extended by an additional six months.

23 (c) If the juvenile has not paid the full amount of restitution by
24 the end of the additional six-month period, then the juvenile shall be
25 referred to the juvenile court for entry of an order establishing the
26 amount of restitution still owed to the victim. In this order, the
27 court shall also determine the terms and conditions of the restitution,
28 including a payment plan extending up to ten years if the court
29 determines that the juvenile does not have the means to make full
30 restitution over a shorter period. For the purposes of this subsection
31 ~~((4))~~ (5)(c), the juvenile shall remain under the court's
32 jurisdiction for a maximum term of ten years after the juvenile's
33 eighteenth birthday. Prior to the expiration of the initial ten-year
34 period, the juvenile court may extend the judgment for restitution an
35 additional ten years. The court may not require the juvenile to pay
36 full or partial restitution if the juvenile reasonably satisfies the
37 court that he or she does not have the means to make full or partial
38 restitution and could not reasonably acquire the means to pay the
39 restitution over a ten-year period. The county clerk shall make

1 disbursements to victims named in the order. The restitution to
2 victims named in the order shall be paid prior to any payment for other
3 penalties or monetary assessments. A juvenile under obligation to pay
4 restitution may petition the court for modification of the restitution
5 order.

6 ~~((+5+))~~ (6) The juvenile shall retain the right to be referred to
7 the court at any time prior to the signing of the diversion agreement.

8 ~~((+6+))~~ (7) Divertees and potential divertees shall be afforded due
9 process in all contacts with a diversionary unit regardless of whether
10 the juveniles are accepted for diversion or whether the diversion
11 program is successfully completed. Such due process shall include, but
12 not be limited to, the following:

13 (a) A written diversion agreement shall be executed stating all
14 conditions in clearly understandable language;

15 (b) Violation of the terms of the agreement shall be the only
16 grounds for termination;

17 (c) No divertee may be terminated from a diversion program without
18 being given a court hearing, which hearing shall be preceded by:

19 (i) Written notice of alleged violations of the conditions of the
20 diversion program; and

21 (ii) Disclosure of all evidence to be offered against the divertee;

22 (d) The hearing shall be conducted by the juvenile court and shall
23 include:

24 (i) Opportunity to be heard in person and to present evidence;

25 (ii) The right to confront and cross-examine all adverse witnesses;

26 (iii) A written statement by the court as to the evidence relied on
27 and the reasons for termination, should that be the decision; and

28 (iv) Demonstration by evidence that the divertee has substantially
29 violated the terms of his or her diversion agreement.

30 (e) The prosecutor may file an information on the offense for which
31 the divertee was diverted:

32 (i) In juvenile court if the divertee is under eighteen years of
33 age; or

34 (ii) In superior court or the appropriate court of limited
35 jurisdiction if the divertee is eighteen years of age or older.

36 ~~((+7+))~~ (8) The diversion unit shall, subject to available funds,
37 be responsible for providing interpreters when juveniles need
38 interpreters to effectively communicate during diversion unit hearings
39 or negotiations.

1 ~~((+8+))~~ (9) The diversion unit shall be responsible for advising a
2 diveree of his or her rights as provided in this chapter.

3 ~~((+9+))~~ (10) The diversion unit may refer a juvenile to community-
4 based counseling or treatment programs.

5 ~~((+10+))~~ (11) The right to counsel shall inure prior to the initial
6 interview for purposes of advising the juvenile as to whether he or she
7 desires to participate in the diversion process or to appear in the
8 juvenile court. The juvenile may be represented by counsel at any
9 critical stage of the diversion process, including intake interviews
10 and termination hearings. The juvenile shall be fully advised at the
11 intake of his or her right to an attorney and of the relevant services
12 an attorney can provide. For the purpose of this section, intake
13 interviews mean all interviews regarding the diversion agreement
14 process.

15 The juvenile shall be advised that a diversion agreement shall
16 constitute a part of the juvenile's criminal history as defined by RCW
17 13.40.020~~((+9+))~~ (7). A signed acknowledgment of such advisement shall
18 be obtained from the juvenile, and the document shall be maintained by
19 the diversionary unit together with the diversion agreement, and a copy
20 of both documents shall be delivered to the prosecutor if requested by
21 the prosecutor. The supreme court shall promulgate rules setting forth
22 the content of such advisement in simple language.

23 ~~((+11+))~~ (12) When a juvenile enters into a diversion agreement,
24 the juvenile court may receive only the following information for
25 dispositional purposes:

- 26 (a) The fact that a charge or charges were made;
27 (b) The fact that a diversion agreement was entered into;
28 (c) The juvenile's obligations under such agreement;
29 (d) Whether the alleged offender performed his or her obligations
30 under such agreement; and
31 (e) The facts of the alleged offense.

32 ~~((+12+))~~ (13) A diversionary unit may refuse to enter into a
33 diversion agreement with a juvenile. When a diversionary unit refuses
34 to enter a diversion agreement with a juvenile, it shall immediately
35 refer such juvenile to the court for action and shall forward to the
36 court the criminal complaint and a detailed statement of its reasons
37 for refusing to enter into a diversion agreement. The diversionary
38 unit shall also immediately refer the case to the prosecuting attorney

1 for action if such juvenile violates the terms of the diversion
2 agreement.

3 ~~((13))~~ (14) A diversionary unit may, in instances where it
4 determines that the act or omission of an act for which a juvenile has
5 been referred to it involved no victim, or where it determines that the
6 juvenile referred to it has no prior criminal history and is alleged to
7 have committed an illegal act involving no threat of or instance of
8 actual physical harm and involving not more than fifty dollars in
9 property loss or damage and that there is no loss outstanding to the
10 person or firm suffering such damage or loss, counsel and release or
11 release such a juvenile without entering into a diversion agreement.
12 A diversion unit's authority to counsel and release a juvenile under
13 this subsection shall include the authority to refer the juvenile to
14 community-based counseling or treatment programs. Any juvenile
15 released under this subsection shall be advised that the act or
16 omission of any act for which he or she had been referred shall
17 constitute a part of the juvenile's criminal history as defined by RCW
18 13.40.020~~((9))~~ (7). A signed acknowledgment of such advisement shall
19 be obtained from the juvenile, and the document shall be maintained by
20 the unit, and a copy of the document shall be delivered to the
21 prosecutor if requested by the prosecutor. The supreme court shall
22 promulgate rules setting forth the content of such advisement in simple
23 language. A juvenile determined to be eligible by a diversionary unit
24 for release as provided in this subsection shall retain the same right
25 to counsel and right to have his or her case referred to the court for
26 formal action as any other juvenile referred to the unit.

27 ~~((14))~~ (15) A diversion unit may supervise the fulfillment of a
28 diversion agreement entered into before the juvenile's eighteenth
29 birthday and which includes a period extending beyond the divertee's
30 eighteenth birthday.

31 ~~((15))~~ (16) If a fine required by a diversion agreement cannot
32 reasonably be paid due to a change of circumstance, the diversion
33 agreement may be modified at the request of the divertee and with the
34 concurrence of the diversion unit to convert an unpaid fine into
35 community service. The modification of the diversion agreement shall
36 be in writing and signed by the divertee and the diversion unit. The
37 number of hours of community service in lieu of a monetary penalty
38 shall be converted at the rate of the prevailing state minimum wage per
39 hour.

1 (~~(16)~~) (17) Fines imposed under this section shall be collected
2 and paid into the county general fund in accordance with procedures
3 established by the juvenile court administrator under RCW 13.04.040 and
4 may be used only for juvenile services. In the expenditure of funds
5 for juvenile services, there shall be a maintenance of effort whereby
6 counties exhaust existing resources before using amounts collected
7 under this section.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40 RCW
9 to read as follows:

10 Youth courts provide a diversion for cases involving juvenile
11 offenders, in which participants, under the supervision of an adult
12 coordinator, may serve in various capacities within the program, acting
13 in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths
14 who appear before youth courts are youths eligible for diversion
15 pursuant to RCW 13.40.070 (6) and (7). Youth courts have no
16 jurisdiction except as provided for in this act. Youth courts are
17 diversion units and not courts established under Article IV of the
18 state Constitution.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW
20 to read as follows:

21 (1) The office of the administrator for the courts shall encourage
22 the juvenile courts to work with cities and counties to implement,
23 expand, or use youth court programs for juveniles who commit diversion-
24 eligible offenses, civil, or traffic infractions. Program operations
25 of youth court programs may be funded by government and private grants.
26 Youth court programs are limited to those that:

27 (a) Are developed using the guidelines for creating and operating
28 teen court programs developed by the American probation and parole
29 association teen courts project;

30 (b) Target offenders age eight through seventeen; and

31 (c) Emphasize the following principles:

32 (i) Youth must be held accountable for their problem behavior;

33 (ii) Youth must be educated about the impact their actions have on
34 themselves and others including their victims, their families, and
35 their community;

36 (iii) Youth must develop skills to resolve problems with their
37 peers more effectively; and

1 (iv) Youth should be provided a meaningful forum to practice and
2 enhance newly developed skills.

3 (2) Youth court programs may be established by law enforcement
4 entities, municipal courts, district courts, juvenile probation
5 departments, private nonprofit organizations, and schools, under the
6 supervision of juvenile court.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.40 RCW
8 to read as follows:

9 (1) Youth courts have authority over juveniles ages eight through
10 seventeen who:

11 (a) Along with their parent, guardian, or legal custodian,
12 voluntarily and in writing request youth court involvement;

13 (b) Admit they have committed the offense they are referred for;

14 (c) Along with their parent, guardian, or legal custodian, waive
15 any privilege against self-incrimination concerning the offense; and

16 (d) Along with their parent, guardian, or legal custodian, agree to
17 comply with the youth court disposition of the case.

18 (2) Youth courts shall not exercise authority over youth who are
19 under the continuing jurisdiction of the juvenile court for law
20 violations, including a youth with a matter pending before the juvenile
21 court but which has not yet been adjudicated.

22 (3) Youth courts may decline to accept a youth for youth court
23 disposition for any reason and may terminate a youth from youth court
24 participation at any time.

25 (4) A youth or his or her parent, guardian, or legal custodian may
26 withdraw from the youth court process at any time.

27 (5) Youth courts shall give any victims of a juvenile the
28 opportunity to be notified, present, and heard in any youth court
29 proceeding.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.40 RCW
31 to read as follows:

32 Youth court may not notify the juvenile court of satisfaction of
33 conditions until all ordered restitution has been paid.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.40 RCW
35 to read as follows:

1 Every youth appearing before a youth court shall be accompanied by
2 his or her parent, guardian, or legal custodian.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.40 RCW
4 to read as follows:

5 (1) Youth court dispositional options include those delineated in
6 RCW 13.40.080, and may also include:

7 (a) Participating in law-related education classes, appropriate
8 counseling, treatment, or other education programs;

9 (b) Providing periodic reports to the youth court;

10 (c) Participating in mentoring programs;

11 (d) Serving as a participant in future youth court proceedings;

12 (e) Writing apology letters; or

13 (f) Writing essays.

14 (2) Youth courts shall not impose a term of confinement or
15 detention. Youth courts may require that the youth pay reasonable fees
16 to participate in youth court and in classes, counseling, treatment, or
17 other educational programs that are the disposition of the youth court.

18 (3) A youth court disposition shall be completed within one hundred
19 eighty days from the date of referral.

20 (4) Pursuant to RCW 13.40.080(1), a youth court disposition shall
21 be reduced to writing and signed by the youth and his or her parent,
22 guardian, or legal custodian accepting the disposition terms.

23 (5) Youth court shall notify the juvenile court upon successful or
24 unsuccessful completion of the disposition.

25 (6) Youth court shall notify the prosecutor or probation counselor
26 of a failure to successfully complete the youth court disposition.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 13.40 RCW
28 to read as follows:

29 A youth court may require that a youth pay a nonrefundable fee, not
30 exceeding thirty dollars, to cover the costs of administering the
31 program. The fee may be reduced or waived for a participant. Fees
32 shall be paid to and accounted for by the youth court.

33 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.320
34 RCW to read as follows:

35 Local school boards may provide for school credit for participation
36 as a member of a youth court as defined in RCW 13.40.020.

1 **Sec. 12.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to
2 read as follows:

3 A traffic or civil infraction case involving a juvenile under the
4 age of sixteen may be diverted in accordance with the provisions of
5 this chapter or filed in juvenile court.

6 (1) If a notice of a traffic or civil infraction is filed in
7 juvenile court, the juvenile named in the notice shall be afforded the
8 same due process afforded to adult defendants in traffic infraction
9 cases.

10 (2) A monetary penalty imposed upon a juvenile under the age of
11 sixteen who is found to have committed a traffic or civil infraction
12 may not exceed one hundred dollars. At the juvenile's request, the
13 court may order performance of a number of hours of community service
14 in lieu of a monetary penalty, at the rate of the prevailing state
15 minimum wage per hour.

16 (3) A diversion agreement entered into by a juvenile referred
17 pursuant to this section shall be limited to thirty hours of community
18 service, or educational or informational sessions.

19 (4) Traffic or civil infractions referred to a youth court pursuant
20 to this section are subject to the conditions imposed by section 9 of
21 this act.

22 (5) If a case involving the commission of a traffic or civil
23 infraction or offense by a juvenile under the age of sixteen has been
24 referred to a diversion unit, an abstract of the action taken by the
25 diversion unit may be forwarded to the department of licensing in the
26 manner provided for in RCW 46.20.270(2).

27 **Sec. 13.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to
28 read as follows:

29 (1) All violations of state law, local law, ordinance, regulation,
30 or resolution designated as traffic infractions in RCW 46.63.020 may be
31 heard and determined by a district court, except as otherwise provided
32 in this section.

33 (2) Any municipal court has the authority to hear and determine
34 traffic infractions pursuant to this chapter.

35 (3) Any city or town with a municipal court may contract with the
36 county to have traffic infractions committed within the city or town
37 adjudicated by a district court.

1 (4) District court commissioners have the authority to hear and
2 determine traffic infractions pursuant to this chapter.

3 (5) Any district or municipal court may, with the consent of the
4 juvenile court, refer juveniles age sixteen or seventeen to a youth
5 court, as defined in RCW 13.40.020, for traffic infractions.

6 (6) The boards of regents of the state universities, and the boards
7 of trustees of the regional universities and of The Evergreen State
8 College have the authority to hear and determine traffic infractions
9 under RCW 28B.10.560."

10 **EHB 1749** - S AMD - 318
11 By Senator Costa

12 ADOPTED 4/13/99

13 On page 1, line 1 of the title, after "disposition;" strike the
14 remainder of the title and insert "amending RCW 13.40.127, 13.40.020,
15 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter
16 13.40 RCW; and adding a new section to chapter 28A.320 RCW."

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