

HOUSE BILL REPORT

EHB 1749

As Amended by the Senate

Title: An act relating to eligibility for deferred disposition.

Brief Description: Revising eligibility requirements for deferred disposition.

Sponsors: Representatives Dickerson, McDonald, Lantz and Koster.

Brief History:

Committee Activity:

Judiciary: 2/16/99, 2/22/99 [DP].

Floor Activity:

Passed House: 3/9/99, 93-0.

Senate Amended.

Passed Senate: 4/13/99, 43-0.

<h3>Brief Summary of Bill</h3>

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| <ul style="list-style-type: none">· Makes a juvenile ineligible for a deferred disposition when the juvenile has two or more gross misdemeanors or misdemeanors. |
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HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

Deferred disposition is a disposition alternative for some juveniles offenders. If the juvenile agrees to a deferred disposition, after a plea of guilty or a determination of guilt upon a reading of the record, the court may continue the case for disposition for up to one year and place the juvenile on community supervision.

The court may impose any conditions of supervision that it finds appropriate. If the juvenile fails to comply with the conditions of the community supervision, the court must enter an order of disposition. If the juvenile complies with all conditions of community supervision for the period ordered by the court, the juvenile's adjudication will be vacated, and no further action on the case will be taken.

A juvenile is ineligible for deferred disposition if:

- the current charge is for a sex or violent offense;
- the juvenile has a criminal history of any felony;
- the juvenile has a prior deferred disposition or deferred adjudication; or
- the juvenile has two or more diversions.

Diversion is a different disposition option, and allows a juvenile accused of a minor offense to fulfill certain conditions in lieu of prosecution.

The statutes do not specify a limit on the number of prior misdemeanors a juvenile may have before becoming ineligible for deferred disposition.

Summary of Bill:

The criteria for when a juvenile is ineligible for a deferred disposition is expanded. A juvenile is ineligible for a deferred disposition if the juvenile has two or more gross misdemeanors or misdemeanors.

EFFECT OF SENATE AMENDMENT(S): The senate amendment authorizes the use of youth courts as part of the juvenile diversion disposition alternative. The youth courts are available to juveniles who are eligible for diversion and to juveniles with traffic or civil infractions. The office of administrator for the courts must encourage juvenile courts to work with cities and counties to implement or expand youth courts that (a) are developed using the guidelines from the American probation and parole association teen courts project; (b) target offenders between eight and seventeen; and (c) emphasize certain principles. Law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools may establish youth courts under the supervision of the juvenile court. Juveniles must comply with certain requirements to participate in youth court. Youth courts may impose certain disposition options. The youth courts may be funded by government and private grants.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Juveniles are encouraged to plead guilty to misdemeanors in order to reserve deferred disposition for a more serious offense. This bill simply levels the playing field.

Testimony Against: This bill will increase the number of misdemeanor trials and reduce the number of juveniles in deferred disposition.

Testified: (In support) Representative Dickerson, prime sponsor; Susan Waild, King County Superior Court Diversion Unit and Washington Association of Juvenile Diversion Units; and Martha Harden, Superior Court Judges Association and Washington Association of Juvenile Court Administrators.

(Opposed) Sherry Appleton, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Frank Hewins, Franklin-Pierce Diversion Unit.