

HOUSE BILL REPORT

SSB 5457

As Passed House:

April 8, 1999

Title: An act relating to conditions involving diversion agreements for juveniles under diversion programs authorized by state law prior to January 1, 1999.

Brief Description: Revising provisions relating to conditions involving diversion agreements for juveniles.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Zarelli, Hargrove and Long).

Brief History:

Committee Activity:

Judiciary: 3/25/99, 4/1/99 [DP].

Floor Activity:

Passed House: 4/8/99, 95-0.

Brief Summary of Substitute Bill

- Allows the juvenile diversion unit to, upon the request of the victim or witness, prohibit the juvenile from contacting the victim or witness of the alleged offense.
- Allows the court to impose community supervision that exceeds conditions allowed in diversions when the juvenile has declined to enter into a diversion agreement.

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:

Diversion is a disposition alternative for certain juveniles in which a juvenile agrees to fulfill certain conditions in lieu of formal prosecution. The conditions in a diversion agreement are limited to one or more of the following:

- community service up to 150 hours;
- restitution limited to the amount of actual loss incurred by the victim;
- attendance at up to 10 hours of counseling and/or up to 20 hours of educational or informational sessions at a community agency (the sessions may be related to respect, victim awareness, accountability, responsibility, work ethics, literacy, life skills, and other subjects);
- a fine, not to exceed \$100; and
- requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas.

A diversion agreement may not exceed a period of six months. The period may be extended for the purposes of paying restitution.

When a juvenile is found to have committed an offense for which the juvenile refused to enter into a diversion agreement, the court must impose a term of community supervision limited to the conditions allowed in a diversion agreement.

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 before;
- the juvenile is alleged to have been armed with a firearm during the offense;
- the juvenile desires prosecution or is referred for prosecution by a diversion unit.

Summary of Bill:

A new condition is added to the list of conditions a court may impose on a juvenile under a diversion agreement. Upon request from the victim or witness of the offense, the diversion unit may require that the juvenile not contact the victim or witness.

When a juvenile declines to enter into a diversion agreement, the court may impose terms of community supervision that exceed conditions allowed in a diversion agreement.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The current statute does not list as a condition for diversion the ability for the diversion unit to order that the offender not contact the victim. This bill will help protect victims from being harassed.

Testimony Against: None.

Testified: Joan Guenther, Washington Coalition of Crime Victim Advocates.