

HOUSE BILL ANALYSIS

SSB 6008

Title: An act relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations.

Brief Description: Creating youth courts.

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

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310).

Background:

Diversion is a contract between a juvenile accused of a criminal offense and a diversionary unit where the juvenile agrees to fulfill certain conditions in lieu of prosecution. A diversionary unit can be a Community Accountability Board or other entity that the juvenile court administrator has contracted with to arrange and supervise diversion agreements. Diversion agreements may be entered into only after the prosecutor or probation officer determines that there is probable cause to believe that the juvenile has committed the crime. The prosecutor must divert the case if the alleged offense is a misdemeanor, gross misdemeanor, or violation and it is the offender's first offense or violation. A case may not be diverted if the alleged offender is accused of a class A or B felony or certain class C felonies; if the offender has a certain criminal history; or if the offender was armed with a firearm when committing the offense. In most other cases, the prosecutor has discretion regarding whether to divert the case, based on the length, seriousness, and recency of the offender's criminal history, and the circumstances surrounding the commission of the present offense.

The diversion agreement is limited to one or more of the following dispositions: (1) community service up to 150 hours; (2) restitution in the amount of the actual loss incurred by the victim; (3) up to 10 hours of counseling and/or 20 hours of educational/informational sessions; (4) a fine not to exceed \$100; and (5) specific restrictions on the juvenile's movement.

Traffic and civil infraction cases involving juveniles may also be diverted, and disposition is limited to 30 hours of community service, or educational or informational sessions.

Summary:

Youth courts are diversionary units operated under the supervision of the juvenile court system. Youth courts may enter into diversion agreements with diversion-eligible juveniles.

The Office of the Administrator for the Courts must encourage the juvenile courts to work with cities and counties to implement or expand youth court programs for juveniles who commit diversion-eligible offenses and civil or traffic infractions. They must be developed in accordance with American Probation and Parole Association Teen Courts Project guidelines, target offenders between the ages of 8 and 17, and emphasize certain principles, such as accountability, problem solving, and education regarding the impact of their behavior. They may be established by law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools, under the supervision of the juvenile court.

Youth courts have authority over juveniles who, along with a parent or guardian, voluntarily request youth court involvement. The juvenile must admit to committing the offense, waive any privilege against self-incrimination, and agree to comply with the disposition ordered by the youth court. They also must be accompanied by a parent or guardian at all youth court appearances. Victims are given the opportunity to be notified, present, and heard at youth court proceedings.

Youth courts do not have authority over youth who are under the continuing jurisdiction of the juvenile court. They also may decline to accept a juvenile for disposition for any reason, and may terminate a youth from youth court participation at any time. A youth may withdraw from the process at any time. The juvenile court is notified upon successful completion of the disposition, including complete satisfaction of any ordered restitution.

In addition to disposition options available under diversion, youth courts are also authorized to order participation in law-related classes, mentoring programs, and future youth court proceedings, periodic reporting to the youth court, and the writing of apology letters and essays. The youth court may not order confinement. Dispositions must be completed within 180 days from the date of referral. Juveniles can be required to pay not more than \$30 to cover the costs of youth court and reasonable fees for any counseling or education that is ordered.

Traffic and civil infraction cases involving juveniles may be diverted to youth court by any municipal or district court, with the consent of the juvenile court.

The Office of the Superintendent of Public Instruction must encourage school districts to implement or expand youth court programs for students who violate school rules. Local school boards are authorized to provide school credit for participation in youth court.

Fiscal Note: Requested on February 10, 2000.

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