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**SUBSTITUTE SENATE BILL 5203**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Human Services, Mental Health & Housing (originally sponsored by Senators Wilson, Hobbs, Pedersen, Wellman, Palumbo, Darneille, and Keiser)

READ FIRST TIME 02/07/17.

1 AN ACT Relating to allowing youth courts to have jurisdiction  
2 over transit infractions; and amending RCW 3.72.005, 3.72.010,  
3 3.72.020, 3.72.030, and 3.72.040.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 3.72.005 and 2002 c 237 s 1 are each amended to read  
6 as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Court" when used without further qualification means the  
10 district court under chapter 3.30 RCW, the municipal department under  
11 chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20  
12 RCW.

13 (2) "Traffic infraction" means those acts defined as traffic  
14 infractions by RCW 46.63.020.

15 (3) "Transit infraction" means an infraction issued by a transit  
16 authority as defined in RCW 9.91.025(2)(c), including those  
17 infractions authorized under RCW 35.58.580, 36.57A.230, and  
18 81.112.220.

19 (4) "Youth court" means an alternative method of hearing and  
20 disposing of traffic infractions for juveniles age sixteen or  
21 seventeen.

1       **Sec. 2.** RCW 3.72.010 and 2005 c 73 s 1 are each amended to read  
2 as follows:

3       (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW  
4 may create a youth court. The youth court shall have jurisdiction  
5 over traffic and transit infractions alleged to have been committed  
6 by juveniles age sixteen or seventeen. The court may refer a juvenile  
7 to the youth court upon request of any party or upon its own motion.  
8 However, a juvenile shall not be required under this section to have  
9 his or her traffic or transit infraction referred to or disposed of  
10 by a youth court.

11       (2) To be referred to a youth court pursuant to this chapter, a  
12 juvenile:

13       (a) May not have had a prior traffic or transit infraction  
14 referred to a youth court;

15       (b) May not be under the jurisdiction of any court for a  
16 violation of any provision of Title 46 RCW or for unlawful transit  
17 conduct under RCW 9.91.025;

18       (c) May not have any convictions for a violation of any provision  
19 of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025;  
20 and

21       (d) Must acknowledge that there is a high likelihood that he or  
22 she would be found to have committed the traffic or transit  
23 infraction.

24       (3)(a) Nothing in this chapter shall interfere with the ability  
25 of juvenile courts to refer matters to youth courts that have been  
26 established to provide a diversion for matters involving juvenile  
27 offenders who are eligible for diversion pursuant to RCW 13.40.070  
28 (6) and (~~(7)~~) (8) and who agree, along with a parent, guardian, or  
29 legal custodian, to comply with the provisions of RCW 13.40.600.

30       (b) Nothing in this chapter shall interfere with the ability of  
31 student courts to work with students who violate school rules and  
32 policies pursuant to RCW 28A.300.420.

33       **Sec. 3.** RCW 3.72.020 and 2002 c 237 s 3 are each amended to read  
34 as follows:

35       (1) A youth court agreement shall be a contract between a  
36 juvenile accused of a traffic or transit infraction and a court  
37 whereby the juvenile agrees to fulfill certain conditions imposed by  
38 a youth court in lieu of a determination that a traffic or transit  
39 infraction occurred. Such agreements may be entered into only after

1 the law enforcement authority has determined that probable cause  
2 exists to believe that a traffic or transit infraction has been  
3 committed and that the juvenile committed it. A youth court agreement  
4 shall be reduced to writing and signed by the court and the youth  
5 accepting the terms of the agreement. Such agreements shall be  
6 entered into as expeditiously as possible.

7 (2) Conditions imposed on a juvenile by a youth court shall be  
8 limited to one or more of the following:

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

12 (b) Attendance at defensive driving school or driver improvement  
13 education classes or, in the discretion of the court, a like means of  
14 fulfilling this condition. The state shall not be liable for costs  
15 resulting from the youth court or the conditions imposed upon the  
16 juvenile by the youth court;

17 (c) A monetary penalty, not to exceed one hundred dollars. All  
18 monetary penalties assessed and collected under this section shall be  
19 deposited and distributed in the same manner as costs, fines,  
20 forfeitures, and penalties are assessed and collected under RCW  
21 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and  
22 46.63.110(~~(+6)~~) (7), regardless of the juvenile's successful or  
23 unsuccessful completion of the youth court agreement;

24 (d) Requirements to remain during specified hours at home,  
25 school, or work, and restrictions on leaving or entering specified  
26 geographical areas;

27 (e) Participating in law-related education classes;

28 (f) Providing periodic reports to the youth court or the court;

29 (g) Participating in mentoring programs;

30 (h) Serving as a participant in future youth court proceedings;

31 (i) Writing apology letters; or

32 (j) Writing essays.

33 (3) Youth courts may require that the youth pay any costs  
34 associated with conditions imposed upon the youth by the youth court.

35 (a) A youth court disposition shall be completed within one  
36 hundred eighty days from the date of referral.

37 (b) The court, as specified in RCW 3.72.010, shall monitor the  
38 successful or unsuccessful completion of the disposition.

39 (4) A youth court agreement may extend beyond the eighteenth  
40 birthday of the youth.

1 (5) Any juvenile who is, or may be, referred to a youth court  
2 shall be afforded due process in all contacts with the youth court  
3 regardless of whether the juvenile is accepted by the youth court or  
4 whether the youth court program is successfully completed. Such due  
5 process shall include, but not be limited to, the following:

6 (a) A written agreement shall be executed stating all conditions  
7 in clearly understandable language and the action that will be taken  
8 by the court upon successful or unsuccessful completion of the  
9 agreement;

10 (b) Violation of the terms of the agreement shall be the only  
11 grounds for termination.

12 (6) The youth court shall, subject to available funds, be  
13 responsible for providing interpreters when juveniles need  
14 interpreters to effectively communicate during youth court hearings  
15 or negotiations.

16 (7) The court shall be responsible for advising a juvenile of his  
17 or her rights as provided in this chapter.

18 (8) When a juvenile enters into a youth court agreement, the  
19 court may receive only the following information for dispositional  
20 purposes:

21 (a) The fact that a traffic or transit infraction was alleged to  
22 have been committed;

23 (b) The fact that a youth court agreement was entered into;

24 (c) The juvenile's obligations under such agreement;

25 (d) Whether the juvenile performed his or her obligations under  
26 such agreement; and

27 (e) The facts of the alleged traffic or transit infraction.

28 (9) A court may refuse to enter into a youth court agreement with  
29 a juvenile. When a court refuses to enter a youth court agreement  
30 with a juvenile, it shall set the matter for hearing in accordance  
31 with all applicable court rules and statutory provisions governing  
32 the hearing and disposition of traffic and transit infractions.

33 (10) If a monetary penalty required by a youth court agreement  
34 cannot reasonably be paid due to a lack of financial resources of the  
35 youth, the court may convert any or all of the monetary penalty into  
36 community service. The modification of the youth court agreement  
37 shall be in writing and signed by the juvenile and the court. The  
38 number of hours of community service in lieu of a monetary penalty  
39 shall be converted at the rate of the prevailing state minimum wage  
40 per hour.

1       **Sec. 4.** RCW 3.72.030 and 2005 c 73 s 2 are each amended to read  
2 as follows:

3       Youth courts provide a disposition method for cases involving  
4 juveniles alleged to have committed traffic or transit infractions.  
5 Youth courts may also provide diversion in cases involving juvenile  
6 offenders who are eligible for diversion pursuant to RCW 13.40.070  
7 (6) and (~~(7)~~) (8) and who agree, along with a parent, guardian, or  
8 legal custodian, to comply with the provisions of RCW 13.40.600.  
9 Student court programs may also be available in schools to work with  
10 students who violate school rules and policies pursuant to RCW  
11 28A.300.420. Youth court participants, under the supervision of the  
12 court or an adult coordinator, may serve in various capacities within  
13 the youth court, acting in the role of jurors, lawyers, bailiffs,  
14 clerks, and judges. Youth courts and student courts have no  
15 jurisdiction except as provided for in this chapter, chapter 13.40  
16 RCW, and RCW 28A.300.420. Youth courts and student courts are not  
17 courts established under Article IV of the state Constitution.

18       **Sec. 5.** RCW 3.72.040 and 2002 c 237 s 5 are each amended to read  
19 as follows:

20       The administrative office of the courts shall encourage the  
21 courts to work with cities, counties, and schools to implement,  
22 expand, or use youth court programs for juveniles who commit traffic  
23 or transit infractions. Program operations of youth court programs  
24 may be funded by government and private grants. Youth court programs  
25 are limited to those that:

26       (1) Are developed using the guidelines for creating and operating  
27 youth court programs developed by nationally recognized experts in  
28 youth court projects;

29       (2) Target youth ages sixteen and seventeen who are alleged to  
30 have committed a traffic or transit infraction; and

31       (3) Emphasize the following principles:

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

33       (b) 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       (c) Youth must develop skills to resolve problems with their  
37 peers more effectively; and

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

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