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**SUBSTITUTE SENATE BILL 5640**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C., and Kuderer)

AN ACT Relating to youth courts; amending RCW 3.72.005, 3.72.010, 3.72.020, and 3.72.040; and reenacting and amending RCW 13.40.250.

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

**Sec.**  RCW 3.72.005 and 2017 c 9 s 1 are each amended to read as follows:

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

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

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

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

(4) "Youth court" means an alternative method of hearing and disposing of traffic infractions, transit infractions, or civil infractions for juveniles age sixteen or seventeen.

**Sec.**  RCW 3.72.010 and 2017 c 9 s 2 are each amended to read as follows:

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

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

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

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

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

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

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

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

(4) A youth court under this chapter may accept referrals of traffic infractions, transit infractions, and civil infractions committed by juveniles age twelve through fifteen from a juvenile court diversion unit under RCW 13.40.250(5), provided that the youth court follows all conditions of RCW 13.40.250(5). In this circumstance, the youth court shall maintain concurrent jurisdiction with the juvenile court only for the purpose of supervision of the diversion agreement.

**Sec.**  RCW 3.72.020 and 2017 c 9 s 3 are each amended to read as follows:

(1) A youth court agreement shall be a contract between a juvenile accused of a traffic ((~~or~~)) infraction, transit infraction, or civil infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that ((~~a traffic or transit~~)) the infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic ((~~or~~)) infraction, transit infraction, or civil infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

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

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

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

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

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

(e) Participating in law-related education classes;

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

(g) Participating in mentoring programs;

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

(i) Writing apology letters; or

(j) Writing essays.

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

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

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

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

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

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

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

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

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

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

(a) The fact that a traffic ((~~or~~)) infraction, transit infraction, or civil infraction was alleged to have been committed;

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

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

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

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

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

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

**Sec.**  RCW 3.72.040 and 2017 c 9 s 5 are each amended to read as follows:

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

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

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

(3) Emphasize the following principles:

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

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

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

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

**Sec.**  RCW 13.40.250 and 2002 c 237 s 19 and 2002 c 175 s 28 are each reenacted and amended to read as follows:

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

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

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

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

(4) Traffic infractions, transit infractions, or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by RCW 13.40.630.

(5) ((~~If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).~~)) A diversion agreement entered into by a juvenile referred pursuant to this section may include a requirement that the juvenile participate in a district or municipal youth court program under chapter 3.72 RCW, provided the youth court program accepts the referral and only subject to the following conditions:

(a) Upon entering the diversion agreement, the juvenile shall be referred to the youth court program, the completion of which shall be the only condition of the diversion agreement;

(b) The juvenile shall not serve more than thirty hours of participation in the youth court program;

(c) Other than filing a petition for termination of the diversion agreement in juvenile court, nothing concerning the juvenile's participation in the youth court program shall be filed in any public court file concerning the juvenile's participation or presence in the youth court program. The only written record of participation shall be the diversion agreement entered into with the juvenile court, subject to confidentiality under chapter 13.50 RCW. No court cause number shall be assigned to the case against the juvenile while he or she participates in the youth court program. The proceedings in the youth court program shall be on open record and may be recorded if necessary;

(d) Nothing concerning the alleged offense or the diversion shall be reported to the department of licensing;

(e) The youth court program may refer the juvenile back to the juvenile diversion unit for termination of the diversion agreement due to noncompliance at any time prior to completion; and

(f) The juvenile court diversion unit shall maintain primary jurisdiction over supervision of the juvenile during his or her participation in the youth court program. The youth court shall notify the diversion unit upon completion of the youth court program and the diversion agreement shall be complete.

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