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SENATE BILL 6113

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Nelson, A. Smith, Oke, Amondson, L. Smith, Sellar, Roach, Hochstatter, Schow, Haugen, West, Morton, M. Rasmussen, Winsley, Deccio, Anderson, McCaslin and Moyer

Read first time 01/12/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to restitution payments for juvenile offenses;  
2 amending RCW 13.40.190 and 13.40.300; and prescribing penalties.

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

4 **Sec. 1.** RCW 13.40.190 and 1987 c 281 s 5 are each amended to read  
5 as follows:

6 (1) In its dispositional order, the court shall require the  
7 respondent to make restitution to any persons who have suffered loss or  
8 damage as a result of the offense committed by the respondent. In  
9 addition, restitution may be ordered for loss or damage if the offender  
10 pleads guilty to a lesser offense or fewer offenses and agrees with the  
11 prosecutor's recommendation that the offender be required to pay  
12 restitution to a victim of an offense or offenses which, pursuant to a  
13 plea agreement, are not prosecuted. The payment of restitution shall  
14 be in addition to any punishment which is imposed pursuant to the other  
15 provisions of this chapter. The court may determine the amount, terms,  
16 and conditions of the restitution including a payment plan extending up  
17 to ten years if the court determines that the respondent does not have  
18 the means to make full restitution over a shorter period. Restitution  
19 may include the costs of counseling reasonably related to the offense.

1 If the respondent participated in the crime with another person or  
2 other persons, all such participants shall be jointly and severally  
3 responsible for the payment of restitution. For the purposes of this  
4 section, the respondent shall remain under the court's jurisdiction for  
5 a maximum term of ten years after the respondent's eighteenth birthday.  
6 The court may not require the respondent to pay full or partial  
7 restitution if the respondent reasonably satisfies the court that he or  
8 she does not have the means to make full or partial restitution and  
9 could not reasonably acquire the means to pay such restitution over a  
10 ten-year period. In cases where an offender has been committed to the  
11 department for a period of confinement exceeding fifteen weeks,  
12 restitution may be waived.

13 (2) If an order includes restitution as one of the monetary  
14 assessments, the county clerk shall make disbursements to victims named  
15 in the order. The restitution to victims named in the order shall be  
16 paid prior to any payment for other penalties or monetary assessments.

17 (3) A respondent under obligation to pay restitution may petition  
18 the court for modification of the restitution order.

19 **Sec. 2.** RCW 13.40.300 and 1986 c 288 s 6 are each amended to read  
20 as follows:

21 (1) In no case may a juvenile offender be committed by the juvenile  
22 court to the department of social and health services for placement in  
23 a juvenile correctional institution beyond the juvenile offender's  
24 twenty-first birthday. A juvenile may be under the jurisdiction of the  
25 juvenile court or the authority of the department of social and health  
26 services beyond the juvenile's eighteenth birthday only if prior to the  
27 juvenile's eighteenth birthday:

28 (a) Proceedings are pending seeking the adjudication of a juvenile  
29 offense and the court by written order setting forth its reasons  
30 extends jurisdiction of juvenile court over the juvenile beyond his or  
31 her eighteenth birthday;

32 (b) The juvenile has been found guilty after a fact finding or  
33 after a plea of guilty and an automatic extension is necessary to allow  
34 for the imposition of disposition; or

35 (c) Disposition has been held and an automatic extension is  
36 necessary to allow for the execution and enforcement of the court's  
37 order of disposition. If an order of disposition imposes commitment to  
38 the department, then jurisdiction is automatically extended to include

1 a period of up to twelve months of parole, in no case extending beyond  
2 the offender's twenty-first birthday.

3 (2) If the juvenile court previously has extended jurisdiction  
4 beyond the juvenile offender's eighteenth birthday and that period of  
5 extension has not expired, the court may further extend jurisdiction by  
6 written order setting forth its reasons.

7 (3) In no event may the juvenile court have authority to extend  
8 jurisdiction over any juvenile offender beyond the juvenile offender's  
9 twenty-first birthday except for the purpose of enforcing an order of  
10 restitution.

11 (4) Notwithstanding any extension of jurisdiction over a person  
12 pursuant to this section, the juvenile court has no jurisdiction over  
13 any offenses alleged to have been committed by a person eighteen years  
14 of age or older.

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