

SSB 5640 - H COMM AMD

By Committee on Civil Rights & Judiciary

ADOPTED 03/03/2020

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

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

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

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

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

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

6 (~~(e))~~ (b) May not have any convictions for a violation of any
7 provision of Title 46 RCW or for unlawful transit conduct under RCW
8 9.91.025; and

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

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

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

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

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

31 (1) A youth court agreement shall be a contract between a
32 juvenile accused of a traffic (~~(e))~~ infraction, transit infraction,
33 or civil infraction and a court whereby the juvenile agrees to
34 fulfill certain conditions imposed by a youth court in lieu of a
35 determination that (~~(a traffic or transit))~~ the infraction occurred.
36 Such agreements may be entered into only after the law enforcement
37 authority has determined that probable cause exists to believe that a
38 traffic (~~(e))~~ infraction, transit infraction, or civil infraction
39 has been committed and that the juvenile committed it. A youth court

1 agreement shall be reduced to writing and signed by the court and the
2 youth accepting the terms of the agreement. Such agreements shall be
3 entered into as expeditiously as possible.

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

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

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

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

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

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

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

26 (g) Participating in mentoring programs;

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

28 (i) Writing apology letters; or

29 (j) Writing essays.

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

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

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

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

38 (5) Any juvenile who is, or may be, referred to a youth court
39 shall be afforded due process in all contacts with the youth court
40 regardless of whether the juvenile is accepted by the youth court or

1 whether the youth court program is successfully completed. Such due
2 process shall include, but not be limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 4.** RCW 3.72.040 and 2017 c 9 s 5 are each amended to read
2 as follows:

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

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

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

16 (3) Emphasize the following principles:

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

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

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

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

25 **Sec. 5.** RCW 13.40.250 and 2002 c 237 s 19 and 2002 c 175 s 28
26 are each reenacted and amended to read as follows:

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

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

35 (2) A monetary penalty imposed upon a juvenile under the age of
36 sixteen who is found to have committed a traffic infraction, transit
37 infraction, or civil infraction may not exceed one hundred dollars.
38 At the juvenile's request, the court may order performance of a

1 number of hours of community restitution in lieu of a monetary
2 penalty, at the rate of the prevailing state minimum wage per hour.

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

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

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

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

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

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

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

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

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

6 Correct the title.

EFFECT: Makes clear that a youth court created by a court of limited jurisdiction has jurisdiction over civil infractions alleged to have been committed by juveniles age 16 or 17 by adding reference to civil infractions in RCW 3.72.010 so to be consistent with other statutory provisions in that same chapter that are being amended in the bill.

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