

SSB 6472 - S AMD 676

By Senators Hargrove, Stevens

ADOPTED 02/13/2004

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

3 "Sec. 1. RCW 13.40.010 and 1997 c 338 s 8 are each amended to read
4 as follows:

5 (1) This chapter shall be known and cited as the Juvenile Justice
6 Act of 1977.

7 (2) It is the intent of the legislature that a system capable of
8 having primary responsibility for, being accountable for, and
9 responding to the needs of youthful offenders and their victims, as
10 defined by this chapter, be established. It is the further intent of
11 the legislature that youth, in turn, be held accountable for their
12 offenses and that communities, families, and the juvenile courts carry
13 out their functions consistent with this intent. To effectuate these
14 policies, the legislature declares the following to be equally
15 important purposes of this chapter:

- 16 (a) Protect the citizenry from criminal behavior;
- 17 (b) Provide for determining whether accused juveniles have
18 committed offenses as defined by this chapter;
- 19 (c) Make the juvenile offender accountable for his or her criminal
20 behavior;
- 21 (d) Provide for punishment commensurate with the age, crime, and
22 criminal history of the juvenile offender;
- 23 (e) Provide due process for juveniles alleged to have committed an
24 offense;
- 25 (f) Provide necessary treatment, supervision, and custody for
26 juvenile offenders;
- 27 (g) Provide for the handling of juvenile offenders by communities
28 whenever consistent with public safety;
- 29 (h) Provide for restitution to victims of crime;

1 (i) Develop effective standards and goals for the operation,
2 funding, and evaluation of all components of the juvenile justice
3 system and related services at the state and local levels;

4 (j) Provide for a clear policy to determine what types of offenders
5 shall receive punishment, treatment, or both, and to determine the
6 jurisdictional limitations of the courts, institutions, and community
7 services; ~~((and))~~

8 (k) Provide opportunities for victim participation in court
9 hearings on juvenile offender matters and ensure that Article I,
10 section 35 of the Washington state Constitution, the victim bill of
11 rights, is fully observed; and

12 (l) Encourage the parents, guardian, or custodian of the juvenile
13 and the juvenile's victim, to the extent the victim is able to or
14 chooses to, to actively participate in the juvenile justice process.

15 **Sec. 2.** RCW 13.40.020 and 2002 c 237 s 7 and 2002 c 175 s 19 are
16 each reenacted and amended to read as follows:

17 For the purposes of this chapter:

18 (1) "Community-based rehabilitation" means one or more of the
19 following: Employment; attendance of information classes; literacy
20 classes; counseling, outpatient substance abuse treatment programs,
21 outpatient mental health programs, anger management classes, education
22 or outpatient treatment programs to prevent animal cruelty, or other
23 services; or attendance at school or other educational programs
24 appropriate for the juvenile as determined by the school district.
25 Placement in community-based rehabilitation programs is subject to
26 available funds;

27 (2) Community-based sanctions may include one or more of the
28 following:

29 (a) A fine, not to exceed five hundred dollars;

30 (b) Community restitution not to exceed one hundred fifty hours of
31 community restitution;

32 (3) "Community restitution" means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender as punishment for committing an offense. Community
35 restitution may be performed through public or private organizations or
36 through work crews;

1 (4) "Community supervision" means an order of disposition by the
2 court of an adjudicated youth not committed to the department or an
3 order granting a deferred disposition. A community supervision order
4 for a single offense may be for a period of up to two years for a sex
5 offense as defined by RCW 9.94A.030 and up to one year for other
6 offenses. As a mandatory condition of any term of community
7 supervision, the court shall order the juvenile to refrain from
8 committing new offenses. As a mandatory condition of community
9 supervision, the court shall order the juvenile to comply with the
10 mandatory school attendance provisions of chapter 28A.225 RCW and to
11 inform the school of the existence of this requirement. Community
12 supervision is an individualized program comprised of one or more of
13 the following:

- 14 (a) Community-based sanctions;
- 15 (b) Community-based rehabilitation;
- 16 (c) Monitoring and reporting requirements;
- 17 (d) Posting of a probation bond;

18 (5) "Confinement" means physical custody by the department of
19 social and health services in a facility operated by or pursuant to a
20 contract with the state, or physical custody in a detention facility
21 operated by or pursuant to a contract with any county. The county may
22 operate or contract with vendors to operate county detention
23 facilities. The department may operate or contract to operate
24 detention facilities for juveniles committed to the department.
25 Pretrial confinement or confinement of less than thirty-one days
26 imposed as part of a disposition or modification order may be served
27 consecutively or intermittently, in the discretion of the court;

28 (6) "Court," when used without further qualification, means the
29 juvenile court judge(s) or commissioner(s);

30 (7) "Criminal history" includes all criminal complaints against the
31 respondent for which, prior to the commission of a current offense:

32 (a) The allegations were found correct by a court. If a respondent
33 is convicted of two or more charges arising out of the same course of
34 conduct, only the highest charge from among these shall count as an
35 offense for the purposes of this chapter; or

36 (b) The criminal complaint was diverted by a prosecutor pursuant to
37 the provisions of this chapter on agreement of the respondent and after

1 an advisement to the respondent that the criminal complaint would be
2 considered as part of the respondent's criminal history. A
3 successfully completed deferred adjudication that was entered before
4 July 1, 1998, or a deferred disposition shall not be considered part of
5 the respondent's criminal history;

6 (8) "Department" means the department of social and health
7 services;

8 (9) "Detention facility" means a county facility, paid for by the
9 county, for the physical confinement of a juvenile alleged to have
10 committed an offense or an adjudicated offender subject to a
11 disposition or modification order. "Detention facility" includes
12 county group homes, inpatient substance abuse programs, juvenile basic
13 training camps, and electronic monitoring;

14 (10) "Diversion unit" means any probation counselor who enters into
15 a diversion agreement with an alleged youthful offender, or any other
16 person, community accountability board, youth court under the
17 supervision of the juvenile court, or other entity except a law
18 enforcement official or entity, with whom the juvenile court
19 administrator has contracted to arrange and supervise such agreements
20 pursuant to RCW 13.40.080, or any person, community accountability
21 board, or other entity specially funded by the legislature to arrange
22 and supervise diversion agreements in accordance with the requirements
23 of this chapter. For purposes of this subsection, "community
24 accountability board" means a board comprised of members of the local
25 community in which the juvenile offender resides. The superior court
26 shall appoint the members. The boards shall consist of at least three
27 and not more than seven members. If possible, the board should include
28 a variety of representatives from the community, such as a law
29 enforcement officer, teacher or school administrator, high school
30 student, parent, and business owner, and should represent the cultural
31 diversity of the local community;

32 (11) "Foster care" means temporary physical care in a foster family
33 home or group care facility as defined in RCW 74.15.020 and licensed by
34 the department, or other legally authorized care;

35 (12) "Institution" means a juvenile facility established pursuant
36 to chapters 72.05 and 72.16 through 72.20 RCW;

1 (13) "Intensive supervision program" means a parole program that
2 requires intensive supervision and monitoring, offers an array of
3 individualized treatment and transitional services, and emphasizes
4 community involvement and support in order to reduce the likelihood a
5 juvenile offender will commit further offenses;

6 (14) "Juvenile," "youth," and "child" mean any individual who is
7 under the chronological age of eighteen years and who has not been
8 previously transferred to adult court pursuant to RCW 13.40.110 or who
9 is otherwise under adult court jurisdiction;

10 (15) "Juvenile offender" means any juvenile who has been found by
11 the juvenile court to have committed an offense, including a person
12 eighteen years of age or older over whom jurisdiction has been extended
13 under RCW 13.40.300;

14 (16) "Local sanctions" means one or more of the following: (a)
15 0-30 days of confinement; (b) 0-12 months of community supervision; (c)
16 0-150 hours of community restitution; or (d) \$0-\$500 fine;

17 (17) "Manifest injustice" means a disposition that would either
18 impose an excessive penalty on the juvenile or would impose a serious,
19 and clear danger to society in light of the purposes of this chapter;

20 (18) "Monitoring and reporting requirements" means one or more of
21 the following: Curfews; requirements to remain at home, school, work,
22 or court-ordered treatment programs during specified hours;
23 restrictions from leaving or entering specified geographical areas;
24 requirements to report to the probation officer as directed and to
25 remain under the probation officer's supervision; and other conditions
26 or limitations as the court may require which may not include
27 confinement;

28 (19) "Offense" means an act designated a violation or a crime if
29 committed by an adult under the law of this state, under any ordinance
30 of any city or county of this state, under any federal law, or under
31 the law of another state if the act occurred in that state;

32 (20) "Probation bond" means a bond, posted with sufficient security
33 by a surety justified and approved by the court, to secure the
34 offender's appearance at required court proceedings and compliance with
35 court-ordered community supervision or conditions of release ordered
36 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of

1 cash or posting of other collateral in lieu of a bond if approved by
2 the court;

3 (21) "Respondent" means a juvenile who is alleged or proven to have
4 committed an offense;

5 (22) "Restitution" means financial reimbursement by the offender to
6 the victim, and shall be limited to easily ascertainable damages for
7 injury to or loss of property, actual expenses incurred for medical
8 treatment for physical injury to persons, lost wages resulting from
9 physical injury, and costs of the victim's counseling reasonably
10 related to the offense (~~(if the offense is a sex offense)~~).
11 Restitution shall not include reimbursement for damages for mental
12 anguish, pain and suffering, or other intangible losses. Nothing in
13 this chapter shall limit or replace civil remedies or defenses
14 available to the victim or offender;

15 (23) "Secretary" means the secretary of the department of social
16 and health services. "Assistant secretary" means the assistant
17 secretary for juvenile rehabilitation for the department;

18 (24) "Services" means services which provide alternatives to
19 incarceration for those juveniles who have pleaded or been adjudicated
20 guilty of an offense or have signed a diversion agreement pursuant to
21 this chapter;

22 (25) "Sex offense" means an offense defined as a sex offense in RCW
23 9.94A.030;

24 (26) "Sexual motivation" means that one of the purposes for which
25 the respondent committed the offense was for the purpose of his or her
26 sexual gratification;

27 (27) "Surety" means an entity licensed under state insurance laws
28 or by the state department of licensing, to write corporate, property,
29 or probation bonds within the state, and justified and approved by the
30 superior court of the county having jurisdiction of the case;

31 (28) "Victim" means any person who has sustained emotional,
32 psychological, physical, or financial injury to person or property as
33 a direct result or consequence of the crime charged. "Victim" may also
34 include a known parent or guardian of a victim who is a minor child or
35 is not a minor child but is incapacitated or incompetent;

36 (29) "Violation" means an act or omission, which if committed by an

1 adult, must be proven beyond a reasonable doubt, and is punishable by
2 sanctions which do not include incarceration;

3 ~~((+29))~~ (30) "Violent offense" means a violent offense as defined
4 in RCW 9.94A.030;

5 ~~((+30))~~ (31) "Youth court" means a diversion unit under the
6 supervision of the juvenile court.

7 **Sec. 3.** RCW 13.40.080 and 2002 c 237 s 8 and 2002 c 175 s 21 are
8 each reenacted and amended to read as follows:

9 (1) A diversion agreement shall be a contract between a juvenile
10 accused of an offense and a diversion unit whereby the juvenile agrees
11 to fulfill certain conditions in lieu of prosecution. Such agreements
12 may be entered into only after the prosecutor, or probation counselor
13 pursuant to this chapter, has determined that probable cause exists to
14 believe that a crime has been committed and that the juvenile committed
15 it. Such agreements shall be entered into as expeditiously as
16 possible.

17 (2) A diversion agreement shall contain a provision for
18 restitution, limited to the amount of easily ascertainable loss
19 incurred by any victim. In addition, a diversion agreement shall be
20 limited to one or more of the following:

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

24 (b) ~~((Restitution limited to the amount of actual loss incurred by~~
25 ~~any victim;~~

26 ~~(e))~~ Attendance at up to ten hours of counseling and/or up to
27 twenty hours of educational or informational sessions at a community
28 agency. The educational or informational sessions may include sessions
29 relating to respect for self, others, and authority; victim awareness;
30 accountability; self-worth; responsibility; work ethics; good
31 citizenship; literacy; and life skills. For purposes of this section,
32 "community agency" may also mean a community-based nonprofit
33 organization, if approved by the diversion unit. The state shall not
34 be liable for costs resulting from the diversion unit exercising the
35 option to permit diversion agreements to mandate attendance at up to

1 ten hours of counseling and/or up to twenty hours of educational or
2 informational sessions;

3 ~~((d))~~ (c) A fine, not to exceed one hundred dollars;

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

7 ~~((f))~~ (e) Upon request of any victim or witness, requirements to
8 refrain from any contact with victims or witnesses of offenses
9 committed by the juvenile.

10 (3) Notwithstanding the provisions of subsection (2) of this
11 section, youth courts are not limited to the conditions imposed by
12 subsection (2) of this section in imposing sanctions on juveniles
13 pursuant to RCW 13.40.630.

14 (4) In assessing periods of community restitution to be performed
15 and restitution to be paid by a juvenile who has entered into a
16 diversion agreement, the court officer to whom this task is assigned
17 shall consult with the juvenile's custodial parent or parents or
18 guardian and shall advise the victims ~~((who have contacted the~~
19 ~~diversion unit))~~ of the juvenile offender of the diversion process and
20 offer victim impact letter forms and restitution claim forms and, to
21 the extent possible, shall involve members of the community. Such
22 members of the community shall meet with the juvenile and advise the
23 court officer as to the terms of the diversion agreement and shall
24 supervise the juvenile in carrying out its terms.

25 (5)(a) A diversion agreement may not exceed a period of six months
26 and may include a period extending beyond the eighteenth birthday of
27 the divertee.

28 (b) If additional time is necessary for the juvenile to complete
29 restitution to a victim, the time period limitations of this subsection
30 may be extended by an additional six months.

31 (c) If the juvenile has not paid the full amount of restitution by
32 the end of the additional six-month period, then the juvenile shall be
33 referred to the juvenile court for entry of an order establishing the
34 amount of restitution still owed to the victim. In this order, the
35 court shall also determine the terms and conditions of the restitution,
36 including a payment plan extending up to ten years if the court
37 determines that the juvenile does not have the means to make full

1 restitution over a shorter period. For the purposes of this subsection
2 (5)(c), the juvenile shall remain under the court's jurisdiction for a
3 maximum term of ten years after the juvenile's eighteenth birthday.
4 Prior to the expiration of the initial ten-year period, the juvenile
5 court may extend the judgment for restitution an additional ten years.
6 The court may (~~not require the juvenile~~) relieve the juvenile of the
7 requirement to pay full or partial restitution if the juvenile
8 reasonably satisfies the court that he or she does not have the means
9 to make full or partial restitution and could not reasonably acquire
10 the means to pay the restitution over a ten-year period. If the court
11 relieves the juvenile of the requirement to pay full or partial
12 restitution, the court may order an amount of community restitution
13 that the court deems appropriate. The county clerk shall make
14 disbursements to victims named in the order. The restitution to
15 victims named in the order shall be paid prior to any payment for other
16 penalties or monetary assessments. A juvenile under obligation to pay
17 restitution may petition the court for modification of the restitution
18 order.

19 (6) The juvenile shall retain the right to be referred to the court
20 at any time prior to the signing of the diversion agreement.

21 (7) Divertees and potential divertees shall be afforded due process
22 in all contacts with a diversion unit regardless of whether the
23 juveniles are accepted for diversion or whether the diversion program
24 is successfully completed. Such due process shall include, but not be
25 limited to, the following:

26 (a) A written diversion agreement shall be executed stating all
27 conditions in clearly understandable language;

28 (b) Violation of the terms of the agreement shall be the only
29 grounds for termination;

30 (c) No divertee may be terminated from a diversion program without
31 being given a court hearing, which hearing shall be preceded by:

32 (i) Written notice of alleged violations of the conditions of the
33 diversion program; and

34 (ii) Disclosure of all evidence to be offered against the divertee;

35 (d) The hearing shall be conducted by the juvenile court and shall
36 include:

37 (i) Opportunity to be heard in person and to present evidence;

1 (ii) The right to confront and cross-examine all adverse witnesses;
2 (iii) A written statement by the court as to the evidence relied on
3 and the reasons for termination, should that be the decision; and
4 (iv) Demonstration by evidence that the diverttee has substantially
5 violated the terms of his or her diversion agreement.

6 (e) The prosecutor may file an information on the offense for which
7 the diverttee was diverted:

8 (i) In juvenile court if the diverttee is under eighteen years of
9 age; or

10 (ii) In superior court or the appropriate court of limited
11 jurisdiction if the diverttee is eighteen years of age or older.

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

16 (9) The diversion unit shall be responsible for advising a diverttee
17 of his or her rights as provided in this chapter.

18 (10) The diversion unit may refer a juvenile to community-based
19 counseling or treatment programs.

20 (11) The right to counsel shall inure prior to the initial
21 interview for purposes of advising the juvenile as to whether he or she
22 desires to participate in the diversion process or to appear in the
23 juvenile court. The juvenile may be represented by counsel at any
24 critical stage of the diversion process, including intake interviews
25 and termination hearings. The juvenile shall be fully advised at the
26 intake of his or her right to an attorney and of the relevant services
27 an attorney can provide. For the purpose of this section, intake
28 interviews mean all interviews regarding the diversion agreement
29 process.

30 The juvenile shall be advised that a diversion agreement shall
31 constitute a part of the juvenile's criminal history as defined by RCW
32 13.40.020(7). A signed acknowledgment of such advisement shall be
33 obtained from the juvenile, and the document shall be maintained by the
34 diversion unit together with the diversion agreement, and a copy of
35 both documents shall be delivered to the prosecutor if requested by the
36 prosecutor. The supreme court shall promulgate rules setting forth the
37 content of such advisement in simple language.

1 (12) When a juvenile enters into a diversion agreement, the
2 juvenile court may receive only the following information for
3 dispositional purposes:

4 (a) The fact that a charge or charges were made;

5 (b) The fact that a diversion agreement was entered into;

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

7 (d) Whether the alleged offender performed his or her obligations
8 under such agreement; and

9 (e) The facts of the alleged offense.

10 (13) A diversion unit may refuse to enter into a diversion
11 agreement with a juvenile. When a diversion unit refuses to enter a
12 diversion agreement with a juvenile, it shall immediately refer such
13 juvenile to the court for action and shall forward to the court the
14 criminal complaint and a detailed statement of its reasons for refusing
15 to enter into a diversion agreement. The diversion unit shall also
16 immediately refer the case to the prosecuting attorney for action if
17 such juvenile violates the terms of the diversion agreement.

18 (14) A diversion unit may, in instances where it determines that
19 the act or omission of an act for which a juvenile has been referred to
20 it involved no victim, or where it determines that the juvenile
21 referred to it has no prior criminal history and is alleged to have
22 committed an illegal act involving no threat of or instance of actual
23 physical harm and involving not more than fifty dollars in property
24 loss or damage and that there is no loss outstanding to the person or
25 firm suffering such damage or loss, counsel and release or release such
26 a juvenile without entering into a diversion agreement. A diversion
27 unit's authority to counsel and release a juvenile under this
28 subsection includes the authority to refer the juvenile to community-
29 based counseling or treatment programs. Any juvenile released under
30 this subsection shall be advised that the act or omission of any act
31 for which he or she had been referred shall constitute a part of the
32 juvenile's criminal history as defined by RCW 13.40.020(7). A signed
33 acknowledgment of such advisement shall be obtained from the juvenile,
34 and the document shall be maintained by the unit, and a copy of the
35 document shall be delivered to the prosecutor if requested by the
36 prosecutor. The supreme court shall promulgate rules setting forth the
37 content of such advisement in simple language. A juvenile determined

1 to be eligible by a diversion unit for release as provided in this
2 subsection shall retain the same right to counsel and right to have his
3 or her case referred to the court for formal action as any other
4 juvenile referred to the unit.

5 (15) A diversion unit may supervise the fulfillment of a diversion
6 agreement entered into before the juvenile's eighteenth birthday and
7 which includes a period extending beyond the diverttee's eighteenth
8 birthday.

9 (16) If a fine required by a diversion agreement cannot reasonably
10 be paid due to a change of circumstance, the diversion agreement may be
11 modified at the request of the diverttee and with the concurrence of the
12 diversion unit to convert an unpaid fine into community restitution.
13 The modification of the diversion agreement shall be in writing and
14 signed by the diverttee and the diversion unit. The number of hours of
15 community restitution in lieu of a monetary penalty shall be converted
16 at the rate of the prevailing state minimum wage per hour.

17 (17) Fines imposed under this section shall be collected and paid
18 into the county general fund in accordance with procedures established
19 by the juvenile court administrator under RCW 13.04.040 and may be used
20 only for juvenile services. In the expenditure of funds for juvenile
21 services, there shall be a maintenance of effort whereby counties
22 exhaust existing resources before using amounts collected under this
23 section.

24 **Sec. 4.** RCW 13.40.160 and 2003 c 378 s 3 and 2003 c 53 s 99 are
25 each reenacted and amended to read as follows:

26 (1) The standard range disposition for a juvenile adjudicated of an
27 offense is determined according to RCW 13.40.0357.

28 (a) When the court sentences an offender to a local sanction as
29 provided in RCW 13.40.0357 option A, the court shall impose a
30 determinate disposition within the standard ranges, except as provided
31 in subsection (2), (3), (4), (5), or (6) of this section. The
32 disposition may be comprised of one or more local sanctions.

33 (b) When the court sentences an offender to a standard range as
34 provided in RCW 13.40.0357 option A that includes a term of confinement
35 exceeding thirty days, commitment shall be to the department for the

1 standard range of confinement, except as provided in subsection (2),
2 (3), (4), (5), or (6) of this section.

3 (2) If the court concludes, and enters reasons for its conclusion,
4 that disposition within the standard range would effectuate a manifest
5 injustice the court shall impose a disposition outside the standard
6 range, as indicated in option D of RCW 13.40.0357. The court's finding
7 of manifest injustice shall be supported by clear and convincing
8 evidence.

9 A disposition outside the standard range shall be determinate and
10 shall be comprised of confinement or community supervision, or a
11 combination thereof. When a judge finds a manifest injustice and
12 imposes a sentence of confinement exceeding thirty days, the court
13 shall sentence the juvenile to a maximum term, and the provisions of
14 RCW 13.40.030(2) shall be used to determine the range. A disposition
15 outside the standard range is appealable under RCW 13.40.230 by the
16 state or the respondent. A disposition within the standard range is
17 not appealable under RCW 13.40.230.

18 (3) When a juvenile offender is found to have committed a sex
19 offense, other than a sex offense that is also a serious violent
20 offense as defined by RCW 9.94A.030, and has no history of a prior sex
21 offense, the court, on its own motion or the motion of the state or the
22 respondent, may order an examination to determine whether the
23 respondent is amenable to treatment.

24 The report of the examination shall include at a minimum the
25 following: The respondent's version of the facts and the official
26 version of the facts, the respondent's offense history, an assessment
27 of problems in addition to alleged deviant behaviors, the respondent's
28 social, educational, and employment situation, and other evaluation
29 measures used. The report shall set forth the sources of the
30 evaluator's information.

31 The examiner shall assess and report regarding the respondent's
32 amenability to treatment and relative risk to the community. A
33 proposed treatment plan shall be provided and shall include, at a
34 minimum:

35 (a)(i) Frequency and type of contact between the offender and
36 therapist;

1 (ii) Specific issues to be addressed in the treatment and
2 description of planned treatment modalities;

3 (iii) Monitoring plans, including any requirements regarding living
4 conditions, lifestyle requirements, and monitoring by family members,
5 legal guardians, or others;

6 (iv) Anticipated length of treatment; and

7 (v) Recommended crime-related prohibitions.

8 The court on its own motion may order, or on a motion by the state
9 shall order, a second examination regarding the offender's amenability
10 to treatment. The evaluator shall be selected by the party making the
11 motion. The defendant shall pay the cost of any second examination
12 ordered unless the court finds the defendant to be indigent in which
13 case the state shall pay the cost.

14 After receipt of reports of the examination, the court shall then
15 consider whether the offender and the community will benefit from use
16 of this special sex offender disposition alternative and consider the
17 victim's opinion whether the offender should receive a treatment
18 disposition under this section. If the court determines that this
19 special sex offender disposition alternative is appropriate, then the
20 court shall impose a determinate disposition within the standard range
21 for the offense, or if the court concludes, and enters reasons for its
22 conclusions, that such disposition would cause a manifest injustice,
23 the court shall impose a disposition under option D, and the court may
24 suspend the execution of the disposition and place the offender on
25 community supervision for at least two years. As a condition of the
26 suspended disposition, the court may impose the conditions of community
27 supervision and other conditions, including up to thirty days of
28 confinement and requirements that the offender do any one or more of
29 the following:

30 (b)(i) Devote time to a specific education, employment, or
31 occupation;

32 (ii) Undergo available outpatient sex offender treatment for up to
33 two years, or inpatient sex offender treatment not to exceed the
34 standard range of confinement for that offense. A community mental
35 health center may not be used for such treatment unless it has an
36 appropriate program designed for sex offender treatment. The
37 respondent shall not change sex offender treatment providers or

1 treatment conditions without first notifying the prosecutor, the
2 probation counselor, and the court, and shall not change providers
3 without court approval after a hearing if the prosecutor or probation
4 counselor object to the change;

5 (iii) Remain within prescribed geographical boundaries and notify
6 the court or the probation counselor prior to any change in the
7 offender's address, educational program, or employment;

8 (iv) Report to the prosecutor and the probation counselor prior to
9 any change in a sex offender treatment provider. This change shall
10 have prior approval by the court;

11 (v) Report as directed to the court and a probation counselor;

12 (vi) Pay all court-ordered legal financial obligations, perform
13 community restitution, or any combination thereof;

14 (vii) Make restitution to the victim for the cost of any counseling
15 reasonably related to the offense;

16 (viii) Comply with the conditions of any court-ordered probation
17 bond; or

18 (ix) The court shall order that the offender (~~may~~) shall not
19 attend the public or approved private elementary, middle, or high
20 school attended by the victim or the victim's siblings. The parents or
21 legal guardians of the offender are responsible for transportation or
22 other costs associated with the offender's change of school that would
23 otherwise be paid by the school district. The court shall send notice
24 of the disposition and restriction on attending the same school as the
25 victim or victim's siblings to the public or approved private school
26 the juvenile will attend, if known, or if unknown, to the approved
27 private schools and the public school district board of directors of
28 the district in which the juvenile resides or intends to reside. This
29 notice must be sent at the earliest possible date but not later than
30 ten calendar days after entry of the disposition.

31 The sex offender treatment provider shall submit quarterly reports
32 on the respondent's progress in treatment to the court and the parties.
33 The reports shall reference the treatment plan and include at a minimum
34 the following: Dates of attendance, respondent's compliance with
35 requirements, treatment activities, the respondent's relative progress
36 in treatment, and any other material specified by the court at the time
37 of the disposition.

1 At the time of the disposition, the court may set treatment review
2 hearings as the court considers appropriate.

3 Except as provided in this subsection (3), after July 1, 1991,
4 examinations and treatment ordered pursuant to this subsection shall
5 only be conducted by sex offender treatment providers certified by the
6 department of health pursuant to chapter 18.155 RCW. A sex offender
7 therapist who examines or treats a juvenile sex offender pursuant to
8 this subsection does not have to be certified by the department of
9 health pursuant to chapter 18.155 RCW if the court finds that: (A) The
10 offender has already moved to another state or plans to move to another
11 state for reasons other than circumventing the certification
12 requirements; (B) no certified providers are available for treatment
13 within a reasonable geographical distance of the offender's home; and
14 (C) the evaluation and treatment plan comply with this subsection (3)
15 and the rules adopted by the department of health.

16 If the offender violates any condition of the disposition or the
17 court finds that the respondent is failing to make satisfactory
18 progress in treatment, the court may revoke the suspension and order
19 execution of the disposition or the court may impose a penalty of up to
20 thirty days' confinement for violating conditions of the disposition.
21 The court may order both execution of the disposition and up to thirty
22 days' confinement for the violation of the conditions of the
23 disposition. The court shall give credit for any confinement time
24 previously served if that confinement was for the offense for which the
25 suspension is being revoked.

26 For purposes of this section, "victim" means any person who has
27 sustained emotional, psychological, physical, or financial injury to
28 person or property as a direct result of the crime charged. "Victim"
29 may also include a known parent or guardian of a victim who is a minor
30 child unless the parent or guardian is the perpetrator of the offense.

31 A disposition entered under this subsection (3) is not appealable
32 under RCW 13.40.230.

33 (4) If the juvenile offender is subject to a standard range
34 disposition of local sanctions or 15 to 36 weeks of confinement and has
35 not committed an A- or B+ offense, the court may impose the disposition
36 alternative under RCW 13.40.165.

1 (5) If a juvenile is subject to a commitment of 15 to 65 weeks of
2 confinement, the court may impose the disposition alternative under RCW
3 13.40.--- (section 4, chapter 378, Laws of 2003).

4 (6) When the offender is subject to a standard range commitment of
5 15 to 36 weeks and is ineligible for a suspended disposition
6 alternative, a manifest injustice disposition below the standard range,
7 special sex offender disposition alternative, chemical dependency
8 disposition alternative, or mental health disposition alternative, the
9 court in a county with a pilot program under RCW 13.40.--- (section 5,
10 chapter 378, Laws of 2003) may impose the disposition alternative under
11 RCW 13.40.--- (section 5, chapter 378, Laws of 2003).

12 (7) RCW 13.40.193 shall govern the disposition of any juvenile
13 adjudicated of possessing a firearm in violation of RCW
14 9.41.040(2)(a)(iii) or any crime in which a special finding is entered
15 that the juvenile was armed with a firearm.

16 (8) Whenever a juvenile offender is entitled to credit for time
17 spent in detention prior to a dispositional order, the dispositional
18 order shall specifically state the number of days of credit for time
19 served.

20 (9) Except as provided under subsection (3), (4), (5), or (6) of
21 this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the
22 court shall not suspend or defer the imposition or the execution of the
23 disposition.

24 (10) In no case shall the term of confinement imposed by the court
25 at disposition exceed that to which an adult could be subjected for the
26 same offense.

27 **Sec. 5.** RCW 13.40.165 and 2003 c 378 s 6 are each amended to read
28 as follows:

29 (1) The purpose of this disposition alternative is to ensure that
30 successful treatment options to reduce recidivism are available to
31 eligible youth, pursuant to RCW 70.96A.520. The court must consider
32 eligibility for the chemical dependency disposition alternative when a
33 juvenile offender is subject to a standard range disposition of local
34 sanctions or 15 to 36 weeks of confinement and has not committed an A-
35 or B+ offense, other than a first time B+ offense under chapter 69.50
36 RCW. The court, on its own motion or the motion of the state or the

1 respondent if the evidence shows that the offender may be chemically
2 dependent or substance abusing, may order an examination by a chemical
3 dependency counselor from a chemical dependency treatment facility
4 approved under chapter 70.96A RCW to determine if the youth is
5 chemically dependent or substance abusing. The offender shall pay the
6 cost of any examination ordered under this subsection unless the court
7 finds that the offender is indigent and no third party insurance
8 coverage is available, in which case the state shall pay the cost.

9 (2) The report of the examination shall include at a minimum the
10 following: The respondent's version of the facts and the official
11 version of the facts, the respondent's offense history, an assessment
12 of drug-alcohol problems and previous treatment attempts, the
13 respondent's social, educational, and employment situation, and other
14 evaluation measures used. The report shall set forth the sources of
15 the examiner's information.

16 (3) The examiner shall assess and report regarding the respondent's
17 relative risk to the community. A proposed treatment plan shall be
18 provided and shall include, at a minimum:

19 (a) Whether inpatient and/or outpatient treatment is recommended;

20 (b) Availability of appropriate treatment;

21 (c) Monitoring plans, including any requirements regarding living
22 conditions, lifestyle requirements, and monitoring by family members,
23 legal guardians, or others;

24 (d) Anticipated length of treatment; and

25 (e) Recommended crime-related prohibitions.

26 (4) The court on its own motion may order, or on a motion by the
27 state or the respondent shall order, a second examination. The
28 evaluator shall be selected by the party making the motion. The
29 requesting party shall pay the cost of any examination ordered under
30 this subsection unless the requesting party is the offender and the
31 court finds that the offender is indigent and no third party insurance
32 coverage is available, in which case the state shall pay the cost.

33 (5)(a) After receipt of reports of the examination, the court shall
34 then consider whether the offender and the community will benefit from
35 use of this chemical dependency disposition alternative and consider
36 the victim's opinion whether the offender should receive a treatment
37 disposition under this section.

1 (b) If the court determines that this chemical dependency
2 disposition alternative is appropriate, then the court shall impose the
3 standard range for the offense, or if the court concludes, and enters
4 reasons for its conclusion, that such disposition would effectuate a
5 manifest injustice, the court shall impose a disposition above the
6 standard range as indicated in option D of RCW 13.40.0357 if the
7 disposition is an increase from the standard range and the confinement
8 of the offender does not exceed a maximum of fifty-two weeks, suspend
9 execution of the disposition, and place the offender on community
10 supervision for up to one year. As a condition of the suspended
11 disposition, the court shall require the offender to undergo available
12 outpatient drug/alcohol treatment and/or inpatient drug/alcohol
13 treatment. For purposes of this section, inpatient treatment may not
14 exceed ninety days. As a condition of the suspended disposition, the
15 court may impose conditions of community supervision and other
16 sanctions, including up to thirty days of confinement, one hundred
17 fifty hours of community restitution, and payment of legal financial
18 obligations and restitution.

19 (6) The drug/alcohol treatment provider shall submit monthly
20 reports on the respondent's progress in treatment to the court and the
21 parties. The reports shall reference the treatment plan and include at
22 a minimum the following: Dates of attendance, respondent's compliance
23 with requirements, treatment activities, the respondent's relative
24 progress in treatment, and any other material specified by the court at
25 the time of the disposition.

26 At the time of the disposition, the court may set treatment review
27 hearings as the court considers appropriate.

28 If the offender violates any condition of the disposition or the
29 court finds that the respondent is failing to make satisfactory
30 progress in treatment, the court may impose sanctions pursuant to RCW
31 13.40.200 or revoke the suspension and order execution of the
32 disposition. The court shall give credit for any confinement time
33 previously served if that confinement was for the offense for which the
34 suspension is being revoked.

35 (7) For purposes of this section, "victim" means any person who has
36 sustained emotional, psychological, physical, or financial injury to
37 person or property as a direct result of or consequence of the offense

1 charged. "Victim" may also include a known parent or guardian of a
2 victim who is a minor child or is not a minor child but is
3 incapacitated, incompetent, disabled, or deceased.

4 (8) Whenever a juvenile offender is entitled to credit for time
5 spent in detention prior to a dispositional order, the dispositional
6 order shall specifically state the number of days of credit for time
7 served.

8 (9) In no case shall the term of confinement imposed by the court
9 at disposition exceed that to which an adult could be subjected for the
10 same offense.

11 (10) A disposition under this section is not appealable under RCW
12 13.40.230.

13 **Sec. 6.** RCW 13.40.190 and 1997 c 338 s 29 and 1997 c 121 s 9 are
14 each reenacted and amended to read as follows:

15 (1) In its dispositional order, the court shall require the
16 respondent to make restitution to any persons who have suffered loss or
17 damage as a result of the offense committed by the respondent. In
18 addition, restitution may be ordered for loss or damage if the offender
19 pleads guilty to a lesser offense or fewer offenses and agrees with the
20 prosecutor's recommendation that the offender be required to pay
21 restitution to a victim of an offense or offenses which, pursuant to a
22 plea agreement, are not prosecuted. The payment of restitution shall
23 be in addition to any punishment which is imposed pursuant to the other
24 provisions of this chapter. The court may determine the amount, terms,
25 and conditions of the restitution including a payment plan extending up
26 to ten years if the court determines that the respondent does not have
27 the means to make full restitution over a shorter period. Restitution
28 may include the costs of counseling reasonably related to the offense.
29 If the respondent participated in the crime with another person or
30 other persons, all such participants shall be jointly and severally
31 responsible for the payment of restitution. For the purposes of this
32 section, the respondent shall remain under the court's jurisdiction for
33 a maximum term of ten years after the respondent's eighteenth birthday.
34 Prior to the expiration of the ten-year period, the juvenile court may
35 extend the judgment for the payment of restitution for an additional
36 ten years.

1 (2) Regardless of the provisions of subsection (1) of this section,
2 the court shall order restitution in all cases where the victim is
3 entitled to benefits under the crime victims' compensation act, chapter
4 7.68 RCW. If the court does not order restitution and the victim of
5 the crime has been determined to be entitled to benefits under the
6 crime victims' compensation act, the department of labor and
7 industries, as administrator of the crime victims' compensation
8 program, may petition the court within one year of entry of the
9 disposition order for entry of a restitution order. Upon receipt of a
10 petition from the department of labor and industries, the court shall
11 hold a restitution hearing and shall enter a restitution order.

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

16 (4) A respondent under obligation to pay restitution may petition
17 the court for modification of the restitution (~~order~~) payment
18 schedule.

19 **Sec. 7.** RCW 13.40.200 and 2002 c 175 s 25 are each amended to read
20 as follows:

21 (1) When a respondent fails to comply with an order of restitution,
22 community supervision, penalty assessments, or confinement of less than
23 thirty days, the court upon motion of the prosecutor or its own motion,
24 may modify the order after a hearing on the violation.

25 (2) The hearing shall afford the respondent the same due process of
26 law as would be afforded an adult probationer. The court may issue a
27 summons or a warrant to compel the respondent's appearance. The state
28 shall have the burden of proving by a preponderance of the evidence the
29 fact of the violation. The respondent shall have the burden of showing
30 that the violation was not a willful refusal to comply with the terms
31 of the order. If a respondent has failed to pay a fine, penalty
32 assessments, or restitution or to perform community restitution hours,
33 as required by the court, it shall be the respondent's burden to show
34 that he or she did not have the means and could not reasonably have
35 acquired the means to pay the fine, penalty assessments, or restitution
36 or perform community restitution.

1 (3) If the court finds that a respondent has willfully violated the
2 terms of an order pursuant to subsections (1) and (2) of this section,
3 it may impose a penalty of up to thirty days' confinement. Penalties
4 for multiple violations occurring prior to the hearing shall not be
5 aggregated to exceed thirty days' confinement. Regardless of the
6 number of times a respondent is brought to court for violations of the
7 terms of a single disposition order, the combined total number of days
8 spent by the respondent in detention shall never exceed the maximum
9 term to which an adult could be sentenced for the underlying offense.

10 (4) If a respondent has been ordered to pay a fine or monetary
11 penalty and due to a change of circumstance cannot reasonably comply
12 with the order, the court, upon motion of the respondent, may order
13 that the unpaid fine or monetary penalty be converted to community
14 restitution unless the monetary penalty is the crime victim penalty
15 assessment, which cannot be converted, waived, or otherwise modified,
16 except for schedule of payment. The number of hours of community
17 restitution in lieu of a monetary penalty or fine shall be converted at
18 the rate of the prevailing state minimum wage per hour. The monetary
19 penalties or fines collected shall be deposited in the county general
20 fund. A failure to comply with an order under this subsection shall be
21 deemed a failure to comply with an order of community supervision and
22 may be proceeded against as provided in this section.

23 (5) When a respondent has willfully violated the terms of a
24 probation bond, the court may modify, revoke, or retain the probation
25 bond as provided in RCW 13.40.054.

26 **Sec. 8.** RCW 7.69.030 and 1999 c 323 s 2 are each amended to read
27 as follows:

28 There shall be a reasonable effort made to ensure that victims,
29 survivors of victims, and witnesses of crimes have the following
30 rights, which apply to any criminal court and/or juvenile court
31 proceeding:

32 (1) With respect to victims of violent or sex crimes, to receive,
33 at the time of reporting the crime to law enforcement officials, a
34 written statement of the rights of crime victims as provided in this
35 chapter. The written statement shall include the name, address, and

1 telephone number of a county or local crime victim/witness program, if
2 such a crime victim/witness program exists in the county;

3 (2) To be informed by local law enforcement agencies or the
4 prosecuting attorney of the final disposition of the case in which the
5 victim, survivor, or witness is involved;

6 (3) To be notified by the party who issued the subpoena that a
7 court proceeding to which they have been subpoenaed will not occur as
8 scheduled, in order to save the person an unnecessary trip to court;

9 (4) To receive protection from harm and threats of harm arising out
10 of cooperation with law enforcement and prosecution efforts, and to be
11 provided with information as to the level of protection available;

12 (5) To be informed of the procedure to be followed to apply for and
13 receive any witness fees to which they are entitled;

14 (6) To be provided, whenever practical, a secure waiting area
15 during court proceedings that does not require them to be in close
16 proximity to defendants and families or friends of defendants;

17 (7) To have any stolen or other personal property expeditiously
18 returned by law enforcement agencies or the superior court when no
19 longer needed as evidence. When feasible, all such property, except
20 weapons, currency, contraband, property subject to evidentiary
21 analysis, and property of which ownership is disputed, shall be
22 photographed and returned to the owner within ten days of being taken;

23 (8) To be provided with appropriate employer intercession services
24 to ensure that employers of victims, survivors of victims, and
25 witnesses of crime will cooperate with the criminal justice process in
26 order to minimize an employee's loss of pay and other benefits
27 resulting from court appearance;

28 (9) To access to immediate medical assistance and not to be
29 detained for an unreasonable length of time by a law enforcement agency
30 before having such assistance administered. However, an employee of
31 the law enforcement agency may, if necessary, accompany the person to
32 a medical facility to question the person about the criminal incident
33 if the questioning does not hinder the administration of medical
34 assistance;

35 (10) With respect to victims of violent and sex crimes, to have a
36 crime victim advocate from a crime victim/witness program, or any other
37 support person of the victim's choosing, present at any prosecutorial

1 or defense interviews with the victim, and at any judicial proceedings
2 related to criminal acts committed against the victim. This subsection
3 applies if practical and if the presence of the crime victim advocate
4 does not cause any unnecessary delay in the investigation or
5 prosecution of the case. The role of the crime victim advocate is to
6 provide emotional support to the crime victim;

7 (11) With respect to victims and survivors of victims, to be
8 physically present in court during trial, or if subpoenaed to testify,
9 to be scheduled as early as practical in the proceedings in order to be
10 physically present during trial after testifying and not to be excluded
11 solely because they have testified;

12 (12) With respect to victims and survivors of victims, to be
13 informed by the prosecuting attorney of the date, time, and place of
14 the trial and of the sentencing hearing for felony convictions upon
15 request by a victim or survivor;

16 (13) To submit a victim impact statement or report to the court,
17 with the assistance of the prosecuting attorney if requested, which
18 shall be included in all presentence reports and permanently included
19 in the files and records accompanying the offender committed to the
20 custody of a state agency or institution;

21 (14) With respect to victims and survivors of victims, to present
22 a statement personally or by representation, at the sentencing hearing
23 for felony convictions;

24 (15) With respect to victims and survivors of victims, to entry of
25 an order of restitution by the court in all felony cases, even when the
26 offender is sentenced to confinement, unless extraordinary
27 circumstances exist which make restitution inappropriate in the court's
28 judgment; and

29 (16) With respect to victims and survivors of victims, to present
30 a statement in person, via audio or videotape, in writing or by
31 representation at any hearing conducted regarding an application for
32 pardon or commutation of sentence.

33 **Sec. 9.** RCW 7.69A.030 and 1997 c 283 s 2 are each amended to read
34 as follows:

35 In addition to the rights of victims and witnesses provided for in
36 RCW 7.69.030, there shall be every reasonable effort made by law

1 enforcement agencies, prosecutors, and judges to assure that child
2 victims and witnesses are afforded the rights enumerated in this
3 section. Except as provided in RCW 7.69A.050 regarding child victims
4 or child witnesses of violent crimes, sex crimes, or child abuse, the
5 enumeration of rights shall not be construed to create substantive
6 rights and duties, and the application of an enumerated right in an
7 individual case is subject to the discretion of the law enforcement
8 agency, prosecutor, or judge. Child victims and witnesses have the
9 following rights, which apply to any criminal court and/or juvenile
10 court proceeding:

11 (1) To have explained in language easily understood by the child,
12 all legal proceedings and/or police investigations in which the child
13 may be involved.

14 (2) With respect to child victims of sex or violent crimes or child
15 abuse, to have a crime victim advocate from a crime victim/witness
16 program, or any other support person of the victim's choosing, present
17 at any prosecutorial or defense interviews with the child victim. This
18 subsection applies if practical and if the presence of the crime victim
19 advocate does not cause any unnecessary delay in the investigation or
20 prosecution of the case. The role of the crime victim advocate is to
21 provide emotional support to the child victim and to promote the
22 child's feelings of security and safety.

23 (3) To be provided, whenever possible, a secure waiting area during
24 court proceedings and to have an advocate or support person remain with
25 the child prior to and during any court proceedings.

26 (4) To not have the names, addresses, nor photographs of the living
27 child victim or witness disclosed by any law enforcement agency,
28 prosecutor's office, or state agency without the permission of the
29 child victim, child witness, parents, or legal guardians to anyone
30 except another law enforcement agency, prosecutor, defense counsel, or
31 private or governmental agency that provides services to the child
32 victim or witness.

33 (5) To allow an advocate to make recommendations to the prosecuting
34 attorney about the ability of the child to cooperate with prosecution
35 and the potential effect of the proceedings on the child.

36 (6) To allow an advocate to provide information to the court

1 concerning the child's ability to understand the nature of the
2 proceedings.

3 (7) To be provided information or appropriate referrals to social
4 service agencies to assist the child and/or the child's family with the
5 emotional impact of the crime, the subsequent investigation, and
6 judicial proceedings in which the child is involved.

7 (8) To allow an advocate to be present in court while the child
8 testifies in order to provide emotional support to the child.

9 (9) To provide information to the court as to the need for the
10 presence of other supportive persons at the court proceedings while the
11 child testifies in order to promote the child's feelings of security
12 and safety.

13 (10) To allow law enforcement agencies the opportunity to enlist
14 the assistance of other professional personnel such as child protection
15 services, victim advocates or prosecutorial staff trained in the
16 interviewing of the child victim.

17 (11) With respect to child victims of violent or sex crimes or
18 child abuse, to receive either directly or through the child's parent
19 or guardian if appropriate, at the time of reporting the crime to law
20 enforcement officials, a written statement of the rights of child
21 victims as provided in this chapter. The written statement shall
22 include the name, address, and telephone number of a county or local
23 crime victim/witness program, if such a crime victim/witness program
24 exists in the county.

25 **Sec. 10.** RCW 13.04.040 and 1995 c 312 s 40 are each amended to
26 read as follows:

27 The administrator shall, in any county or judicial district in the
28 state, appoint or designate one or more persons of good character to
29 serve as probation counselors during the pleasure of the administrator.
30 The probation counselor shall:

31 (1) Receive and examine referrals to the juvenile court for the
32 purpose of considering the filing of a petition or information pursuant
33 to chapter 13.32A or 13.34 RCW or RCW 13.40.070;

34 (2) Make recommendations to the court regarding the need for
35 continued detention or shelter care of a child unless otherwise
36 provided in this title;

1 (3) Arrange and supervise diversion agreements as provided in RCW
2 13.40.080, and ensure that the requirements of such agreements are met
3 except as otherwise provided in this title;

4 (4) Prepare predisposition studies as required in RCW (~~(13.34.120~~
5 ~~and~~) 13.40.130, and be present at the disposition hearing to respond
6 to questions regarding the predisposition study: PROVIDED, That such
7 duties shall be performed by the department for cases relating to
8 dependency or to the termination of a parent and child relationship
9 which is filed by the department unless otherwise ordered by the court;
10 and

11 (5) Supervise court orders of disposition to ensure that all
12 requirements of the order are met.

13 All probation counselors shall possess all the powers conferred
14 upon sheriffs and police officers to serve process and make arrests of
15 juveniles under their supervision for the violation of any state law or
16 county or city ordinance.

17 The administrator may, in any county or judicial district in the
18 state, appoint one or more persons who shall have charge of detention
19 rooms or houses of detention.

20 The probation counselors and persons appointed to have charge of
21 detention facilities shall each receive compensation which shall be
22 fixed by the legislative authority of the county, or in cases of joint
23 counties, judicial districts of more than one county, or joint judicial
24 districts such sums as shall be agreed upon by the legislative
25 authorities of the counties affected, and such persons shall be paid as
26 other county officers are paid.

27 The administrator is hereby authorized, and to the extent possible
28 is encouraged to, contract with private agencies existing within the
29 community for the provision of services to youthful offenders and youth
30 who have entered into diversion agreements pursuant to RCW 13.40.080.

31 The administrator shall establish procedures for the collection of
32 fines assessed under RCW 13.40.080 (2)(~~(d) and (13)~~) (c) and (14) and
33 for the payment of the fines into the county general fund.

34 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2004."

SSB 6472 - S AMD 676

By Senators Hargrove, Stevens

ADOPTED 02/13/2004

1 On page 1, line 1 of the title, after "crime;" strike the remainder
2 of the title and insert "amending RCW 13.40.010, 13.40.165, 13.40.200,
3 7.69.030, 7.69A.030, and 13.04.040; reenacting and amending RCW
4 13.40.020, 13.40.080, 13.40.160, and 13.40.190; and providing an
5 effective date."

EFFECT: Language regarding imposition of restitution in diversion proceedings is clarified. If the court exercises discretion to reduce the amount of restitution in diversion cases, the court may order community restitution.

--- END ---