

SENATE BILL REPORT

SB 5640

As Amended by House, April 15, 2019

Title: An act relating to youth courts.

Brief Description: Concerning youth courts.

Sponsors: Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 2/06/19, 2/12/19 [DP].

Floor Activity:

Passed Senate: 3/08/19, 48-0.

Passed House: 4/15/19, 97-0.

Brief Summary of Bill

- Expands the jurisdiction of youth courts to include juveniles aged twelve to seventeen.
- Expands the jurisdiction of youth courts to include civil infractions.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; O'Ban, Wilson, C. and Zeiger.

Staff: Kevin Black (786-7747)

Background: A youth court is an alternative method of hearing and disposing of traffic infractions and transit infractions for juveniles age sixteen to seventeen. To qualify for youth court, the juvenile must:

- not have a prior infraction referred to youth court;
- not be under the jurisdiction of another court or have prior convictions related to a traffic infraction or transit infraction; and
- acknowledge a high likelihood of being found to have committed the traffic infraction or transit infraction.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In a youth court, juveniles may participate in various roles under the supervision of a youth court coordinator, including the roles of jurors, lawyers, bailiffs, clerks, and judges. A youth court may serve as a diversion for a case referred from juvenile court. Youth courts must emphasize holding youth accountable for problem behavior; educating youth about the impact of their actions on themselves, victims, their families, and community; and developing skills to resolve problems with peers effectively, and providing a meaningful forum to practice and enhance newly developed skills.

To participate in youth court, a juvenile must sign a youth court agreement, which is a contract whereby the juvenile agrees to fulfill certain conditions imposed by the youth court in lieu of a determination that the traffic infraction or transit infraction occurred. Conditions may include:

- community service not to exceed 150 hours;
- attendance at defensive driving school, driver improvement classes, or a like means of fulfilling this condition;
- a monetary penalty not to exceed \$100;
- curfew requirements;
- mentoring programs;
- writing apology letters or essays; or
- other specified means, including serving as a participant in future youth court proceedings.

A civil infraction is a minor offense punishable by a civil fine. Failure to respond to a civil infraction is a misdemeanor punishable by a fine or imprisonment. Civil infractions are divided into four classes, with maximum fines ranging from \$250 to \$25, with certain exceptions.

Summary of Bill: The jurisdiction of youth courts is expanded to include juveniles age twelve to seventeen and to include civil infractions. A requirement is eliminated that the juvenile must not have had a prior traffic infraction or transit infraction referred to a youth court.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We had a youth court in high school which was a diversion from local municipal court. This court has teeth, community service and monetary fines, and is not just a nicety. It was requested by the Cheney Youth Court and supported by the Washington State Association of Youth Courts. The jurisdiction of youth court should be aligned with the permissible ages for diversions from juvenile court. There is a greater than 80 percent success rate in reducing recidivism. Youth Courts provide an answer how to break the cycle and keep youth out of the criminal justice system. The

offender interacts directly with peers to take responsibility and they give back to the community rather than just pay a fine. It builds a connection between the young person and the community. This is a restorative justice model. The cognitive piece is so helpful to promote learning. Former offenders serve on the youth court and see this is a community issue that we solve together as a group. Allowing diversion of fines helps youth get their licenses and participate fully in the community. Sometimes the second offense is the more meaningful opportunity for intervention.

Persons Testifying: PRO: Senator Jeff Holy, Prime Sponsor; Courtney Bell Whitten, Cheney Youth Court Prosecutor; Terri Cooper, Cheney Court Administrator.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Clarifies that a youth can participate in youth court at age twelve through seventeen, instead of twelve to seventeen.
- Allows otherwise eligible youth to participate in youth court if they have a prior conviction related to motor vehicles or related to unlawful transit conduct.