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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)

READ FIRST TIME 01/23/20.

1 AN ACT Relating to youth courts; amending RCW 3.72.005, 3.72.010,  
2 3.72.020, and 3.72.040; and reenacting and amending RCW 13.40.250.

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

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

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

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

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

14 (3) "Transit infraction" means an infraction issued by a transit  
15 authority as defined in RCW 9.91.025(2)(c), including those  
16 infractions authorized under RCW 35.58.580, 36.57A.230, and  
17 81.112.220.

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

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

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

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

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

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

18       ~~((e))~~ (b) May not have any convictions for a violation of any  
19 provision of Title 46 RCW or for unlawful transit conduct under RCW  
20 9.91.025; and

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

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

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

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

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

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

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

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

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

25       (c) A monetary penalty, not to exceed one hundred dollars. All  
26 monetary penalties assessed and collected under this section shall be  
27 deposited and distributed in the same manner as costs, fines,  
28 forfeitures, and penalties are assessed and collected under RCW  
29 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and  
30 46.63.110(7), regardless of the juvenile's successful or unsuccessful  
31 completion of the youth court agreement;

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

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

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

37       (g) Participating in mentoring programs;

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

39       (i) Writing apology letters; or

40       (j) Writing essays.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (9) A court may refuse to enter into a youth court agreement with  
37 a juvenile. When a court refuses to enter a youth court agreement  
38 with a juvenile, it shall set the matter for hearing in accordance  
39 with all applicable court rules and statutory provisions governing

1 the hearing and disposition of traffic ((and)) infractions, transit  
2 infractions, and civil infractions.

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

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

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

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

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

26 (3) Emphasize the following principles:

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

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

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

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

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

37 A traffic infraction, transit infraction, or civil infraction  
38 case involving a juvenile under the age of sixteen may be diverted in

1 accordance with the provisions of this chapter or filed in juvenile  
2 court.

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

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

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

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

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

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

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

34 (c) Other than filing a petition for termination of the diversion  
35 agreement in juvenile court, nothing concerning the juvenile's  
36 participation in the youth court program shall be filed in any public  
37 court file concerning the juvenile's participation or presence in the  
38 youth court program. The only written record of participation shall  
39 be the diversion agreement entered into with the juvenile court,  
40 subject to confidentiality under chapter 13.50 RCW. No court cause

1 number shall be assigned to the case against the juvenile while he or  
2 she participates in the youth court program. The proceedings in the  
3 youth court program shall be on open record and may be recorded if  
4 necessary;

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

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

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

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