
Early Learning & Human Services Committee

HB 1248

Brief Description: Improving the effectiveness of juvenile justice programs by providing ongoing evaluations and clarifying juvenile diversion practices.

Sponsors: Representative Couture.

Brief Summary of Bill

- Requires the Washington State Institute for Public Policy (WSIPP) to conduct biennial outcome evaluations of juvenile justice programs identified as evidence-based.
- Allows prosecutors to file an information on a case where a diversion was attempted in juvenile court if the person is under age 21 and specifies that juvenile diversion agreements may include a period up to the twenty-first birthday of the divertee.

Hearing Date: 1/22/25

Staff: Luke Wickham (786-7146).

Background:

Juvenile Justice Programming.

State funding is provided to county juvenile courts to help support programs designed for juveniles who were found to have committed a criminal offense. The majority of state funding to juvenile courts for this juvenile justice related programming comes from a block grant, which prioritizes evidence-based programs.

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

The Washington State Institute for Public Policy (WSIPP) publishes an inventory of evidence-based, research-based, and promising practices. An evidence-based program is a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

As of the Updated Inventory of Evidence-Based, Research-Based, and Promising Practices, most recently updated in September 2020, the juvenile justice programs identified by the WSIPP as evidence-based, using either the current law definition of evidence-based or the WSIPP suggested definition, include the following:

- Adolescent Diversion Project (versus traditional juvenile court processing);
- Coordination of Services;
- Diversion (no services and with services versus traditional juvenile court processing);
- Functional Family Therapy (youth post-release);
- mentoring (youth post-release);
- Multidimensional Treatment Foster Care (vs. group homes) for court-involved youth;
- Multisystemic Therapy for court involved/post release;
- other (non-name brand) family-based therapies for court involved youth; and
- Parenting with Love and Limits for court-involved/post-release youth.

Juvenile Diversion Agreements.

A juvenile diversion agreement is a contract between a juvenile accused of a crime and a diversion unit where the juvenile agrees to complete certain requirements instead of prosecution. Juvenile diversion agreements may only be executed after the prosecutor or probation counselor has determined that probable cause exists to believe that a crime was committed.

The requirements of a juvenile diversion agreement are limited to:

- community restitution not to exceed 150 hours;
- restitution limited to the amount of actual loss;
- attendance at up to 10 hours of counseling and 20 hours of positive youth development, educational, or information sessions at a community agency;
- requirements to remain during certain hours at home, school, or work, and restrictions on leaving or entering certain areas; and
- upon request of any victim or witness, requirements to refrain from contact with such victims or witnesses.

A juvenile diversion agreement may not exceed a period of six months and may include a period extending beyond the individual's eighteenth birthday. If additional time is needed to complete restitution to a victim, the period may be extended for six months.

Prosecutors are required to divert a case if the alleged offense is a misdemeanor or gross misdemeanor and the alleged offense is the offender's first offense. If the prosecutor is not required to divert the case and the offense is not a sex offense or a violent offense, other than Assault in the second degree or Robbery in the second degree, the prosecutor has discretion

regarding whether to divert a case.

Summary of Bill:

Juvenile Justice Program Evaluations.

The Washington State Institute for Public Policy (WSIPP) is required to conduct biennial outcome evaluations of juvenile justice programs identified as evidence-based. These evaluations must focus on recidivism and include a benefit-cost analysis.

The WSIPP must prioritize juvenile justice programs for evaluation based on the length of time since an evaluation has been conducted on the program and the number of juveniles participating in the program.

Juvenile Diversion.

A juvenile diversion agreement may include a period extending up to the twenty-first birthday of the divertee. Any pending information in a case and any pending motion to terminate must be dismissed with prejudice and the matter will remain criminal history unless sealed or destroyed. Diversion agreements may not be entered for an offense that occurred on or after the juvenile's eighteenth birthday.

A prosecutor may file an information on the offense for which a person was diverted in juvenile court if the person is under age 21 (instead of 18).

Appropriation: None.

Fiscal Note: Requested on January 14, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.