
Early Learning & Human Services Committee

HB 1391

Brief Description: Improving developmentally appropriate alternatives for youth outside the formal court process.

Sponsors: Representatives Cortes, Eslick, Ryu, Stonier, Simmons, Peterson, Reed, Parshley, Goodman, Doglio, Taylor, Salahuddin, Street, Timmons, Scott and Santos.

Brief Summary of Bill

- Creates a grant program at the Department of Children, Youth, and Families (DCYF) to support community-based programs that divert youth from entering or re-entering the juvenile justice system, expands consolidated juvenile services to include providing effective services and referrals to diverted and referred youth, requires the Administrative Office of the Courts to develop common definitions, outcome measures, and data collection methods for both informal and formal diversion programs
- Removes juvenile diversions from what is considered "criminal history."
- Prohibits a juvenile diversion agreement from being entered into for an offense that was committed after a juvenile's eighteenth birthday and prohibits parents and guardians from declining to enter into or preventing a juvenile from entering into a diversion agreement.

Hearing Date: 2/5/25

Staff: Luke Wickham (786-7146).

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.

Background:

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.

Criminal History.

Juvenile criminal history may be used to determine the security guidelines for a juvenile offender, the sentencing range for a person adjudicated of a juvenile offense, a prosecutor's determination regarding whether to file or divert a case, eligibility for a deferred disposition, and aggravating factors during a juvenile disposition.

Community-Based Rehabilitation.

Community-based rehabilitation consists of various programs that the court can require a young person to participate in as part of a juvenile offense disposition order.

Consolidated Juvenile Services.

The Department of Children, Youth, and Families (DCYF) is required to adopt minimum standards for the operation of consolidated juvenile services programs for juvenile offenders. Consolidated juvenile services are a method for the DCYF to support counties in providing services to offender groups. Counties may apply to DCYF for financial aid to pay for the cost of consolidated juvenile services. Counties are not entitled to receive any state funds for

consolidated juvenile services until the DCYF-developed minimum standards are met. The distribution of consolidated juvenile services funds must be based on a criteria including the county's per capita income, regional at-risk populations, juvenile crime or arrest rates, rates of poverty, size of racial minority populations, existing programs, and the effectiveness and efficiency of consolidating local programs toward reducing commitments to state correctional facilities or other traditional services provided by DCYF.

Referred Youth.

Referred youth in the juvenile justice context are considered youth who:

- were contacted by a law enforcement officer and the law enforcement officer has probable cause to believe that the person committed a crime;
- were referred to a program that allows youth to enter before being diverted or charged with a juvenile offense; and
- would have been diverted or charged with a juvenile offense, if not for the program to which they were referred.

Summary of Bill:

Parents and guardians are prohibited from declining to enter into or preventing a juvenile from entering into a diversion agreement.

A juvenile diversion agreement may not be entered into for an offense that was committed after a juvenile's eighteenth birthday and prosecutors may file a case where a diversion was attempted (in juvenile court until the person turns 21, and in adult court after a person turns 21 or older).

The scope of consolidated juvenile service programs are expanded to include providing effective services and referrals to diverted and referred youth.

A grant program is created at the Department of Children, Youth, and Families (DCYF) to support community-based programs that divert youth from entering or re-entering the juvenile justice system.

The Administrative Office of the Courts (AOC), in consultation with DCYF, and the juvenile court administrators, is required to develop common definitions, outcome measures, and data collection methods for both informal and formal diversion programs with a report due on July 1, 2026.

Courts must transmit juvenile diversion agreement data to the AOC. The AOC must provide an annual report detailing information about diversion agreements.

Juvenile diversions are removed from what is considered "criminal history."

Intake appointments are included in the definition of "community-based rehabilitation."

Appropriation: None.

Fiscal Note: Requested on January 27, 2025.

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