

# HOUSE BILL REPORT

## HB 1391

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to improving developmentally appropriate alternatives for youth outside the formal court process.

**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 History:**

**Committee Activity:**

Early Learning & Human Services: 2/5/25, 2/7/25 [DPS].

**Brief Summary of Substitute Bill**

- Creates a grant program at the Department of Children, Youth, and Families 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, and requires the Administrative Office of the Courts to develop common definitions, outcome measures, and data collection methods for both informal and formal diversion programs.
- 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.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

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*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.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Bergquist, Chair; Cortes, Vice Chair; Eslick, Ranking Minority Member; Burnett, Assistant Ranking Minority Member; Bernbaum, Dent, Goodman, Hill, Ortiz-Self, Penner and Taylor.

**Staff:** Luke Wickham (786-7146).

**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.

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**Summary of Substitute 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. The Department of Children, Youth, and Families (DCYF) may provide grant funding to local governments for community-based programs for referred and diverted youth according to a grant formula developed by the DCYF.

A grant program is created at the 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."

### **Substitute Bill Compared to Original Bill:**

The substitute bill restores language requiring that the Washington Supreme Court promulgate rules setting forth the content of an advisement regarding the right to an attorney that is provided to a juvenile during a diversion intake and a requirement that this advisement is signed by the juvenile and maintained by a diversion unit.

The substitute bill allows the Department of Children, Youth, and Families (DCYF) to provide grant funding to local governments for community-based programs for referred and diverted youth according to a grant formula developed by the DCYF.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2025.

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

### **Staff Summary of Public Testimony:**

(In support) Diversion works. Youth who are diverted have lower recidivism rates than youth who go through the court system. Study after study has shown this to be true.

A Washington State Institute for Public Policy study found that diverting youth, even without offering services, returned a societal benefit of more than \$11,000 per dollar spent due to the lower recidivism rates.

In the last five years in the State of Washington, about two-thirds of all dispositions were for misdemeanors or gross misdemeanors and about 70 percent of those youth had little to no criminal history.

Young people have much better outcomes when they are diverted out of the formal juvenile justice system.

The investments in this bill will pay off.

There can be negative family dynamics going on for these families. Sometimes young people will find themselves in crisis during these negative family situations. Parents shouldn't prevent young people from participating in a juvenile diversion.

Young people are stripped from their homes through the juvenile justice system. Juvenile diversion programs are effective ways to show young people that they have value.

Not all young people are offered diversion opportunities, even for things like stealing food to feed themselves.

In light of the crisis at Green Hill, the state should prioritize upstream alternatives to detention.

Youth participating in diversion have a recidivism rate half that of those who participate in the formal court process.

Juvenile diversions are not being used as much as they should be.

Out of the 2,800 juvenile dispositions each year, approximately two-thirds are for non-felony offenses. 71 percent of these dispositions are for youth with little to no criminal history, and 88 percent are for nonviolent offenses.

This bill marks a huge step forward

Diversion programs can transform lives.

Eight of the 21 dispute resolution centers across the state have active juvenile diversion programs for youth. The local community partners for these program include six juvenile courts, a tribal court, and a therapeutic court.

Diversion programs allow youth to remain in the community. Youth are able to make meaningful amends for their actions through these programs.

Programs like diversion give our youth a chance to move forward and save our state money.

(Opposed) None.

**Persons Testifying:** (In support) Representative Julio Cortes, prime sponsor; Roxana

Gomez, Legal Counsel for Youth and Children; LaDessa Croucher, Resolution Washington; Liz Trautman, Stand for Children Washington; Morning Large; Sunshine Timmons, Sunshine Timmons; and Jack Murphy, Washington Association of Juvenile Court Administrators.

**Persons Signed In To Testify But Not Testifying:** None.