

HOUSE BILL REPORT

HB 1661

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to transfer of juvenile proceedings.

Brief Description: Specifying procedures for transfer of juvenile proceedings.

Sponsors: Representatives Moeller, Hasegawa, Appleton, Hunt, Ericks, Chase, Curtis, Lovick, McCune and Cody.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/15/05, 2/23/05 [DPS].

Brief Summary of Substitute Bill

- Permits venue to be transferred to the county in which the juvenile offender is residing for the purposes of supervision and collection of restitution.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

Venue refers to the particular county, or geographical area, in which a court with jurisdiction may hear and determine a case. It relates only to the question in which geographical location of a case may be heard. Venue does not refer to jurisdiction, which is the inherent power to hear a case.

In juvenile court, the venue of a juvenile offender matter is in any county in which any element of the offense was committed. A juvenile court has the authority to transfer a case to a different county for supervision and enforcement of the disposition order if the offender is residing in that county. The receiving county has the authority to modify and enforce the disposition order.

The juvenile court may also order a transfer of venue if the court has reason to believe that an impartial proceeding cannot be held in the county in which the proceeding began.

Summary of Substitute Bill:

If a court orders a case to be transferred to a different county for disposition in a juvenile offender proceeding, the case and copies of legal and social documents pertaining to the case must be transferred to the county in which the juvenile resides, regardless of whether or not the juvenile's custodial parent resides in that county. Once transferred, the receiving county will monitor and enforce the disposition in the case.

If restitution has not been determined in the case, the case may be transferred to the receiving county; however, the restitution must be established by the originating county. Once the restitution order is entered, the originating county will send the restitution order to the receiving county for enforcement.

The juvenile must make payments for the restitution, and other legal financial obligations, to the originating county who will maintain the account receivable in the judicial information system. The probation officer in the receiving county will manage collection of the payments while the offender is on probation. Once probation ends, the probation department must notify the clerk of the originating county who will then be responsible for managing the payments.

The receiving county has the authority to modify the disposition and restitution orders.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that the provisions pertaining to the transfer of the case and copies of the court files relate only to cases that are transferred for disposition.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (In support on original bill) Currently, if a youth lives in a different county supervision can be transferred, but there is no authority to sanction the youth for violations. There are problems with the current system. A case can't be transferred until restitution is determined and this can take months. During this time there is no supervision of a youth. This bill bifurcates the case and allows the case to be transferred separately from the restitution. There is also a difference in how the counties in Washington are interpreting this statute. The bill clarifies the process and makes it consistent. There shouldn't be a fiscal impact to any counties.

Testimony Against: None.

Persons Testifying: (In support on original bill) Phil Jans, Washington Association of Juvenile Court Administrators.

Persons Signed In To Testify But Not Testifying: None.