

SSB 6192 - H COMM AMD  
By Committee on Human Services

ADOPTED 03/02/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.40.190 and 2004 c 120 s 6 are each amended to read  
4 as follows:

5 (1)(a) In its dispositional order, the court shall require the  
6 respondent to make restitution to any persons who have suffered loss or  
7 damage as a result of the offense committed by the respondent. In  
8 addition, restitution may be ordered for loss or damage if the offender  
9 pleads guilty to a lesser offense or fewer offenses and agrees with the  
10 prosecutor's recommendation that the offender be required to pay  
11 restitution to a victim of an offense or offenses which, pursuant to a  
12 plea agreement, are not prosecuted.

13 (b) Restitution may include the costs of counseling reasonably  
14 related to the offense.

15 (c) The payment of restitution shall be in addition to any  
16 punishment which is imposed pursuant to the other provisions of this  
17 chapter.

18 (d) The court may determine the amount, terms, and conditions of  
19 the restitution including a payment plan extending up to ten years if  
20 the court determines that the respondent does not have the means to  
21 make full restitution over a shorter period. (~~Restitution may include~~  
22 ~~the costs of counseling reasonably related to the offense.~~) For the  
23 purposes of this section, the respondent shall remain under the court's  
24 jurisdiction for a maximum term of ten years after the respondent's  
25 eighteenth birthday and, during this period, the restitution portion of  
26 the dispositional order may be modified as to amount, terms, and  
27 conditions at any time. Prior to the expiration of the ten-year  
28 period, the juvenile court may extend the judgment for the payment of  
29 restitution for an additional ten years. If the court grants a

1 respondent's petition pursuant to RCW 13.50.050(11), the court's  
2 jurisdiction under this subsection shall terminate.

3 (e) Nothing in this section shall prevent a respondent from  
4 petitioning the court pursuant to RCW 13.50.050(11) if the respondent  
5 has paid the full restitution amount stated in the court's order and  
6 has met the statutory criteria.

7 (f) If the respondent participated in the crime with another person  
8 or other persons, all such participants shall be jointly and severally  
9 responsible for the payment of restitution. ((For the purposes of this  
10 section, the respondent shall remain under the court's jurisdiction for  
11 a maximum term of ten years after the respondent's eighteenth birthday.  
12 Prior to the expiration of the ten-year period, the juvenile court may  
13 extend the judgment for the payment of restitution for an additional  
14 ten years.))

15 (g) At any time, the court may determine that the respondent is not  
16 required to pay, or may relieve the respondent of the requirement to  
17 pay, full or partial restitution to any insurance provider authorized  
18 under Title 48 RCW if the respondent reasonably satisfies the court  
19 that he or she does not have the means to make full or partial  
20 restitution to the insurance provider and could not reasonably acquire  
21 the means to pay the insurance provider the restitution over a ten-year  
22 period.

23 (2) Regardless of the provisions of subsection (1) of this section,  
24 the court shall order restitution in all cases where the victim is  
25 entitled to benefits under the crime victims' compensation act, chapter  
26 7.68 RCW. If the court does not order restitution and the victim of  
27 the crime has been determined to be entitled to benefits under the  
28 crime victims' compensation act, the department of labor and  
29 industries, as administrator of the crime victims' compensation  
30 program, may petition the court within one year of entry of the  
31 disposition order for entry of a restitution order. Upon receipt of a  
32 petition from the department of labor and industries, the court shall  
33 hold a restitution hearing and shall enter a restitution order.

34 (3) If an order includes restitution as one of the monetary  
35 assessments, the county clerk shall make disbursements to victims named  
36 in the order. The restitution to victims named in the order shall be  
37 paid prior to any payment for other penalties or monetary assessments.

1           (4) For purposes of this section, "victim" means any person who has  
2 sustained emotional, psychological, physical, or financial injury to  
3 person or property as a direct result of the offense charged. "Victim"  
4 may also include a known parent or guardian of a victim who is a minor  
5 child or is not a minor child but is incapacitated, incompetent,  
6 disabled, or deceased.

7           (5) A respondent under obligation to pay restitution may petition  
8 the court for modification of the restitution order."

9           Correct the title.

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