

2 **2SHB 2219 - H AMD 094 ADOPTED 02-09-96**

3 By Representative Delvin

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5 On page 63, after line 22, insert the following:

6 "Sec. 23. RCW 13.40.125 and 1995 c 395 s 6 are each amended to
7 read as follows:

8 (1) Upon motion at least fourteen days before commencement of
9 trial, the juvenile court has the power, after consulting the
10 juvenile's custodial parent or parents or guardian and with the consent
11 of the juvenile, to continue the case for ~~((adjudication))~~ disposition
12 for a period not to exceed one year from the date ~~((the motion is~~
13 ~~granted))~~ of entry of a plea of guilty or a finding of guilt following
14 a hearing under subsection (5) of this section. The court may continue
15 the case for an additional one-year period for good cause.

16 (2) Any juvenile granted a deferral of ~~((adjudication))~~ disposition
17 under this section shall be placed under community supervision. The
18 court may impose any conditions of supervision that it deems
19 appropriate including posting a probation bond. Payment of
20 restitution, as provided in RCW 13.40.190 shall also be a condition of
21 community supervision under this section.

22 (3) Upon full compliance with conditions of supervision, the
23 respondent's adjudication shall be vacated and the court shall dismiss
24 the case with prejudice.

25 (4) If the juvenile fails to comply with the terms of supervision,
26 the court shall enter an order of ~~((adjudication and proceed to))~~
27 disposition. The juvenile's lack of compliance shall be determined by
28 the judge upon written motion by the prosecutor or the juvenile's
29 juvenile court community supervision counselor. A parent who signed
30 for a probation bond or deposited cash may notify the counselor if the
31 juvenile fails to comply with the bond or conditions of supervision.
32 The counselor shall notify the court and surety. A surety shall notify
33 the court of the juvenile's failure to comply with the probation bond.
34 The state shall bear the burden to prove by a preponderance of the
35 evidence that the juvenile has failed to comply with the terms of
36 community supervision.

1 (5) If the juvenile agrees to a deferral of ((~~adjudication~~))
2 disposition, the juvenile shall waive all rights:

3 (a) To a speedy trial and disposition;

4 (b) To call and confront witnesses; and

5 (c) To a hearing on the record. The adjudicatory hearing shall be
6 limited to a reading of the court's record.

7 (6) A juvenile is not eligible for a deferred ((~~adjudication~~))
8 disposition if:

9 (a) The juvenile's current offense is a sex or violent offense;

10 (b) The juvenile's criminal history includes any felony;

11 (c) The juvenile has a prior deferred ((~~adjudication~~)) disposition;

12 or

13 (d) The juvenile has had more than two diversions."

14 Renumber the remaining sections consecutively and correct the title
15 and any internal references accordingly.

16 EFFECT: Deferred adjudications are changed to deferred
17 dispositions. The juvenile will enter a plea of guilty or be found
18 guilty but the disposition will be deferred.

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