

2 **SHB 2580** - S AMD TO HSC COMM AMD (S5512.1)-237
3 By Senators Hargrove and Long

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5 On page 1, beginning on line 22 of the amendment, after "victim"
6 strike all material through "diversion" on line 24, and insert "~~((, and~~
7 ~~to an amount the juvenile has the means or potential means to pay))"~~

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11 On page 2, beginning on line 19 of the amendment, after "(4)"
12 strike all material through "months." on line 28, and insert "(a) A
13 diversion agreement may not exceed a period of six months and may
14 include a period extending beyond the eighteenth birthday of the
15 divertee. (~~Any restitution assessed during its term may not exceed an~~
16 ~~amount which the juvenile could be reasonably expected to pay during~~
17 ~~this period.))"~~

18 (b) If additional time is necessary for the juvenile to complete
19 restitution to the victim, the time period limitations of this
20 subsection may be extended by an additional six months.

21 (c) If the juvenile has not paid the full amount of restitution by
22 the end of the additional six-month period, then the juvenile shall be
23 referred to the juvenile court for entry of an order establishing the
24 amount of restitution still owed to the victim. In this order, the
25 court shall also determine the terms and conditions of the restitution,
26 including a payment plan extending up to ten years if the court
27 determines that the juvenile does not have the means to make full
28 restitution over a shorter period. For the purposes of this subsection
29 (4)(c), the juvenile shall remain under the court's jurisdiction for a
30 maximum term of ten years after the juvenile's eighteenth birthday.
31 The court may not require the juvenile to pay full or partial
32 restitution if the juvenile reasonably satisfies the court that he or
33 she does not have the means to make full or partial restitution and
34 could not reasonably acquire the means to pay the restitution over a
35 ten-year period. The county clerk shall make disbursements to victims

1 named in the order. The restitution to victims named in the order
2 shall be paid prior to any payment for other penalties or monetary
3 assessments. A juvenile under obligation to pay restitution may
4 petition the court for modification of the restitution order."

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8 On page 5, after line 27 of the amendment, insert the following:

9 "Sec. 2. RCW 13.40.190 and 1995 c 33 s 5 are each amended to read
10 as follows:

11 (1) In its dispositional order, the court shall require the
12 respondent to make restitution to any persons who have suffered loss or
13 damage as a result of the offense committed by the respondent. In
14 addition, restitution may be ordered for loss or damage if the offender
15 pleads guilty to a lesser offense or fewer offenses and agrees with the
16 prosecutor's recommendation that the offender be required to pay
17 restitution to a victim of an offense or offenses which, pursuant to a
18 plea agreement, are not prosecuted. The payment of restitution shall
19 be in addition to any punishment which is imposed pursuant to the other
20 provisions of this chapter. The court may determine the amount, terms,
21 and conditions of the restitution including a payment plan extending up
22 to ten years if the court determines that the respondent does not have
23 the means to make full restitution over a shorter period. Restitution
24 may include the costs of counseling reasonably related to the offense.
25 If the respondent participated in the crime with another person or
26 other persons, all such participants shall be jointly and severally
27 responsible for the payment of restitution. For the purposes of this
28 section, the respondent shall remain under the court's jurisdiction for
29 a maximum term of ten years after the respondent's eighteenth birthday.
30 The court may not require the respondent to pay full or partial
31 restitution if the respondent reasonably satisfies the court that he or
32 she does not have the means to make full or partial restitution and
33 could not reasonably acquire the means to pay such restitution over a
34 ten-year period. (~~In cases where an offender has been committed to~~
35 ~~the department for a period of confinement exceeding fifteen weeks,~~
36 ~~restitution may be waived.))~~

1 (2) Regardless of the provisions of subsection (1) of this section,
2 the court shall order restitution in all cases where the victim is
3 entitled to benefits under the crime victims' compensation act, chapter
4 7.68 RCW. If the court does not order restitution and the victim of
5 the crime has been determined to be entitled to benefits under the
6 crime victims' compensation act, the department of labor and
7 industries, as administrator of the crime victims' compensation
8 program, may petition the court within one year of entry of the
9 disposition order for entry of a restitution order. Upon receipt of a
10 petition from the department of labor and industries, the court shall
11 hold a restitution hearing and shall enter a restitution order.

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

16 (4) A respondent under obligation to pay restitution may petition
17 the court for modification of the restitution order."

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21 On page 5, line 32 of the title amendment, after "13.40.080" insert
22 "and 13.40.190"

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