
ENGROSSED HOUSE BILL 1637

State of Washington

55th Legislature

1998 Regular Session

By Representatives Costa, Ballasiotes, Dickerson, Keiser, Wood, Ogden,
Blalock, Cooke and Scott

Read first time 02/04/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to teen court programs; amending RCW 13.40.020 and
2 13.40.020; creating a new section; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.020 and 1997 c 338 s 9 are each amended to read
5 as follows:

6 For the purposes of this chapter:

7 (1) "Community-based rehabilitation" means one or more of the
8 following: Employment; attendance of information classes; literacy
9 classes; counseling, outpatient substance abuse treatment programs,
10 outpatient mental health programs, anger management classes, education
11 or outpatient treatment programs to prevent animal cruelty, or other
12 services; or attendance at school or other educational programs
13 appropriate for the juvenile as determined by the school district.
14 Placement in community-based rehabilitation programs is subject to
15 available funds;

16 (2) Community-based sanctions may include one or more of the
17 following:

18 (a) A fine, not to exceed one hundred dollars;

1 (b) Community service not to exceed one hundred fifty hours of
2 service;

3 (3) "Community service" means compulsory service, without
4 compensation, performed for the benefit of the community by the
5 offender as punishment for committing an offense. Community service
6 may be performed through public or private organizations or through
7 work crews;

8 (4) "Community supervision" means an order of disposition by the
9 court of an adjudicated youth not committed to the department or an
10 order granting a deferred disposition. A community supervision order
11 for a single offense may be for a period of up to two years for a sex
12 offense as defined by RCW 9.94A.030 and up to one year for other
13 offenses. As a mandatory condition of any term of community
14 supervision, the court shall order the juvenile to refrain from
15 committing new offenses. As a mandatory condition of community
16 supervision, the court shall order the juvenile to comply with the
17 mandatory school attendance provisions of chapter 28A.225 RCW and to
18 inform the school of the existence of this requirement. Community
19 supervision is an individualized program comprised of one or more of
20 the following:

21 (a) Community-based sanctions;

22 (b) Community-based rehabilitation;

23 (c) Monitoring and reporting requirements;

24 (d) Posting of a probation bond;

25 (5) "Confinement" means physical custody by the department of
26 social and health services in a facility operated by or pursuant to a
27 contract with the state, or physical custody in a detention facility
28 operated by or pursuant to a contract with any county. The county may
29 operate or contract with vendors to operate county detention
30 facilities. The department may operate or contract to operate
31 detention facilities for juveniles committed to the department.
32 Pretrial confinement or confinement of less than thirty-one days
33 imposed as part of a disposition or modification order may be served
34 consecutively or intermittently, in the discretion of the court;

35 (6) "Court," when used without further qualification, means the
36 juvenile court judge(s) or commissioner(s);

37 (7) "Criminal history" includes all criminal complaints against the
38 respondent for which, prior to the commission of a current offense:

1 (a) The allegations were found correct by a court. If a respondent
2 is convicted of two or more charges arising out of the same course of
3 conduct, only the highest charge from among these shall count as an
4 offense for the purposes of this chapter; or

5 (b) The criminal complaint was diverted by a prosecutor pursuant to
6 the provisions of this chapter on agreement of the respondent and after
7 an advisement to the respondent that the criminal complaint would be
8 considered as part of the respondent's criminal history. A
9 successfully completed deferred adjudication that was entered before
10 July 1, 1997, or a deferred disposition shall not be considered part of
11 the respondent's criminal history;

12 (8) "Department" means the department of social and health
13 services;

14 (9) "Detention facility" means a county facility, paid for by the
15 county, for the physical confinement of a juvenile alleged to have
16 committed an offense or an adjudicated offender subject to a
17 disposition or modification order. "Detention facility" includes
18 county group homes, inpatient substance abuse programs, juvenile basic
19 training camps, and electronic monitoring;

20 (10) "Diversion unit" means any probation counselor who enters into
21 a diversion agreement with an alleged youthful offender, or any other
22 person, community accountability board, teen court under the
23 supervision of the juvenile court, or other entity except a law
24 enforcement official or entity, with whom the juvenile court
25 administrator has contracted to arrange and supervise such agreements
26 pursuant to RCW 13.40.080, or any person, community accountability
27 board, or other entity specially funded by the legislature to arrange
28 and supervise diversion agreements in accordance with the requirements
29 of this chapter. For purposes of this subsection, "community
30 accountability board" means a board comprised of members of the local
31 community in which the juvenile offender resides. The superior court
32 shall appoint the members. The boards shall consist of at least three
33 and not more than seven members. If possible, the board should include
34 a variety of representatives from the community, such as a law
35 enforcement officer, teacher or school administrator, high school
36 student, parent, and business owner, and should represent the cultural
37 diversity of the local community;

1 (11) "Foster care" means temporary physical care in a foster family
2 home or group care facility as defined in RCW 74.15.020 and licensed by
3 the department, or other legally authorized care;

4 (12) "Institution" means a juvenile facility established pursuant
5 to chapters 72.05 and 72.16 through 72.20 RCW;

6 (13) "Intensive supervision program" means a parole program that
7 requires intensive supervision and monitoring, offers an array of
8 individualized treatment and transitional services, and emphasizes
9 community involvement and support in order to reduce the likelihood a
10 juvenile offender will commit further offenses;

11 (14) "Juvenile," "youth," and "child" mean any individual who is
12 under the chronological age of eighteen years and who has not been
13 previously transferred to adult court pursuant to RCW 13.40.110 or who
14 is otherwise under adult court jurisdiction;

15 (15) "Juvenile offender" means any juvenile who has been found by
16 the juvenile court to have committed an offense, including a person
17 eighteen years of age or older over whom jurisdiction has been extended
18 under RCW 13.40.300;

19 (16) "Manifest injustice" means a disposition that would either
20 impose an excessive penalty on the juvenile or would impose a serious,
21 and clear danger to society in light of the purposes of this chapter;

22 (17) "Middle offender" means a person who has committed an offense
23 and who is neither a minor or first offender nor a serious offender;

24 (18) "Minor or first offender" means a person whose current
25 offense(s) and criminal history fall entirely within one of the
26 following categories:

27 (a) Four misdemeanors;

28 (b) Two misdemeanors and one gross misdemeanor;

29 (c) One misdemeanor and two gross misdemeanors; and

30 (d) Three gross misdemeanors.

31 For purposes of this definition, current violations shall be
32 counted as misdemeanors;

33 (19) "Monitoring and reporting requirements" means one or more of
34 the following: Curfews; requirements to remain at home, school, work,
35 or court-ordered treatment programs during specified hours;
36 restrictions from leaving or entering specified geographical areas;
37 requirements to report to the probation officer as directed and to
38 remain under the probation officer's supervision; and other conditions

1 or limitations as the court may require which may not include
2 confinement;

3 (20) "Offense" means an act designated a violation or a crime if
4 committed by an adult under the law of this state, under any ordinance
5 of any city or county of this state, under any federal law, or under
6 the law of another state if the act occurred in that state;

7 (21) "Probation bond" means a bond, posted with sufficient security
8 by a surety justified and approved by the court, to secure the
9 offender's appearance at required court proceedings and compliance with
10 court-ordered community supervision or conditions of release ordered
11 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of
12 cash or posting of other collateral in lieu of a bond if approved by
13 the court;

14 (22) "Respondent" means a juvenile who is alleged or proven to have
15 committed an offense;

16 (23) "Restitution" means financial reimbursement by the offender to
17 the victim, and shall be limited to easily ascertainable damages for
18 injury to or loss of property, actual expenses incurred for medical
19 treatment for physical injury to persons, lost wages resulting from
20 physical injury, and costs of the victim's counseling reasonably
21 related to the offense if the offense is a sex offense. Restitution
22 shall not include reimbursement for damages for mental anguish, pain
23 and suffering, or other intangible losses. Nothing in this chapter
24 shall limit or replace civil remedies or defenses available to the
25 victim or offender;

26 (24) "Secretary" means the secretary of the department of social
27 and health services. "Assistant secretary" means the assistant
28 secretary for juvenile rehabilitation for the department;

29 (25) "Serious offender" means a person fifteen years of age or
30 older who has committed an offense which if committed by an adult would
31 be:

32 (a) A class A felony, or an attempt to commit a class A felony;

33 (b) Manslaughter in the first degree; or

34 (c) Assault in the second degree, extortion in the first degree,
35 child molestation in the second degree, kidnapping in the second
36 degree, robbery in the second degree, residential burglary, or burglary
37 in the second degree, where such offenses include the infliction of
38 bodily harm upon another or where during the commission of or immediate

1 withdrawal from such an offense the perpetrator is armed with a deadly
2 weapon;

3 (26) "Services" means services which provide alternatives to
4 incarceration for those juveniles who have pleaded or been adjudicated
5 guilty of an offense or have signed a diversion agreement pursuant to
6 this chapter;

7 (27) "Sex offense" means an offense defined as a sex offense in RCW
8 9.94A.030;

9 (28) "Sexual motivation" means that one of the purposes for which
10 the respondent committed the offense was for the purpose of his or her
11 sexual gratification;

12 (29) "Surety" means an entity licensed under state insurance laws
13 or by the state department of licensing, to write corporate, property,
14 or probation bonds within the state, and justified and approved by the
15 superior court of the county having jurisdiction of the case;

16 (30) "Violation" means an act or omission, which if committed by an
17 adult, must be proven beyond a reasonable doubt, and is punishable by
18 sanctions which do not include incarceration;

19 (31) "Violent offense" means a violent offense as defined in RCW
20 9.94A.030.

21 This section expires July 1, 1998.

22 **Sec. 2.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read
23 as follows:

24 For the purposes of this chapter:

25 (1) "Community-based rehabilitation" means one or more of the
26 following: Employment; attendance of information classes; literacy
27 classes; counseling, outpatient substance abuse treatment programs,
28 outpatient mental health programs, anger management classes, education
29 or outpatient treatment programs to prevent animal cruelty, or other
30 services; or attendance at school or other educational programs
31 appropriate for the juvenile as determined by the school district.
32 Placement in community-based rehabilitation programs is subject to
33 available funds;

34 (2) Community-based sanctions may include one or more of the
35 following:

36 (a) A fine, not to exceed five hundred dollars;

37 (b) Community service not to exceed one hundred fifty hours of
38 service;

1 (3) "Community service" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender as punishment for committing an offense. Community service
4 may be performed through public or private organizations or through
5 work crews;

6 (4) "Community supervision" means an order of disposition by the
7 court of an adjudicated youth not committed to the department or an
8 order granting a deferred disposition. A community supervision order
9 for a single offense may be for a period of up to two years for a sex
10 offense as defined by RCW 9.94A.030 and up to one year for other
11 offenses. As a mandatory condition of any term of community
12 supervision, the court shall order the juvenile to refrain from
13 committing new offenses. As a mandatory condition of community
14 supervision, the court shall order the juvenile to comply with the
15 mandatory school attendance provisions of chapter 28A.225 RCW and to
16 inform the school of the existence of this requirement. Community
17 supervision is an individualized program comprised of one or more of
18 the following:

- 19 (a) Community-based sanctions;
- 20 (b) Community-based rehabilitation;
- 21 (c) Monitoring and reporting requirements;
- 22 (d) Posting of a probation bond;

23 (5) "Confinement" means physical custody by the department of
24 social and health services in a facility operated by or pursuant to a
25 contract with the state, or physical custody in a detention facility
26 operated by or pursuant to a contract with any county. The county may
27 operate or contract with vendors to operate county detention
28 facilities. The department may operate or contract to operate
29 detention facilities for juveniles committed to the department.
30 Pretrial confinement or confinement of less than thirty-one days
31 imposed as part of a disposition or modification order may be served
32 consecutively or intermittently, in the discretion of the court;

33 (6) "Court," when used without further qualification, means the
34 juvenile court judge(s) or commissioner(s);

35 (7) "Criminal history" includes all criminal complaints against the
36 respondent for which, prior to the commission of a current offense:

- 37 (a) The allegations were found correct by a court. If a respondent
38 is convicted of two or more charges arising out of the same course of

1 conduct, only the highest charge from among these shall count as an
2 offense for the purposes of this chapter; or

3 (b) The criminal complaint was diverted by a prosecutor pursuant to
4 the provisions of this chapter on agreement of the respondent and after
5 an advisement to the respondent that the criminal complaint would be
6 considered as part of the respondent's criminal history. A
7 successfully completed deferred adjudication that was entered before
8 July 1, 1998, or a deferred disposition shall not be considered part of
9 the respondent's criminal history;

10 (8) "Department" means the department of social and health
11 services;

12 (9) "Detention facility" means a county facility, paid for by the
13 county, for the physical confinement of a juvenile alleged to have
14 committed an offense or an adjudicated offender subject to a
15 disposition or modification order. "Detention facility" includes
16 county group homes, inpatient substance abuse programs, juvenile basic
17 training camps, and electronic monitoring;

18 (10) "Diversion unit" means any probation counselor who enters into
19 a diversion agreement with an alleged youthful offender, or any other
20 person, community accountability board, teen court under the
21 supervision of the juvenile court, or other entity except a law
22 enforcement official or entity, with whom the juvenile court
23 administrator has contracted to arrange and supervise such agreements
24 pursuant to RCW 13.40.080, or any person, community accountability
25 board, or other entity specially funded by the legislature to arrange
26 and supervise diversion agreements in accordance with the requirements
27 of this chapter. For purposes of this subsection, "community
28 accountability board" means a board comprised of members of the local
29 community in which the juvenile offender resides. The superior court
30 shall appoint the members. The boards shall consist of at least three
31 and not more than seven members. If possible, the board should include
32 a variety of representatives from the community, such as a law
33 enforcement officer, teacher or school administrator, high school
34 student, parent, and business owner, and should represent the cultural
35 diversity of the local community;

36 (11) "Foster care" means temporary physical care in a foster family
37 home or group care facility as defined in RCW 74.15.020 and licensed by
38 the department, or other legally authorized care;

1 (12) "Institution" means a juvenile facility established pursuant
2 to chapters 72.05 and 72.16 through 72.20 RCW;

3 (13) "Intensive supervision program" means a parole program that
4 requires intensive supervision and monitoring, offers an array of
5 individualized treatment and transitional services, and emphasizes
6 community involvement and support in order to reduce the likelihood a
7 juvenile offender will commit further offenses;

8 (14) "Juvenile," "youth," and "child" mean any individual who is
9 under the chronological age of eighteen years and who has not been
10 previously transferred to adult court pursuant to RCW 13.40.110 or who
11 is otherwise under adult court jurisdiction;

12 (15) "Juvenile offender" means any juvenile who has been found by
13 the juvenile court to have committed an offense, including a person
14 eighteen years of age or older over whom jurisdiction has been extended
15 under RCW 13.40.300;

16 (16) "Local sanctions" means one or more of the following: (a)
17 0-30 days of confinement; (b) 0-12 months of community supervision; (c)
18 0-150 hours of community service; or (d) \$0-\$500 fine;

19 (17) "Manifest injustice" means a disposition that would either
20 impose an excessive penalty on the juvenile or would impose a serious,
21 and clear danger to society in light of the purposes of this chapter;

22 (18) "Monitoring and reporting requirements" means one or more of
23 the following: Curfews; requirements to remain at home, school, work,
24 or court-ordered treatment programs during specified hours;
25 restrictions from leaving or entering specified geographical areas;
26 requirements to report to the probation officer as directed and to
27 remain under the probation officer's supervision; and other conditions
28 or limitations as the court may require which may not include
29 confinement;

30 (19) "Offense" means an act designated a violation or a crime if
31 committed by an adult under the law of this state, under any ordinance
32 of any city or county of this state, under any federal law, or under
33 the law of another state if the act occurred in that state;

34 (20) "Probation bond" means a bond, posted with sufficient security
35 by a surety justified and approved by the court, to secure the
36 offender's appearance at required court proceedings and compliance with
37 court-ordered community supervision or conditions of release ordered
38 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of

1 cash or posting of other collateral in lieu of a bond if approved by
2 the court;

3 (21) "Respondent" means a juvenile who is alleged or proven to have
4 committed an offense;

5 (22) "Restitution" means financial reimbursement by the offender to
6 the victim, and shall be limited to easily ascertainable damages for
7 injury to or loss of property, actual expenses incurred for medical
8 treatment for physical injury to persons, lost wages resulting from
9 physical injury, and costs of the victim's counseling reasonably
10 related to the offense if the offense is a sex offense. Restitution
11 shall not include reimbursement for damages for mental anguish, pain
12 and suffering, or other intangible losses. Nothing in this chapter
13 shall limit or replace civil remedies or defenses available to the
14 victim or offender;

15 (23) "Secretary" means the secretary of the department of social
16 and health services. "Assistant secretary" means the assistant
17 secretary for juvenile rehabilitation for the department;

18 (24) "Services" means services which provide alternatives to
19 incarceration for those juveniles who have pleaded or been adjudicated
20 guilty of an offense or have signed a diversion agreement pursuant to
21 this chapter;

22 (25) "Sex offense" means an offense defined as a sex offense in RCW
23 9.94A.030;

24 (26) "Sexual motivation" means that one of the purposes for which
25 the respondent committed the offense was for the purpose of his or her
26 sexual gratification;

27 (27) "Surety" means an entity licensed under state insurance laws
28 or by the state department of licensing, to write corporate, property,
29 or probation bonds within the state, and justified and approved by the
30 superior court of the county having jurisdiction of the case;

31 (28) "Violation" means an act or omission, which if committed by an
32 adult, must be proven beyond a reasonable doubt, and is punishable by
33 sanctions which do not include incarceration;

34 (29) "Violent offense" means a violent offense as defined in RCW
35 9.94A.030.

36 NEW SECTION. **Sec. 3.** The office of the administrator for the
37 courts is authorized to encourage localities to implement, expand, or
38 use teen court programs for juveniles who commit offenses, infractions,

1 or are truants. Program operations of teen court programs may be
2 funded by government and private grants. Teen court programs shall be
3 used as youth delinquency prevention programs and are limited to those
4 that:

5 (1) Are developed using the guidelines for creating and operating
6 teen court programs of the American probation and parole association
7 teen courts project, which is supported by a grant awarded by the
8 national highway traffic safety administration in the department of
9 transportation;

10 (2) Target first-time nonviolent property offenders or nonviolent
11 property offenders with limited criminal history, or juveniles who
12 violate compulsory education or traffic laws;

13 (3) Target offenders age eight through seventeen; and

14 (4) Emphasize the following principles:

15 (a) Youth must be held accountable for their problem behavior;

16 (b) Youth must be educated about the impact their actions have on
17 themselves and others including their victims, families, and their
18 community;

19 (c) Youth must develop skills to resolve problems with their peers
20 more effectively; and

21 (d) Youth should be provided a meaningful forum to practice and
22 enhance newly developed skills.

23 Teen court programs may include diversion units, law enforcement
24 entities, juvenile courts, juvenile probation departments, private
25 nonprofit organizations, and schools.

26 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
27 1998.

--- END ---