
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; reenacting and amending RCW
2 13.40.020; and creating a new section.

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

4 **Sec. 1.** RCW 13.40.020 and 1995 c 395 s 2 and 1995 c 134 s 1 are
5 each reenacted and amended to read as follows:

6 For the purposes of this chapter:

7 (1) "Serious offender" means a person fifteen years of age or older
8 who has committed an offense which if committed by an adult would be:

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

10 (b) Manslaughter in the first degree; or

11 (c) Assault in the second degree, extortion in the first degree,
12 child molestation in the second degree, kidnapping in the second
13 degree, robbery in the second degree, residential burglary, or burglary
14 in the second degree, where such offenses include the infliction of
15 bodily harm upon another or where during the commission of or immediate
16 withdrawal from such an offense the perpetrator is armed with a deadly
17 weapon;

18 (2) "Community service" means compulsory service, without
19 compensation, performed for the benefit of the community by the

1 offender as punishment for committing an offense. Community service
2 may be performed through public or private organizations or through
3 work crews;

4 (3) "Community supervision" means an order of disposition by the
5 court of an adjudicated youth not committed to the department or an
6 order granting a deferred adjudication pursuant to RCW 13.40.125. A
7 community supervision order for a single offense may be for a period of
8 up to two years for a sex offense as defined by RCW 9.94A.030 and up to
9 one year for other offenses. As a mandatory condition of any term of
10 community supervision, the court shall order the juvenile to refrain
11 from committing new offenses. As a mandatory condition of community
12 supervision, the court shall order the juvenile to comply with the
13 mandatory school attendance provisions of chapter 28A.225 RCW and to
14 inform the school of the existence of this requirement. Community
15 supervision is an individualized program comprised of one or more of
16 the following:

- 17 (a) Community-based sanctions;
- 18 (b) Community-based rehabilitation;
- 19 (c) Monitoring and reporting requirements;
- 20 (d) Posting of a probation bond imposed pursuant to RCW 13.40.0357;

21 (4) Community-based sanctions may include one or more of the
22 following:

- 23 (a) A fine, not to exceed one hundred dollars;
- 24 (b) Community service not to exceed one hundred fifty hours of
25 service;

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

34 (6) "Monitoring and reporting requirements" means one or more of
35 the following: Curfews; requirements to remain at home, school, work,
36 or court-ordered treatment programs during specified hours;
37 restrictions from leaving or entering specified geographical areas;
38 requirements to report to the probation officer as directed and to
39 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 (7) "Confinement" means physical custody by the department of
4 social and health services in a facility operated by or pursuant to a
5 contract with the state, or physical custody in a detention facility
6 operated by or pursuant to a contract with any county. The county may
7 operate or contract with vendors to operate county detention
8 facilities. The department may operate or contract to operate
9 detention facilities for juveniles committed to the department.
10 Pretrial confinement or confinement of less than thirty-one days
11 imposed as part of a disposition or modification order may be served
12 consecutively or intermittently, in the discretion of the court;

13 (8) "Court", when used without further qualification, means the
14 juvenile court judge(s) or commissioner(s);

15 (9) "Criminal history" includes all criminal complaints against the
16 respondent for which, prior to the commission of a current offense:

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

21 (b) The criminal complaint was diverted by a prosecutor pursuant to
22 the provisions of this chapter on agreement of the respondent and after
23 an advisement to the respondent that the criminal complaint would be
24 considered as part of the respondent's criminal history. A
25 successfully completed deferred adjudication shall not be considered
26 part of the respondent's criminal history;

27 (10) "Department" means the department of social and health
28 services;

29 (11) "Detention facility" means a county facility, paid for by the
30 county, for the physical confinement of a juvenile alleged to have
31 committed an offense or an adjudicated offender subject to a
32 disposition or modification order. "Detention facility" includes
33 county group homes, inpatient substance abuse programs, juvenile basic
34 training camps, and electronic monitoring;

35 (12) "Diversion unit" means any probation counselor who enters into
36 a diversion agreement with an alleged youthful offender, or any other
37 person, community accountability board, teen court under the
38 supervision of the juvenile court, or other entity except a law
39 enforcement official or entity, with whom the juvenile court

1 administrator has contracted to arrange and supervise such agreements
2 pursuant to RCW 13.40.080, or any person, community accountability
3 board, or other entity specially funded by the legislature to arrange
4 and supervise diversion agreements in accordance with the requirements
5 of this chapter. For purposes of this subsection, "community
6 accountability board" means a board comprised of members of the local
7 community in which the juvenile offender resides. The superior court
8 shall appoint the members. The boards shall consist of at least three
9 and not more than seven members. If possible, the board should include
10 a variety of representatives from the community, such as a law
11 enforcement officer, teacher or school administrator, high school
12 student, parent, and business owner, and should represent the cultural
13 diversity of the local community;

14 (13) "Institution" means a juvenile facility established pursuant
15 to chapters 72.05 and 72.16 through 72.20 RCW;

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

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

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

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

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

32 (a) Four misdemeanors;

33 (b) Two misdemeanors and one gross misdemeanor;

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

35 (d) Three gross misdemeanors.

36 For purposes of this definition, current violations shall be
37 counted as misdemeanors;

38 (19) "Offense" means an act designated a violation or a crime if
39 committed by an adult under the law of this state, under any ordinance

1 of any city or county of this state, under any federal law, or under
2 the law of another state if the act occurred in that state;

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

5 (21) "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 (22) "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 (23) "Services" mean 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 (24) "Sex offense" means an offense defined as a sex offense in RCW
23 9.94A.030;

24 (25) "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 (26) "Foster care" means temporary physical care in a foster family
28 home or group care facility as defined in RCW 74.15.020 and licensed by
29 the department, or other legally authorized care;

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

33 (28) "Violent offense" means a violent offense as defined in RCW
34 9.94A.030;

35 (29) "Probation bond" means a bond, posted with sufficient security
36 by a surety justified and approved by the court, to secure the
37 offender's appearance at required court proceedings and compliance with
38 court-ordered community supervision or conditions of release ordered
39 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 (30) "Surety" means an entity licensed under state insurance laws
4 or by the state department of licensing, to write corporate, property,
5 or probation bonds within the state, and justified and approved by the
6 superior court of the county having jurisdiction of the case.

7 NEW SECTION. **Sec. 2.** The office of the administrator for the
8 courts is authorized to encourage localities to implement, expand, or
9 use teen court programs for juveniles who commit offenses, infractions,
10 or are truants. Program operations of teen court programs may be
11 funded by government and private grants. Teen court programs shall be
12 used as youth delinquency prevention programs and are limited to those
13 that:

14 (1) Are developed using the guidelines for creating and operating
15 teen court programs of the American probation and parole association
16 teen courts project, which is supported by a grant awarded by the
17 national highway traffic safety administration in the department of
18 transportation;

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

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

23 (4) Emphasize the following principles:

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

25 (b) Youth must be educated about the impact their actions have on
26 themselves and others including their victims, families, and their
27 community;

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

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

32 Teen court programs may include diversion units, law enforcement
33 entities, juvenile courts, juvenile probation departments, private
34 nonprofit organizations, and schools.

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