

HOUSE BILL REPORT

HB 1749

As Reported By House Committee On:
Judiciary

Title: An act relating to eligibility for deferred disposition.

Brief Description: Revising eligibility requirements for deferred disposition.

Sponsors: Representatives Dickerson, McDonald, Lantz and Koster.

Brief History:

Committee Activity:

Judiciary: 2/16/99, 2/22/99 [DP].

Brief Summary of Bill

- Makes a juvenile ineligible for a deferred disposition when the juvenile has two or more misdemeanors.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

Deferred disposition is a disposition alternative for some juveniles offenders. If the juvenile agrees to a deferred disposition, after a plea of guilty or a determination of guilt upon a reading of the record, the court may continue the case for disposition for up to one year and place the juvenile on community supervision.

The court may impose any conditions of supervision that it finds appropriate. If the juvenile fails to comply with the conditions of the community supervision, the court must enter an order of disposition. If the juvenile complies with all conditions of

community supervision for the period ordered by the court, the juvenile's adjudication will be vacated, and no further action on the case will be taken.

A juvenile is ineligible for deferred disposition if:

- the current charge is for a sex or violent offense;
- the juvenile has a criminal history of any felony;
- the juvenile has a prior deferred disposition or deferred adjudication; or
- the juvenile has two or more diversions.

Diversion is a different disposition option, and allows a juvenile accused of a minor offense to fulfill certain conditions in lieu of prosecution.

The statutes do not specify a limit on the number of prior misdemeanors a juvenile may have before becoming ineligible for deferred disposition.

Summary of Bill:

The criteria for when a juvenile is ineligible for a deferred disposition is expanded. A juvenile is ineligible for a deferred disposition if the juvenile has two or more misdemeanors.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Juveniles are encouraged to plead guilty to misdemeanors in order to reserve deferred disposition for a more serious offense. This bill simply levels the playing field.

Testimony Against: This bill will increase the number of misdemeanor trials and reduce the number of juveniles in deferred disposition.

Testified: (In support) Representative Dickerson, prime sponsor; Susan Waild, King County Superior Court Diversion Unit and Washington Association of Juvenile Diversion Units; and Martha Harden, Superior Court Judges Association and Washington Association of Juvenile Court Administrators.

(Opposed) Sherry Appleton, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Frank Hewins, Franklin-Pierce

Diversion Unit.