SENATE BILL REPORT

SB 5457

As Reported By Senate Committee On:
Human Services & Corrections, February 12, 1999

Title: An act relating to conditions involving diversion agreements for juveniles under diversion programs authorized by state law prior to January 1, 1999.

Brief Description: Revising provisions relating to conditions involving diversion agreements for juveniles.

Sponsors: Senators Costa, Zarelli, Hargrove and Long.

Brief History:
Committee Activity: Human Services & Corrections: 2/2/99, 2/12/99 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan and Stevens.

Staff: Lynn Hale (786-7430)

Background: Concern exists over juveniles accused of crimes initiating contact with victims or witnesses of crimes they are accused of committing. A diversion agreement is a contract between a juvenile accused of committing an offense and a diversionary unit in which the juvenile agrees to certain conditions in lieu of prosecution.

Summary of Substitute Bill: A diversion agreement may include a requirement that upon the request of the victim or witness, the juvenile who entered into the diversion agreement must refrain from any contact with victims or witnesses of offenses committed by the juvenile.

When a respondent declines to enter into a diversion agreement, the courts may impose terms of community supervision that exceed conditions allowed in a diversion agreement.

Substitute Bill Compared to Original Bill: The proposed substitute allows the court to require that the offender refrain from any contact with a victim or witness of the offense committed by the juvenile upon the request of the victim or witness.

Appropriation: None.

Fiscal Note: Requested on January 26, 1999.

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

Testimony For: Victims would like to ensure that no-contact orders can be requested if an offender enters a diversion program. Under current law when an offender chooses not to enter into diversion, the court is limited to community supervision requirements that are provided under diversion. An offender who does not choose to enter into diversion should not be entitled to the advantages of a diversion program.

Testimony Against: None.

Testified: PRO: Eileen O'Brien, Pierce County Prosecuting Attorney; Tom McBride, Washington Association of Prosecuting Attorneys; Larry McKeeman, Superior Court Judges' Association; Joan Guenther, Washington Coalition of Crime Victim Advocates.