
Juvenile Justice & Family Law Committee

ESB 5692

Brief Description: Creating youth courts.

Sponsors: Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles.

Brief Summary of Engrossed Bill

- Authorizes otherwise diversion-eligible juvenile offenses, civil infractions, and traffic infractions to be diverted to youth courts under certain circumstances.
- Requires the Administrative Office of the Courts to encourage juvenile courts to work with cities and counties to implement, expand, or use youth court programs.
- Requires the Office of the Superintendent of Public Instruction to encourage school districts to implement, expand, or use student court programs for students who violate school rules, and authorizes local school boards to provide school credit for participation in youth court.

Hearing Date: 2/21/02

Staff: Trudes Hutcheson (786-7384).

Background:

Youth court programs are designed to provide an alternative within the juvenile justice system for first time, nonviolent juvenile offenders. In these programs, the appropriate sanction for a juvenile offender is determined by his or her peers. Juveniles participate in the youth court as jurors, lawyers, bailiffs, clerks, and judges.

Diversion is a contract between a juvenile accused of a criminal offense and a diversionary unit where the juvenile agrees to fulfill certain conditions in lieu of prosecution. Diversion agreements may be entered into only after the prosecutor or probation officer determines that there is probable cause to believe that the juvenile has committed the crime.

The prosecutor must divert the case if the alleged offense is a misdemeanor, gross misdemeanor, or violation, and it is the offender's first offense or violation.

The juvenile is not eligible for diversion if:

- (a) The alleged offender is accused of a class A felony, class B felony, an attempt to commit a class B felony, a class C felony listed as a crime against persons or listed as a crime of harassment, or a class C felony that is an unlawful possession of a firearm; or
- (b) the alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or
- (c) the alleged offender has previously been committed to the Juvenile Rehabilitation Administration; or
- (d) the alleged offender has been referred by a diversion unit for prosecution, or desires prosecution instead of diversion; or
- (e) the alleged offender has two or more diversion agreements on the offender's criminal history; or
- (f) the alleged offender or an accomplice was armed with a firearm when the offense was committed.

In most other cases, the prosecutor has discretion regarding whether to divert the case based on the length, seriousness, and recency of the offender's criminal history, and the circumstances surrounding the commission of the present offense.

A diversion agreement is limited to one or more of the following dispositions: (1) community service up to 150 hours; (2) restitution in the amount of the actual loss incurred by the victim; (3) up to 10 hours of counseling and/or 20 hours of educational or informational sessions; (4) a fine not to exceed \$100; (5) specific restrictions on the juvenile's movement; and (6) a requirement that the offender refrain from contact with the victim or witnesses.

Traffic and civil infraction cases involving juveniles under the age of 16 are under the jurisdiction of the juvenile court and may also be diverted. Dispositions in those cases are limited to 30 hours of community service, or educational or informational sessions. Traffic infractions for juveniles 16 and older are handled in the courts that have jurisdiction over adult traffic infractions.

Summary of Bill:

The Administrative Office of the Courts must encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses and civil or traffic infractions. They must be developed in accordance with guidelines from youth court experts, target offenders between the ages of 8 and 17, and emphasize certain principles, such as accountability, problem solving, and education regarding the consequences of certain behaviors. They may be established by law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools, under the supervision of the juvenile court.

Youth courts have authority over juveniles who, along with a parent or guardian, voluntarily request youth court involvement. The juvenile must admit to committing the offense, waive any privilege against self-incrimination, and agree to comply with the disposition ordered by the youth court. A youth court also must be accompanied by a parent or guardian at all youth court appearances. Victims are given the opportunity to be notified, present, and heard at youth court proceedings.

Youth courts do not have authority over youth who are under the continuing jurisdiction of the juvenile court. They also may decline to accept a juvenile disposition for any reason, and may terminate a youth from youth court participation at any time. A youth may withdraw from the process at any time. The juvenile court is notified upon successful completion of the disposition, including complete satisfaction of any ordered restitution.

In addition to disposition options available under diversion, youth courts are authorized to order participation in law-related classes, mentoring programs, and future youth court proceedings, periodic reporting to the youth court, and the writing of apology letters and essays. The youth court may not order confinement. Dispositions must be completed within 180 days from the date of referral. Juveniles can be required to pay not more than \$30 to cover the costs of youth court and reasonable fees for any counseling or education that is ordered.

Youth courts for juveniles ages 16 and 17 who have committed traffic infractions may be established under the supervision of a court of limited jurisdiction. To be referred to youth court for a traffic infraction, the juvenile may not have any prior traffic infractions, may not be under the jurisdiction of any court for any other traffic violation, and must acknowledge that there is a high likelihood that he or she would be found to have committed the infraction. Procedures and conditions applicable to traffic infractions in youth courts are similar to those available in youth courts for criminal offenses.

The Office of Superintendent of Public Instruction must encourage school districts to implement or expand student court programs for students who violate school rules. Local school boards are authorized to provide school credit for participation in youth court.

Appropriation: None.

Fiscal Note: Requested on February 19, 2002.

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