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## Juvenile Justice & Family Law Committee

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### SB 6476

**Brief Description:** Clarifying counseling costs that may be included in restitution ordered in juvenile court.

**Sponsors:** Senators Costa, Long, Kohl-Welles, Carlson, Eide, Spanel, Snyder, Jacobsen and Gardner.

#### Brief Summary of Bill

- Permits restitution ordered under the Juvenile Justice Act of 1977("Act") for victim's counseling.
- Defines victim for the purposes of the Act as any person who has sustained emotional, psychological, physical or financial injury to person or property as a direct result of the crime charged.

**Hearing Date:** 2/21/02

**Staff:** Tracey Taylor (786-7196).

#### Background:

Under the Juvenile Justice Act of 1977 ("Act"), the court in its dispositional order can require the respondent to make restitution to any persons who have suffered loss or damage as the result of the offense committed by the respondent. Restitution may include the costs of counseling reasonably related to the offense. In a diversion agreement, restitution can be limited to the actual loss incurred by the victim.

In its definition section, the Act defines restitution as "financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and cost of the victim's counseling reasonably related to the offense if the offense is a sex offense." Restitution does not include reimbursement for "intangible" losses such as mental anguish and pain and suffering.

The Act does not currently define who is considered a victim.

**Summary of Bill:**

Restitution ordered under the Act can include victim counseling, regardless of the type of offense.

For the purposes of the Act, a victim is defined as any person who has sustained emotional, psychological, physical or financial injury to person or property as a direct result of the crime charged. This definition can include a known parent or guardian of a victim who is a minor child.

**Appropriation:** None.

**Fiscal Note:** Requested on 2/18/02.

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