

SENATE BILL REPORT

SHB 1471

As Reported By Senate Committee On:
Human Services & Corrections, March 29, 2001

Title: An act relating to diversion.

Brief Description: Regarding diversions.

Sponsors: By House Committee on Juvenile Justice (originally sponsored by Representatives Darneille, Delvin, Dickerson and Armstrong).

Brief History:

Committee Activity: Human Services & Corrections: 3/21/01, 3/29/01 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Robert Antanaitis (786-7452)

Background: Diversion is an alternative to prosecution that is available to certain juvenile offenders. Juveniles are not eligible for diversion if they have two prior diversion agreements on their criminal history.

The conditions under which a court may seal juvenile records related to diversions are not specified under current law. A person who is at least 18 years old and whose criminal history consists of only one referral for diversion may request that the court destroy the records in that case. The court must do so if two years have elapsed since completion of the diversion.

A deferred disposition is a disposition alternative available to certain juvenile offenders. Juveniles are not eligible for a deferred disposition if they have a felony or two or more diversions on their criminal history. There is no eligibility restriction on the number of prior misdemeanors or gross misdemeanors a juvenile may have.

Summary of Amended Bill: Juvenile records related to a diversion may be sealed if the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion.

A person who is at least 23 years old and whose criminal history consists of only referrals for diversion may request that the diversion records be destroyed. The court must grant the request if it finds that all of the diversion agreements have been successfully completed and no criminal proceedings are pending against the person.

The number of diversions a juvenile has on his or her criminal history is no longer considered when determining eligibility for a deferred disposition. Juveniles are not eligible for a deferred disposition if they have two or more convictions on their criminal history.

Amended Bill Compared to Substitute Bill: The amended bill eliminates an increase in the number of prior diversions a juvenile may have before he or she is no longer eligible for diversion. The amended bill eliminates the requirement that a person be at least 18 years old before he or she can request to have the juvenile records on a diversion sealed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Diversion is an effective way to help kids learn from their mistakes without negatively impacting their future. It is also a way to get the community involved in juvenile justice. This bill addresses specific issues in the law that will ultimately help make the diversion process even better. This bill also gives prosecutors more discretion by allowing them to refer juveniles to diversion for a third time.

Testimony Against: None.

Testified: Representative Jeannie Darneille, sponsor (pro); Arlene Balazic, Pierce County Juvenile Court and Washington Association of Juvenile Diversion Units (pro); Daniel Erker, Washington Association of Juvenile Court Administrators (pro); and Tom McBride, Washington Association of Prosecuting Attorneys (pro).