

# SENATE BILL REPORT

## ESB 5692

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As Passed Senate, February 1, 2002

**Title:** An act relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations.

**Brief Description:** Creating youth courts.

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

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/01, 2/21/01 [DP].

Passed Senate: 3/14/01, 49-0; 2/1/02, 46-3.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

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

**Staff:** Edith Rice (786-7444)

**Background:** Youth court programs offer a means for involving the community in a partnership with the juvenile justice system to respond to the problem of juvenile crime. Youth court programs respond to juvenile crime by increasing awareness of the delinquency issues within the local community, and mobilizing the community to take an active role in addressing the problem of juvenile crime within the community.

Youth court programs are designed to provide an alternative within the juvenile justice system for first time, nonviolent juvenile offenders in which community youth determine the appropriate sanctions for the offender. Youth court programs hold youthful offenders accountable and provide educational services to offenders and youth volunteers in an effort to promote long-term behavioral change that leads to enhanced public safety.

**Summary of Bill:** Youth courts are diversion units to be operated under the supervision of the juvenile court system. Youth courts may enter into diversion agreements with diversion-eligible juveniles.

The Office of the Administrator for the Courts must encourage the juvenile courts to work with cities and counties to implement or expand youth court programs for juveniles who commit diversion-eligible offenses and civil or traffic infractions. They must be developed in accordance with nationally recognized guidelines, target offenders between the ages of eight and 17, and emphasize certain principles, such as accountability, problem solving, and education regarding the impact of their behavior. 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, guardian, or legal custodian, 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 juvenile is ineligible for youth court if he or she is under the continuing jurisdiction of the juvenile court for a law violation, including a pending matter which has not been adjudicated.

A youth court may decline to accept a juvenile for youth court disposition for any reason, and may terminate a juvenile from youth court participation at any time. A juvenile may withdraw from the youth court process at any time.

Every juvenile appearing before a youth court must be accompanied by his or her parent, guardian, or legal custodian. Youth courts must give the victim of an offense the opportunity to be notified, present, and heard in any youth court proceeding.

In addition to the disposition options available under diversion, youth courts are also authorized to order participation in law-related education classes, mentoring programs, and future youth court proceedings. They may also require juveniles to provide periodic reports to the youth court, write essays, and write apology letters. Youth courts may require that juveniles pay reasonable fees to participate in youth court, educational classes, counseling, or treatment. They may not order confinement.

A youth court may require that a youth pay a nonrefundable fee, not exceeding \$30, to cover the costs of administering the program.

Traffic and civil infraction cases involving juveniles may be diverted to a youth court by any municipal or district court, with the consent of the juvenile court.

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

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2001.

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

**Testimony For:** Youth courts provide a great opportunity for youths and the community to participate in the juvenile justice system. Youths are held accountable for their actions by their peers. Student participants gain an understanding of the justice system and learn valuable leadership skills. This bill gives credibility to youth court programs and also ensures consistency by providing guidelines for youth courts to follow.

**Testimony Against:** None.

**Testified:** PRO: Senator Don Carlson; Senator Darlene Fairley; Joe Parenteau, Snohomish County Juvenile Court; Larry Frank, Snohomish County YMCA; Tiffany Wentz, Pilchuck

High School; Pam Daniels, Snohomish County Clerk; Peter Finch, Granite Falls High School; Kiersten Jensen, Ben Mitchell, Susan Goettsch, Adam Honeycutt, Granite Falls Boys and Girls Club Teen Court; Charles Allen, Granite Falls Police Department; Martha Harden, Superior Court Judges Association and Washington Association of Juvenile Court Administrators.