

HB 2052 - H AMD 397

By Representative McCoy

1 On page 2, beginning on line 29, strike all of subsection (6)
2 and insert the following:

3 "(6)(a) The court, on its own motion or upon the motion of any
4 party, may modify the order of disposition regardless of whether
5 the respondent has violated any terms of the order of disposition
6 so long as the following conditions are met:

7 (i) Good cause for the modification must be shown. In
8 considering whether good cause exists, the court shall consider the
9 best interests of the respondent, the victim, and the community;

10 (ii) The respondent's disposition must require the respondent
11 to be under the supervision of the county and the respondent may
12 not be under the supervision of the department; and

13 (iii) The modification may not result in increased sanction or
14 reduction of any restitution previously ordered to the victim.

15 (b) Notice of the motion must be sent to the victim if the
16 victim's contact information is available to the court."

EFFECT:

Reorganizes the subsection to more clearly identify the requirements that must be met for modification of a disposition order.

Limits disposition orders that may be modified to only those in which the respondent is being supervised by the county and not cases in which the respondent has been sent to a state institution and is under the supervision of DSHS.

Prohibits modifications of restitution to the victim.

Requires the court to consider the interests of the victim when deciding whether to modify the disposition order and requires notice to be sent to the victim if the victim's contact information is available.