

SENATE BILL REPORT

SSB 6192

As Amended by House, March 2, 2010

Title: An act relating to the modification of restitution in juvenile cases.

Brief Description: Providing for modification of the disposition concerning restitution in juvenile cases.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Marr and Brandland).

Brief History:

Committee Activity: Human Services & Corrections: 1/22/10, 1/28/10 [DPS].

Passed Senate: 2/16/10, 46-0.

Passed House: 3/02/10, 90-7.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and Kauffman.

Staff: Jennifer Strus (786-7316)

Background: A juvenile offender, as part of the juvenile's disposition, may be required to make restitution to persons who have suffered loss or damage as a result of the offense committed by the juvenile. The juvenile court may determine the amount, terms, and conditions of the restitution including a payment plan of up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period of time.

Summary of Substitute Bill: The portion of the juvenile offender's disposition related to restitution may be modified as to amount, terms, and conditions for up to a maximum of ten years after the juvenile's 18th birthday.

Appropriation: None.

Fiscal Note: Available.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: In the Court of Appeals case, *State v. C.A.E.*, the victim had extensive medical bills and the court would not extend restitution to the medical bills yet to be paid or incurred because the definition of restitution in the Juvenile Justice Act states that only actual expenses incurred for medical treatment can be ordered as restitution. The Court of Appeals in its opinion suggested that the Legislature remedy this issue. The adult restitution statute allows for a restitution order to be modified as to the amount of restitution for future issues related to the crime. This bill would bring the juvenile statute in line with the adult statute.

CON: The current law already allows the court to extend the final determination of restitution six months beyond adjudication upon a finding of good cause. There is no limitation on how long the court may find good cause, but merely a requirement that there be a nexus between the need and the continuance. Insurance companies seeking to recoup losses have access to a complex body of tort law including means of enforcing judgments and recouping debts that are far more effective than a restitution order. Efforts by youth to better themselves and become productive members of society should not be discouraged by attempts to reopen their cases and hold them accountable for actions that occurred when they were younger and their skills less developed.

Persons Testifying: PRO: Senator Marr, prime sponsor; Todd Dowell, Kitsap County Prosecutor's Office; Jeff Fleming, parent.

CON: Catherine Elliott, Washington Defender's Association/Washington Association of Criminal and Defense Attorneys.

House Amendment(s): If the court grants a juvenile's motion to seal juvenile offender records, the court's jurisdiction over restitution ends. This bill does not prevent a juvenile from filing a motion to seal juvenile offender records as long as the juvenile has paid his or her restitution in full and otherwise meets the requirements to seal records.