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**SUBSTITUTE SENATE BILL 6192**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Marr and Brandland)

READ FIRST TIME 02/01/10.

1 AN ACT Relating to the modification of restitution in juvenile  
2 cases; and amending RCW 13.40.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.190 and 2004 c 120 s 6 are each amended to read  
5 as follows:

6 (1)(a) In its dispositional order, the court shall require the  
7 respondent to make restitution to any persons who have suffered loss or  
8 damage as a result of the offense committed by the respondent. In  
9 addition, restitution may be ordered for loss or damage if the offender  
10 pleads guilty to a lesser offense or fewer offenses and agrees with the  
11 prosecutor's recommendation that the offender be required to pay  
12 restitution to a victim of an offense or offenses which, pursuant to a  
13 plea agreement, are not prosecuted.

14 (b) Restitution may include the costs of counseling reasonably  
15 related to the offense.

16 (c) The payment of restitution shall be in addition to any  
17 punishment which is imposed pursuant to the other provisions of this  
18 chapter.

1        (d) The court may determine the amount, terms, and conditions of  
2 the restitution including a payment plan extending up to ten years if  
3 the court determines that the respondent does not have the means to  
4 make full restitution over a shorter period. (~~Restitution may include~~  
5 ~~the costs of counseling reasonably related to the offense.~~) For the  
6 purposes of this section, the respondent shall remain under the court's  
7 jurisdiction for a maximum term of ten years after the respondent's  
8 eighteenth birthday and, during this ten-year period, the restitution  
9 portion of the dispositional order may be modified as to amount, terms,  
10 and conditions at any time. Prior to the expiration of the ten-year  
11 period, the juvenile court may extend the judgment for the payment of  
12 restitution for an additional ten years.

13        (e) If the respondent participated in the crime with another  
14 person or other persons, all such participants shall be jointly and  
15 severally responsible for the payment of restitution. (~~For the~~  
16 purposes of this section, the respondent shall remain under the court's  
17 jurisdiction for a maximum term of ten years after the respondent's  
18 eighteenth birthday. Prior to the expiration of the ten-year period,  
19 the juvenile court may extend the judgment for the payment of  
20 restitution for an additional ten years.)

21        (f) At any time, the court may determine that the respondent is not  
22 required to pay, or may relieve the respondent of the requirement to  
23 pay, full or partial restitution to any insurance provider authorized  
24 under Title 48 RCW if the respondent reasonably satisfies the court  
25 that he or she does not have the means to make full or partial  
26 restitution to the insurance provider and could not reasonably acquire  
27 the means to pay the insurance provider the restitution over a ten-year  
28 period.

29        (2) Regardless of the provisions of subsection (1) of this section,  
30 the court shall order restitution in all cases where the victim is  
31 entitled to benefits under the crime victims' compensation act, chapter  
32 7.68 RCW. If the court does not order restitution and the victim of  
33 the crime has been determined to be entitled to benefits under the  
34 crime victims' compensation act, the department of labor and  
35 industries, as administrator of the crime victims' compensation  
36 program, may petition the court within one year of entry of the  
37 disposition order for entry of a restitution order. Upon receipt of a

1 petition from the department of labor and industries, the court shall  
2 hold a restitution hearing and shall enter a restitution order.

3 (3) If an order includes restitution as one of the monetary  
4 assessments, the county clerk shall make disbursements to victims named  
5 in the order. The restitution to victims named in the order shall be  
6 paid prior to any payment for other penalties or monetary assessments.

7 (4) For purposes of this section, "victim" means any person who has  
8 sustained emotional, psychological, physical, or financial injury to  
9 person or property as a direct result of the offense charged. "Victim"  
10 may also include a known parent or guardian of a victim who is a minor  
11 child or is not a minor child but is incapacitated, incompetent,  
12 disabled, or deceased.

13 (5) A respondent under obligation to pay restitution may petition  
14 the court for modification of the restitution order.

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