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SENATE BILL 6192

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State of Washington

61st Legislature

2010 Regular Session

By Senators Marr and Brandland

Read first time 01/11/10. Referred to Committee on Human Services & Corrections.

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) 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. The payment of restitution shall  
14 be in addition to any punishment which is imposed pursuant to the other  
15 provisions of this chapter. The court may determine the amount, terms,  
16 and conditions of the restitution including a payment plan extending up  
17 to ten years if the court determines that the respondent does not have  
18 the means to make full restitution over a shorter period. The portion  
19 of the disposition concerning restitution may be modified as to amount,

1 terms, and conditions at any time up to the maximum term of ten years  
2 after the respondent's eighteenth birthday. Restitution may include  
3 the costs of counseling reasonably related to the offense. If the  
4 respondent participated in the crime with another person or other  
5 persons, all such participants shall be jointly and severally  
6 responsible for the payment of restitution. For the purposes of this  
7 section, the respondent shall remain under the court's jurisdiction for  
8 a maximum term of ten years after the respondent's eighteenth birthday.  
9 Prior to the expiration of the ten-year period, the juvenile court may  
10 extend the judgment for the payment of restitution for an additional  
11 ten years. At any time, the court may determine that the respondent is  
12 not required to pay, or may relieve the respondent of the requirement  
13 to pay, full or partial restitution to any insurance provider  
14 authorized under Title 48 RCW if the respondent reasonably satisfies  
15 the court that he or she does not have the means to make full or  
16 partial restitution to the insurance provider and could not reasonably  
17 acquire the means to pay the insurance provider the restitution over a  
18 ten-year period.

19 (2) Regardless of the provisions of subsection (1) of this section,  
20 the court shall order restitution in all cases where the victim is  
21 entitled to benefits under the crime victims' compensation act, chapter  
22 7.68 RCW. If the court does not order restitution and the victim of  
23 the crime has been determined to be entitled to benefits under the  
24 crime victims' compensation act, the department of labor and  
25 industries, as administrator of the crime victims' compensation  
26 program, may petition the court within one year of entry of the  
27 disposition order for entry of a restitution order. Upon receipt of a  
28 petition from the department of labor and industries, the court shall  
29 hold a restitution hearing and shall enter a restitution order.

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

34 (4) For purposes of this section, "victim" means any person who has  
35 sustained emotional, psychological, physical, or financial injury to  
36 person or property as a direct result of the offense charged. "Victim"  
37 may also include a known parent or guardian of a victim who is a minor

1 child or is not a minor child but is incapacitated, incompetent,  
2 disabled, or deceased.

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

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