

HOUSE BILL REPORT

SHB 1775

As Passed House:
February 8, 2012

Title: An act relating to juvenile restorative justice programs.

Brief Description: Encouraging juvenile restorative justice programs.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Kagi).

Brief History:

Committee Activity:

Early Learning & Human Services: 1/20/12, 1/23/12, 1/24/12 [DPS].

Floor Activity:

Passed House: 2/26/11, 96-1.

Senate Amended.

Passed Senate: 4/11/11, 47-0.

Floor Activity:

Passed House: 2/8/12, 98-0.

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| <p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Provides that participation in a restorative justice program is sufficient to satisfy the requirements of a juvenile diversion or a counsel and release. |
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HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dickerson, Goodman, Johnson, Orwall and Overstreet.

Staff: Linda Merelle (786-7092).

Background:

Diversions.

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.

If a juvenile is alleged to have committed a misdemeanor or gross misdemeanor, and it is his or her first violation, the prosecutor is required to "divert" the case rather than file a complaint. In some circumstances, the prosecutor has discretion whether to allow the juvenile to enter into a diversion or file the case.

A case is diverted when the juvenile enters into an agreement which may include, among other things, a requirement that the juvenile attend counseling or pay restitution. A probation counselor, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity may enter into a diversion agreement with a juvenile.

When a juvenile enters into a diversion agreement, the only information provided to the juvenile court for dispositional purposes is:

- the fact that a charge or charges were made;
- the fact that a diversion agreement was entered into;
- the juvenile's obligations under such agreement;
- whether the alleged offender performed his or her obligations under such agreement; and
- the facts of the alleged offense.

Counsel and Release.

Where a diversion unit determines that there was no victim or that there was no threat of or instance of actual physical harm and that the offense did not involve more than \$50 in property loss or damage, and that there is no loss outstanding to the victim, it may counsel and release or release the juvenile without entering into a diversion agreement.

The diversion unit's authority to counsel and release a juvenile includes the authority to refer the juvenile to community-based counseling or treatment programs. A diversion or counsel and release is part of the juvenile's criminal history.

Restorative Justice.

Restorative justice is a set of principles and practices that involve all parties, the offender, victim, and community, to address an offender's actions.

Summary of Substitute Bill:

Participation in a restorative justice program is sufficient to satisfy the requirements of a diversion agreement or a "counsel and release."

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

See House Bill Report in the 2011 Regular Session.

Persons Testifying: See House Bill Report in the 2011 Regular Session.

Persons Signed In To Testify But Not Testifying: None.