

# HOUSE BILL REPORT

## SHB 1775

---

### As Passed Legislature

**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.

House Refuses to Concur.

Senate Refuses to Recede.

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

Passed Senate: 3/1/12, 48-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Provides that participation in a restorative justice program is sufficient to satisfy the requirements of a juvenile diversion or a counsel and release.

---

### 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:**

---

*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.*

### Diversions.

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.