

SENATE BILL REPORT

SHB 1775

As of February 17, 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: Passed House: 2/08/12, 98-0.

Committee Activity: Human Services & Corrections: 2/16/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: A prosecutor must divert a case rather than file one, even if there are sufficient facts to file a case, if the alleged offense is a misdemeanor or gross misdemeanor violation and it is the offender's first offense. When a case is diverted, the juvenile enters into a diversion agreement to complete certain conditions. The diversion agreement may be entered into with another person, a community accountability board, a youth court, or any other entity, except a law enforcement official or entity. As part of the diversion, the juvenile may be referred to community-based counseling or other treatment programs.

If a juvenile's offense is very minor, the diversion counselor may counsel the juvenile and release the juvenile from further obligation. This practice is known as counsel and release.

If an offender has two or more diversion agreements already, the prosecutor must file the charges.

Summary of Bill: As part of a diversion or a counsel and release, a diversion counselor may refer the juvenile to a restorative justice program.

Restorative justice is a program that brings together the victim, the juvenile, their families, and relevant community members to encourage the juvenile to accept responsibility for repairing the harm caused by the juvenile's offense. The program must be informed by and sensitive to the needs of the crime victims.

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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This is good public policy that codifies a practice already being used in diversion cases in various locations around the state. It also enshrines a great definition of restorative justice, making clear that this is a voluntary process for all involved. Some counties do not know they can use the restorative justice process and this bill makes it explicit. The bill does not modify the process as to when a case is being diverted, but adds a tool that may be used by the diversion counselor. Restorative justice reduces costs in the criminal justice system and reduces recidivism. The WA State Institute for Public Policy has found that this program saves \$7,000 per case and reduces recidivism by 8.7 percent. Youth are greatly affected by hearing how their actions and behavior impacted their victims. The youth involved in the process have showed remorse for their actions and offered apologies. Victims have also reported feeling empowered by the process. It is important that the bill include the authority to use restorative justice for both diversion and counsel and release cases to ensure that it does not narrow the current ability.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Steven Aldrich, Friends Committee on WA Public Policy; Jana McKinley, Community Youth Services.