

# SENATE BILL REPORT

## EHB 1775

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As Reported by Senate Committee On:  
Human Services & Corrections, March 24, 2011

**Title:** An act relating to juvenile restorative justice programs.

**Brief Description:** Encouraging juvenile restorative justice programs.

**Sponsors:** Representatives Goodman and Kagi.

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

**Committee Activity:** Human Services & Corrections: 3/11/11, 3/24/11 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Baxter, Carrell, Harper and McAuliffe.

**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 (Recommended Amendments):** As part of a counsel and release, a diversion counselor may refer the juvenile to a restorative justice program.

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*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.*

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 their offense. The program must be informed by and sensitive to the needs of crime victims.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments):** The definition of restorative justice is amended to ensure the program is sensitive to the needs of crime victims and voluntary on the part of the victim. The authority of the diversion unit is limited to only allow referral of a juvenile to a restorative justice program when the diversion is a counsel and release.

**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 on Engrossed House Bill:** PRO: In many ways, this bill implements provisions of other cultures in restoring a juvenile to the community after they have done something wrong rather than isolating and ostracizing the youth. Juvenile programs in the state are anxious to begin implementing more restorative justice programs. The expansion of the bill to include all diversion programs was done at the request of the Juvenile Court Administrators.

Several studies have looked at the effectiveness of restorative justice programs and have concluded that the programs provide positive outcomes for both victims and offenders. Additionally, the Washington State Institute for Public Policy has found a statistically significant reduction in recidivism and a \$7,000 savings per case from utilizing restorative justice principles. In a time when the state is concerned with implementing evidence based programs, it makes good sense to adopt the provisions of this bill allowing greater use of restorative justice in juvenile settings.

**Persons Testifying:** PRO: Representative Goodman, prime sponsor; Paul McCold, Friends Committee on Washington Public Policy; Jewel Goddard, private citizen.