

# SENATE BILL REPORT

## SB 5706

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As of February 17, 2011

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

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

**Sponsors:** Senators Harper, Nelson and Kline.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/11.

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

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. A counsel and release includes the authority to refer the juvenile to community based counseling or treatment programs.

**Summary of Bill:** As part of 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 their offense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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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.*

**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: Restorative justice is where everyone affected by an issue comes together and talks about it so the juvenile can appreciate the consequences of his or her actions. No one is compelled to utilize this process. Evaluations of these types of programs, including a review done by the WA Institute for Public Policy, have concluded that restorative justice programs have a positive result on recidivism. This bill will encourage more diversion units to include restorative justice programs. Youth who participate in these types of programs end up feeling more supported than ostracized. It is an opportunity for all parties to mend relationships.

OTHER: We are generally not supportive of restorative justice programs, but due to the limited scope of this program we are not opposing the program today and will take another look at restorative justice programs in general to see if they have changed over the last several years.

**Persons Testifying:** PRO: Paul McCold, Friends Committee on WA Public Policy; Jana McKinley, Community Youth Services; Jewel Goddard, Community Youth Services.

OTHER: Karla Salp, WA Coalition of Crime Victim Services.