

SENATE BILL REPORT

SHB 1505

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, March 24, 2015

Title: An act relating to juvenile restorative justice programs.

Brief Description: Concerning juvenile restorative justice programs.

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

Brief History: Passed House: 3/09/15, 95-3.

Committee Activity: Human Services, Mental Health & Housing: 3/17/15, 3/24/15 [DP].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Staff: Lindsay Erickson (786-7465)

Background: Restorative Justice Generally. Restorative justice is an approach to criminal justice that involves the victim, the offender, and the community to address an offender's actions.

Restorative Justice in Washington. The Legislature passed Substitute House Bill 1775 in 2012 which created a definition of restorative justice in the Juvenile Justice Act and allows diversion units to refer juveniles to restorative justice programs as part of a diversion agreement or as part of counseling and releasing a juvenile.

Restorative justice is defined in statute as practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members.

A juvenile diversion agreement is a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution.

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.

Such agreements may be entered into only after the prosecutor or probation counselor has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it.

In some circumstances, a diversion unit may counsel and release a juvenile without requiring the juvenile to enter into a diversion agreement.

Summary of Bill: Restorative justice programs are included within the definition of community-based rehabilitation, which is part of the community supervision that is imposed by a court as part of a juvenile offender disposition.

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: With regard to juvenile offenders, cultures across the world engage in restorative justice, which brings together the offender with the victim, and apology and forgiveness can occur. We want to instill this value into our juvenile justice system. We want the youth to be brought together with the community. As a community, we stigmatize people too much by labeling them as offenders; we should reinforce that they may have done a bad thing, but that it's possible for things to work out well. This allows victims an opportunity to participate in the process, but it's clear that victim participation is voluntary. It is important that victims are not revictimized. This bill sends a signal to our juvenile courts that restorative justice is available, it is discretionary, and in many cases it is already being used. This is not a major enhancement of situations in which this option is available, but rather, it clarifies that it is available. Procedural concerns with this bill were addressed in the House.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Tom McBride, WA Assn. of Juvenile Court Administrators; Steven Aldrich, Friends Committee on WA Public Policy.

Persons Signed in to Testify But Not Testifying: No one.