

HOUSE BILL REPORT

HB 1199

As Reported by House Committee On: Judiciary

Title: An act relating to allowing youth courts to have jurisdiction over transit infractions.

Brief Description: Allowing youth courts to have jurisdiction over transit infractions.

Sponsors: Representatives Irwin, Jinkins, Goodman, Rodne, Hayes, Muri, Frame, Stokesbary and Stambaugh.

Brief History:

Committee Activity:

Judiciary: 1/18/17, 1/26/17 [DPS].

Brief Summary of Substitute Bill

- Adds jurisdiction over transit infractions to youth courts with jurisdiction over traffic infractions.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

Staff: Cece Clynch (786-7195).

Background:

Youth court programs are designed to provide an alternative within the justice system for first-time offenders. Youth courts operate in three areas: (1) traffic matters heard in district or municipal courts; (2) juvenile offender matters heard in juvenile court; and (3) student conduct violations within schools. Youth court participants, under the supervision of the court or an adult coordinator, may serve in various capacities within the youth court, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

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.

District and municipal courts may create youth courts to hear and dispose of traffic infractions for juveniles age 16 or 17. The court may refer a juvenile to such a youth court upon the request of any party or upon its own motion; however, a juvenile may not be required to have the traffic infraction referred to, or disposed of, by a youth court.

To be referred to a youth court for traffic infractions, a juvenile:

- may not have had a prior traffic infraction referred to a youth court;
- may not be under the jurisdiction of any court for a violation of any provision of the state motor vehicle code;
- may not have any convictions for a violation of any provision of the state motor vehicle code; and
- must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic infraction.

"Traffic infraction" is defined to include parking, standing, stopping, and pedestrian offenses as found in the state motor vehicle code, as well as equivalent administrative regulations or local laws, ordinances, regulations, or resolutions relating to traffic.

A youth court agreement is a contract between a juvenile accused of a traffic infraction and a court in which the juvenile agrees to fulfill certain conditions in lieu of a determination that a traffic infraction occurred. Conditions imposed pursuant to a youth court agreement are limited to one or more of the following:

- community service, not exceeding 150 hours and not during school hours;
- attendance at driving school;
- a monetary penalty not exceeding \$100, however, if it cannot reasonably be paid due to a lack of financial resources, the court may convert the penalty into community service;
- requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;
- participating in law-related education classes;
- participating in mentoring programs;
- service as a participant in future youth court proceedings;
- writing apology letters; or
- writing essays.

The Administrative Office of the Courts is directed to encourage courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic infractions. Program operations of youth court programs may be funded by government and private grants. These youth court programs must emphasize the following principles:

- Youth must be held accountable.
- Youth must be educated about the impact their actions have on themselves, others, and their community.
- Youth must develop skills to resolve problems with peers more effectively.
- Youth should be provided a meaningful forum to practice and enhance newly developed skills.

Summary of Substitute Bill:

Youth courts with jurisdiction over traffic infractions also have jurisdiction over transit infractions.

A "transit infraction" means an infraction issued by a "transit authority," including infractions for failing to pay the required fare, failing to produce proof of payment, and failure to depart the bus, facility, or other mode of public transportation when requested to do so by a person designated to monitor fare payment. A "transit authority" means a city transit system, a county transportation authority, a metropolitan municipal corporation transit system, a public transportation benefit area, an unincorporated transportation benefit area, a regional transportation authority, or any special purpose district formed to operate a public transportation system.

A youth may not be referred to a youth court if he or she has had a prior transit infraction, is under the jurisdiction of any court for unlawful transit conduct, or has convictions for unlawful transit conduct.

Substitute Bill Compared to Original Bill:

"Transit infraction" is defined. Parallel provisions are put in place with respect to prior transit infractions, so that a youth may not be referred to youth court if he or she has had a prior transit infraction, is under the jurisdiction of any court for unlawful transit conduct, or has convictions for unlawful transit conduct. Additional sections from the youth court chapter are amended to make clear that jurisdiction covers youth with transit as well as traffic infractions.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a clean up bill. Transit was left out when youth traffic courts began. Youth court is very different from juvenile court. It is only open to 16 and 17 year olds, and affords them an opportunity to learn from their mistakes. By adding transit, it will apply to buses, light rail, and the stops and platforms associated with them. Any prior infraction, whether transit or traffic, would preclude referral to youth court. Traffic infractions deal with cars. Transit infractions deal with not paying fares and the like. A lot of students get cited for this, and probably more of these occur in urban areas. Typically the sanction in youth court is community service. Once the service is completed, the case is closed. It can be harder to appear in front of peers as in youth court. It is very nice for those referred to youth court to hear the applause from their peers.

(Opposed) None.

Persons Testifying: Representative Irwin, prime sponsor; and Janet Garrow, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.