

SB 5640 - H AMD 780

By Representative Volz

ADOPTED 04/25/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 3.72.005 and 2017 c 9 s 1 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Court" when used without further qualification means the
8 district court under chapter 3.30 RCW, the municipal department under
9 chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20
10 RCW.

11 (2) "Traffic infraction" means those acts defined as traffic
12 infractions by RCW 46.63.020.

13 (3) "Transit infraction" means an infraction issued by a transit
14 authority as defined in RCW 9.91.025(2)(c), including those
15 infractions authorized under RCW 35.58.580, 36.57A.230, and
16 81.112.220.

17 (4) "Youth court" means an alternative method of hearing and
18 disposing of traffic infractions (~~for juveniles age sixteen or~~),
19 transit infractions, and civil infractions for juveniles age twelve
20 through seventeen.

21 **Sec. 2.** RCW 3.72.010 and 2017 c 9 s 2 are each amended to read
22 as follows:

23 (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW
24 may create a youth court. The youth court shall have concurrent
25 jurisdiction over traffic (~~and~~) infractions, transit infractions,
26 and civil infractions alleged to have been committed by juveniles age
27 (~~sixteen or~~) twelve through seventeen. The court may refer a
28 juvenile to the youth court upon request of any party or upon its own
29 motion. However, a juvenile shall not be required under this section
30 to have his or her traffic (~~or~~) infraction, transit infraction, or
31 civil infraction, referred to or disposed of by a youth court.

1 (2) To be referred to a youth court pursuant to this chapter, a
2 juvenile:

3 (a) ~~((May not have had a prior traffic or transit infraction
4 referred to a youth court;~~

5 ~~(b))~~) May not be under the jurisdiction of any court for a
6 violation of any provision of Title 46 RCW or for unlawful transit
7 conduct under RCW 9.91.025; and

8 ~~((c) May not have any convictions for a violation of any
9 provision of Title 46 RCW or for unlawful transit conduct under RCW
10 9.91.025; and~~

11 ~~(d))~~) (b) Must acknowledge that there is a high likelihood that
12 he or she would be found to have committed the traffic ~~((e))~~
13 infraction, transit infraction, or civil infraction.

14 (3) (a) Nothing in this chapter shall interfere with the ability
15 of juvenile courts to refer matters to youth courts that have been
16 established to provide a diversion for matters involving juvenile
17 offenders who are eligible for diversion pursuant to RCW 13.40.070
18 (6) and (8) and who agree, along with a parent, guardian, or legal
19 custodian, to comply with the provisions of RCW 13.40.600.

20 (b) Nothing in this chapter shall interfere with the ability of
21 student courts to work with students who violate school rules and
22 policies pursuant to RCW 28A.300.420.

23 **Sec. 3.** RCW 3.72.020 and 2017 c 9 s 3 are each amended to read
24 as follows:

25 (1) A youth court agreement shall be a contract between a
26 juvenile accused of a traffic ~~((e))~~ infraction, transit infraction,
27 or civil infraction and a court whereby the juvenile agrees to
28 fulfill certain conditions imposed by a youth court in lieu of a
29 determination that a traffic ~~((e))~~ infraction, transit infraction,
30 or civil infraction occurred. Such agreements may be entered into
31 only after the law enforcement authority has determined that probable
32 cause exists to believe that a traffic ~~((e))~~ infraction, transit
33 infraction, or civil infraction has been committed and that the
34 juvenile committed it. A youth court agreement shall be reduced to
35 writing and signed by the court and the youth accepting the terms of
36 the agreement. Such agreements shall be entered into as expeditiously
37 as possible.

38 (2) Conditions imposed on a juvenile by a youth court shall be
39 limited to one or more of the following:

1 (a) Community service not to exceed one hundred fifty hours, not
2 to be performed during school hours if the juvenile is attending
3 school;

4 (b) Attendance at defensive driving school or driver improvement
5 education classes or, in the discretion of the court, a like means of
6 fulfilling this condition. The state shall not be liable for costs
7 resulting from the youth court or the conditions imposed upon the
8 juvenile by the youth court;

9 (c) A monetary penalty, not to exceed one hundred dollars. All
10 monetary penalties assessed and collected under this section shall be
11 deposited and distributed in the same manner as costs, fines,
12 forfeitures, and penalties are assessed and collected under RCW
13 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and
14 46.63.110(7), regardless of the juvenile's successful or unsuccessful
15 completion of the youth court agreement;

16 (d) Requirements to remain during specified hours at home,
17 school, or work, and restrictions on leaving or entering specified
18 geographical areas;

19 (e) Participating in law-related education classes;

20 (f) Providing periodic reports to the youth court or the court;

21 (g) Participating in mentoring programs;

22 (h) Serving as a participant in future youth court proceedings;

23 (i) Writing apology letters; or

24 (j) Writing essays.

25 (3) Youth courts may require that the youth pay any costs
26 associated with conditions imposed upon the youth by the youth court.

27 (a) A youth court disposition shall be completed within one
28 hundred eighty days from the date of referral.

29 (b) The court, as specified in RCW 3.72.010, shall monitor the
30 successful or unsuccessful completion of the disposition.

31 (4) A youth court agreement may extend beyond the eighteenth
32 birthday of the youth.

33 (5) Any juvenile who is, or may be, referred to a youth court
34 shall be afforded due process in all contacts with the youth court
35 regardless of whether the juvenile is accepted by the youth court or
36 whether the youth court program is successfully completed. Such due
37 process shall include, but not be limited to, the following:

38 (a) A written agreement shall be executed stating all conditions
39 in clearly understandable language and the action that will be taken

1 by the court upon successful or unsuccessful completion of the
2 agreement;

3 (b) Violation of the terms of the agreement shall be the only
4 grounds for termination.

5 (6) The youth court shall, subject to available funds, be
6 responsible for providing interpreters when juveniles need
7 interpreters to effectively communicate during youth court hearings
8 or negotiations.

9 (7) The court shall be responsible for advising a juvenile of his
10 or her rights as provided in this chapter.

11 (8) When a juvenile enters into a youth court agreement, the
12 court may receive only the following information for dispositional
13 purposes:

14 (a) The fact that a traffic (~~(or)~~) infraction, transit
15 infraction, or civil infraction was alleged to have been committed;

16 (b) The fact that a youth court agreement was entered into;

17 (c) The juvenile's obligations under such agreement;

18 (d) Whether the juvenile performed his or her obligations under
19 such agreement; and

20 (e) The facts of the alleged traffic (~~(or)~~) infraction, transit
21 infraction, or civil infraction.

22 (9) A court may refuse to enter into a youth court agreement with
23 a juvenile. When a court refuses to enter a youth court agreement
24 with a juvenile, it shall set the matter for hearing in accordance
25 with all applicable court rules and statutory provisions governing
26 the hearing and disposition of traffic (~~(and)~~) infractions, transit
27 infractions, or civil infractions.

28 (10) If a monetary penalty required by a youth court agreement
29 cannot reasonably be paid due to a lack of financial resources of the
30 youth, the court may convert any or all of the monetary penalty into
31 community service. The modification of the youth court agreement
32 shall be in writing and signed by the juvenile and the court. The
33 number of hours of community service in lieu of a monetary penalty
34 shall be converted at the rate of the prevailing state minimum wage
35 per hour.

36 **Sec. 4.** RCW 3.72.040 and 2017 c 9 s 5 are each amended to read
37 as follows:

38 The administrative office of the courts shall encourage the
39 courts to work with cities, counties, and schools to implement,

1 expand, or use youth court programs for juveniles who commit traffic
2 (~~or~~) infractions, transit infractions, or civil infractions.
3 Program operations of youth court programs may be funded by
4 government and private grants. Youth court programs are limited to
5 those that:

6 (1) Are developed using the guidelines for creating and operating
7 youth court programs developed by nationally recognized experts in
8 youth court projects;

9 (2) Target (~~youth ages sixteen and seventeen~~) juveniles who are
10 alleged to have committed a traffic (~~or~~) infraction, transit
11 infraction, or civil infraction; and

12 (3) Emphasize the following principles:

- 13 (a) Youth must be held accountable for their problem behavior;
- 14 (b) Youth must be educated about the impact their actions have on
15 themselves and others including their victims, their families, and
16 their community;

17 (c) Youth must develop skills to resolve problems with their
18 peers more effectively; and

19 (d) Youth should be provided a meaningful forum to practice and
20 enhance newly developed skills.

21 **Sec. 5.** RCW 7.80.010 and 2009 c 279 s 2 are each amended to read
22 as follows:

23 (1) All violations of state law, local law, ordinance,
24 regulation, or resolution designated as civil infractions may be
25 heard and determined by a district court, except as otherwise
26 provided in this section.

27 (2) Any municipal court has the authority to hear and determine
28 pursuant to this chapter civil infractions that are established by
29 municipal ordinance or by local law or resolution of a transit agency
30 authorized to issue civil infractions, and that are committed within
31 the jurisdiction of the municipality.

32 (3) Any city or town with a municipal court under chapter 3.50
33 RCW may contract with the county to have civil infractions that are
34 established by city or town ordinance and that are committed within
35 the city or town adjudicated by a district court.

36 (4) District court commissioners have the authority to hear and
37 determine civil infractions pursuant to this chapter.

38 (5) Youth court under chapter 3.72 RCW shall have concurrent
39 jurisdiction over civil infractions alleged to have been committed by

1 juveniles age twelve through seventeen if the requirements of RCW
2 3.72.010 are met.

3 (6) Nothing in this chapter prevents any city, town, or county
4 from hearing and determining civil infractions pursuant to its own
5 system established by ordinance."

6 Correct the title.

EFFECT: (1) Clarifies that, as under current law, youth court is available to juveniles who are age 17 by referencing "juveniles age twelve through seventeen" rather than "juveniles age twelve to seventeen".

(2) Strikes language that disqualifies a juvenile from being referred to youth court if he or she has any conviction for a violation of any provision of Title 46 RCW or for unlawful transit conduct.

(3) Provides that the jurisdiction of youth courts under chapter 3.72 RCW is concurrent over traffic infractions, transit infractions, and civil infractions alleged to have been committed by juveniles age 12 through 17 if the youth court requirements under that chapter are met.

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