

HOUSE BILL REPORT

SB 5640

As Passed House - Amended:

April 15, 2019

Title: An act relating to youth courts.

Brief Description: Concerning youth courts.

Sponsors: Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 3/20/19, 3/26/19 [DP].

Floor Activity:

Passed House - Amended: 4/15/19, 97-0.

Brief Summary of Bill (As Amended by House)

- Authorizes youth courts established under the supervision of a court of limited jurisdiction to dispose of civil infractions (in addition to traffic and transit infractions) alleged to have been committed by juveniles age 12 through 17 (rather than only those age 16 or 17).
- Removes some provisions which disqualify certain youth from being referred to youth court.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 15 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kilduff, Kirby, Klippert, Orwall, Shea, Valdez, Walen and Ybarra.

Staff: Cece Clynch (786-7195).

Background:

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.

Youth Courts, Generally.

Youth court programs are generally designed to provide an alternative within the juvenile justice system. In these programs, the appropriate sanction is determined by a juvenile's peers. Under the supervision of the court or an adult coordinator, youth may serve in various capacities within a youth court, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

Pursuant to legislation first enacted in 2002, some of which has been subsequently amended over time, youth courts were created in three arenas:

1. Youth courts for juveniles 16 and 17 years old who are alleged to have committed traffic and transit infractions may be established under the supervision of a court of limited jurisdiction.
2. Youth court is defined under the Juvenile Justice Act as a diversion unit under the supervision of the juvenile court. These youth courts have authority over juveniles ages eight through 17. The Office of the Administrator of the Courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions.
3. Youth courts for school violations may be used for students who commit violations of school rules and policies.

Courts of Limited Jurisdiction: Youth Courts for Traffic and Transit Infractions.

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

To be referred to a youth court for a traffic or transit infraction, a juvenile:

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

Traffic infractions for which a referral may be made 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 "transit infraction" means an infraction issued by a "transit authority," including infractions for failure to:

- pay the required fare;
- produce proof of payment; or
- 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.

As part of the youth court process, the juvenile agrees to fulfill certain conditions in lieu of a determination that a traffic or transit 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 the penalty 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.

Program operations may be funded by government and private grants. They 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.

Civil Infractions.

A civil infraction is a noncriminal offense for which imprisonment may not be imposed. A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence. An enforcement officer is a person authorized to enforce the provisions of the statute or ordinance in which the civil infraction is established.

Alternatively, a notice of civil infraction may be issued by a court if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed. Civil infractions may be heard and determined in district and municipal courts.

Summary of Bill:

District and municipal courts may create youth courts to hear and dispose of civil infractions in addition to traffic and transit infractions. Jurisdiction is not limited to infractions committed only by juveniles age 16 or 17, but includes juveniles age 12 through 17. Youth are no longer disqualified from youth court by reason of: a prior traffic or transit infraction referred to a youth court; or any convictions for a violation of any provision of the state motor vehicle code or for unlawful transit conduct.

The statutory chapter governing civil infractions is amended to provide that youth courts created by courts of limited jurisdiction shall have jurisdiction over civil infractions alleged to have been committed by juveniles age 12 through 17 if the requirements governing youth courts created under that youth court chapter are met.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 bill streamlines youth court programs. It would allow those age 12 up to age 18 access to youth courts for a variety of infractions, such as possession of tobacco, boating infractions, and fish and game infractions. Youth courts have teeth and consequences for youth. Consequences can include up to a \$100 fine, curfews, and up to 150 hours of community service, as well as other consequences. The youth court organization and the Cheney Youth Court, specifically, are behind this bill which will allow young people to take responsibility for their actions and avoid getting marks on their records. In terms of recidivism, youth courts have an 80 percent success rate. Representative Graham is going to sponsor a friendly amendment that has been requested by the Cheney Youth Court.

(Opposed) None.

Persons Testifying: Senator Holy, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.