

HOUSE BILL REPORT

SSB 5640

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to youth courts.

Brief Description: Concerning youth courts.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by 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], 2/19/20, 2/26/20 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Expands the types of cases that may be heard by a youth court created by a court of limited jurisdiction by: (1) authorizing youth courts to hear and dispose of civil infractions, as well as traffic and transit infractions; (2) permitting a juvenile with a prior youth court referral for a traffic or transit infraction to be referred to the youth court; and (3) allowing youth court programs to accept referrals, from a juvenile court diversion unit, of traffic, transit, and civil infractions committed by juveniles 12 through 15 years of age.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass as amended. Signed by 10 members: Representatives Kilduff, Chair; Thai, Vice Chair; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Kirby, Peterson, 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, youth courts were created in three arenas:

1. Youth courts for juveniles 16 and 17 years of age 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, which itself is a division of the superior court. These youth courts have authority over juveniles 8 through 17 years of age.
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 16 and 17 years of age. 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.

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.

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.

Diversion.

A juvenile diversion is a contract between a juvenile accused of an offense and a diversion unit in which the juvenile agrees to certain conditions in lieu of prosecution. These agreements may include community service, restitution, counseling, educational or informational sessions, requirements to remain in school, home, or work during certain hours, and other requirements. If a juvenile does not complete the diversion agreement according to its terms, the prosecutor may file a criminal complaint.

Under the Juvenile Justice Act, a traffic or civil infraction case involving a juvenile under age 16 may be filed in juvenile court or diverted, which may include a referral to a youth court operated by the juvenile court. A diversion agreement for a traffic or civil infraction is limited to 30 hours of community restitution, or educational or informational sessions.

Summary of Amended Bill:

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

The definition of "youth court" is amended to mean an alternative method of hearing and disposing of civil infractions, as well as transit and traffic infractions. Other sections in the same chapter are amended to expressly allow for jurisdiction over civil infractions. A juvenile is no longer disqualified from being referred to youth court by the fact that he or she had a prior traffic or transit infraction referred to youth court.

Juvenile court diversion units may refer juveniles 12 through 15 years of age who have committed traffic, transit, and civil infractions to youth courts within courts of limited jurisdiction, subject to the following conditions:

- Completion of the youth court program must be the only condition of the diversion agreement.
- The juvenile must not serve more than 30 hours of participation in the youth court program.
- Other than filing a petition for termination of the diversion agreement in juvenile court, nothing concerning the juvenile's participation in the youth court program shall be filed in any public court file concerning the juvenile's participation or presence in the youth court program. The only written record of participation shall be the diversion agreement entered into with the juvenile court and subject to the juvenile court's confidentiality provisions. No youth court cause number is to be assigned to the case. However, the proceedings in the youth court program shall be on open record and may be recorded if necessary.
- Nothing concerning the alleged offense or the diversion shall be reported to the Department of Licensing.
- At any point prior to completion, the youth court program may refer the juvenile back to the juvenile diversion unit for termination of the diversion agreement due to noncompliance.
- It is the juvenile court diversion unit that maintains primary jurisdiction over supervision of the juvenile during his or her participation in the youth court program. The youth court must notify the diversion unit upon the juvenile's completion of the youth court program.

Miscellaneous.

Language is stricken from the Juvenile Justice Act that allows, in the context of a case involving a juvenile under the age of 16 that is referred to a diversion unit, for the forwarding of an abstract of the action taken by the diversion unit on a traffic or civil infraction or an offense to the Department of Licensing.

Amended Bill Compared to Substitute Bill:

The amended bill includes corresponding changes in one of the sections to mirror the changes made in the other sections and make clear that a youth court created by a court of limited jurisdiction has jurisdiction over civil infractions alleged to have been committed by juveniles age 16 or 17.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) Almost everyone, when they are 12 to 17 years old, does dumb things. Youth court provides an alternative forum, rather than creating a criminal record, to address a dumb

thing done by a young person. The youth court system has existed, at least informally, since the 1970s. Issaquah had a youth court then. This bill does include a monitoring component. With respect to referrals from a juvenile diversion unit of those 12 to 15 years old, the diversion unit will maintain supervision. There are checks and balances included to make sure there is compliance. The expansion to include civil infractions is laudable.

(Opposed) None.

Persons Testifying: Representative Holy, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.