

# SENATE BILL REPORT

## SSB 5640

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As Passed Senate, February 5, 2020

**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:** Human Services, Reentry & Rehabilitation: 2/06/19, 2/12/19 [DP]; 1/16/20, 1/21/20 [DPS].

**Floor Activity:**

Passed Senate: 3/08/19, 48-0; 2/05/20, 48-0.

Passed House: 4/15/19, 97-0; 4/25/19, 97-0.

**Brief Summary of First Substitute Bill**

- Expands the jurisdiction of youth courts to include civil infractions.
- Allows a youth court to accept referrals of traffic, transit, or civil infractions from a juvenile court diversion unit committed by youth aged twelve through fifteen if certain conditions are met.

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**SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION**

**Majority Report:** That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

**Staff:** Kevin Black (786-7747)

**Background:** A youth court is an alternative method of hearing and disposing of traffic infractions and transit infractions for juveniles age sixteen to seventeen. To qualify for youth court, the juvenile must:

- not have a prior infraction referred to youth court;

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- not be under the jurisdiction of another court or have prior convictions related to a traffic infraction or transit infraction; and
- acknowledge a high likelihood of being found to have committed the traffic infraction or transit infraction.

In a youth court, juveniles may participate in various roles under the supervision of a youth court coordinator, including the roles of jurors, lawyers, bailiffs, clerks, and judges. A youth court may serve as a diversion for a case referred from juvenile court. Youth courts must emphasize holding youth accountable for problem behavior; educating youth about the impact of their actions on themselves, victims, their families, and community; and developing skills to resolve problems with peers effectively, and providing a meaningful forum to practice and enhance newly developed skills.

To participate in youth court, a juvenile must sign a youth court agreement, which is a contract whereby the juvenile agrees to fulfill certain conditions imposed by the youth court in lieu of a determination that the traffic infraction or transit infraction occurred. Conditions may include:

- community service not to exceed 150 hours;
- attendance at defensive driving school, driver improvement classes, or a like means of fulfilling this condition;
- a monetary penalty not to exceed \$100;
- curfew requirements;
- mentoring programs;
- writing apology letters or essays; or
- other specified means, including serving as a participant in future youth court proceedings.

A civil infraction is a minor offense punishable by a civil fine. Failure to respond to a civil infraction is a misdemeanor punishable by a fine or imprisonment. Civil infractions are divided into four classes, with maximum fines ranging from \$250 to \$25, with certain exceptions.

**Summary of First Substitute Bill:** The jurisdiction of youth courts is expanded to include civil infractions. A youth court may accept a referral from a juvenile court diversion unit of a traffic, transit, or civil infraction committed by a youth aged twelve through fifteen if the youth court agrees that:

- 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 youth court;
- no record of the juvenile's participation in youth court shall be made or reported to the Department of Licensing other than a petition for termination of the diversion agreement filed in juvenile court; and
- the youth court may refer the juvenile back to the juvenile diversion unit for termination of the diversion agreement due to noncompliance.

Language is removed prohibiting a person from participating in youth court if they have had a prior infraction referred to youth court.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Regular Session 2019):** PRO: We had a youth court in high school which was a diversion from local municipal court. This court has teeth, community service and monetary fines, and is not just a nicety. It was requested by the Cheney Youth Court and supported by the Washington State Association of Youth Courts. The jurisdiction of youth court should be aligned with the permissible ages for diversions from juvenile court. There is a greater than 80 percent success rate in reducing recidivism. Youth Courts provide an answer how to break the cycle and keep youth out of the criminal justice system. The offender interacts directly with peers to take responsibility and they give back to the community rather than just pay a fine. It builds a connection between the young person and the community. This is a restorative justice model. The cognitive piece is so helpful to promote learning. Former offenders serve on the youth court and see this is a community issue that we solve together as a group. Allowing diversion of fines helps youth get their licenses and participate fully in the community. Sometimes the second offense is the more meaningful opportunity for intervention.

**Persons Testifying:** PRO: Senator Jeff Holy, Prime Sponsor; Courtney Bell Whitten, Cheney Youth Court Prosecutor; Terri Cooper, Cheney Court Administrator.

**Persons Signed In To Testify But Not Testifying:** No one.

**Staff Summary of Public Testimony on Proposed Substitute (Regular Session 2020):** PRO: This new substitute corrects a problem identified with the bill last year which could have prevented a younger juvenile from having the protection of a diversion agreement, including the opportunity to have the record sealed and limiting the penalties that can be imposed. We have agreement on this version, which is a good way to protect the juvenile. We have landed in a good place.

**Persons Testifying:** PRO: Russell Brown, Washington Association of Prosecuting Attorneys; Courtney Whitten, Washington State Association of Youth Courts, Cheney Youth Court; Terri Cooper, Washington State Association of Youth Courts, Cheney Youth Court.

**Persons Signed In To Testify But Not Testifying:** No one.