
SENATE BILL 5640

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/25/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to youth courts; and amending RCW 3.72.005,
2 3.72.010, 3.72.020, 3.72.040, and 7.80.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

14 (3) "Transit infraction" means an infraction issued by a transit
15 authority as defined in RCW 9.91.025(2)(c), including those
16 infractions authorized under RCW 35.58.580, 36.57A.230, and
17 81.112.220.

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

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

3 (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW
4 may create a youth court. The youth court shall have jurisdiction
5 over traffic ~~((and))~~ infractions, transit infractions, and civil
6 infractions alleged to have been committed by juveniles age ~~((sixteen~~
7 ~~or))~~ twelve to seventeen. The court may refer a juvenile to the youth
8 court upon request of any party or upon its own motion. However, a
9 juvenile shall not be required under this section to have his or her
10 traffic ~~((or))~~ infraction, transit infraction, or civil infraction,
11 referred to or disposed of by a youth court.

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

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

16 ~~(b))~~ (b) May not be under the jurisdiction of any court for a
17 violation of any provision of Title 46 RCW or for unlawful transit
18 conduct under RCW 9.91.025;

19 ~~((c))~~ (c) May not have any convictions for a violation of any
20 provision of Title 46 RCW or for unlawful transit conduct under RCW
21 9.91.025; and

22 ~~((d))~~ (d) Must acknowledge that there is a high likelihood that
23 he or she would be found to have committed the traffic ~~((or))~~
24 infraction, transit infraction, or civil infraction.

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

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

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

36 (1) A youth court agreement shall be a contract between a
37 juvenile accused of a traffic ~~((or))~~ infraction, transit infraction,
38 or civil infraction and a court whereby the juvenile agrees to
39 fulfill certain conditions imposed by a youth court in lieu of a

1 determination that a traffic ((~~or~~)) infraction, transit infraction,
2 or civil infraction occurred. Such agreements may be entered into
3 only after the law enforcement authority has determined that probable
4 cause exists to believe that a traffic ((~~or~~)) infraction, transit
5 infraction, or civil infraction has been committed and that the
6 juvenile committed it. A youth court agreement shall be reduced to
7 writing and signed by the court and the youth accepting the terms of
8 the agreement. Such agreements shall be entered into as expeditiously
9 as possible.

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

12 (a) Community service not to exceed one hundred fifty hours, not
13 to be performed during school hours if the juvenile is attending
14 school;

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

20 (c) A monetary penalty, not to exceed one hundred dollars. All
21 monetary penalties assessed and collected under this section shall be
22 deposited and distributed in the same manner as costs, fines,
23 forfeitures, and penalties are assessed and collected under RCW
24 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and
25 46.63.110(7), regardless of the juvenile's successful or unsuccessful
26 completion of the youth court agreement;

27 (d) Requirements to remain during specified hours at home,
28 school, or work, and restrictions on leaving or entering specified
29 geographical areas;

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

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

32 (g) Participating in mentoring programs;

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

34 (i) Writing apology letters; or

35 (j) Writing essays.

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

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

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

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

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

10 (a) A written agreement shall be executed stating all conditions
11 in clearly understandable language and the action that will be taken
12 by the court upon successful or unsuccessful completion of the
13 agreement;

14 (b) Violation of the terms of the agreement shall be the only
15 grounds for termination.

16 (6) The youth court shall, subject to available funds, be
17 responsible for providing interpreters when juveniles need
18 interpreters to effectively communicate during youth court hearings
19 or negotiations.

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

22 (8) When a juvenile enters into a youth court agreement, the
23 court may receive only the following information for dispositional
24 purposes:

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

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

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

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

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

33 (9) A court may refuse to enter into a youth court agreement with
34 a juvenile. When a court refuses to enter a youth court agreement
35 with a juvenile, it shall set the matter for hearing in accordance
36 with all applicable court rules and statutory provisions governing
37 the hearing and disposition of traffic ((~~and~~)) infractions, transit
38 infractions, or civil infractions.

39 (10) If a monetary penalty required by a youth court agreement
40 cannot reasonably be paid due to a lack of financial resources of the

1 youth, the court may convert any or all of the monetary penalty into
2 community service. The modification of the youth court agreement
3 shall be in writing and signed by the juvenile and the court. The
4 number of hours of community service in lieu of a monetary penalty
5 shall be converted at the rate of the prevailing state minimum wage
6 per hour.

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

9 The administrative office of the courts shall encourage the
10 courts to work with cities, counties, and schools to implement,
11 expand, or use youth court programs for juveniles who commit traffic
12 ~~((~~o~~))~~ infractions, transit infractions, or civil infractions.
13 Program operations of youth court programs may be funded by
14 government and private grants. Youth court programs are limited to
15 those that:

16 (1) Are developed using the guidelines for creating and operating
17 youth court programs developed by nationally recognized experts in
18 youth court projects;

19 (2) Target ~~((youth ages sixteen and seventeen))~~ juveniles who are
20 alleged to have committed a traffic ~~((~~o~~))~~ infraction, transit
21 infraction, or civil infraction; and

22 (3) Emphasize the following principles:

23 (a) Youth must be held accountable for their problem behavior;

24 (b) Youth must be educated about the impact their actions have on
25 themselves and others including their victims, their families, and
26 their community;

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

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

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

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

37 (2) Any municipal court has the authority to hear and determine
38 pursuant to this chapter civil infractions that are established by

1 municipal ordinance or by local law or resolution of a transit agency
2 authorized to issue civil infractions, and that are committed within
3 the jurisdiction of the municipality.

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

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

10 (5) Youth court under chapter 3.72 RCW shall have jurisdiction
11 over civil infractions alleged to have been committed by juveniles
12 age twelve to seventeen if the requirements of RCW 3.72.010 are met.

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

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