

HOUSE BILL REPORT

HB 1894

As Passed House:

February 2, 2022

Title: An act relating to expanding the period for juvenile diversion agreements.

Brief Description: Concerning the period for juvenile diversion agreements.

Sponsors: Representatives Harris-Talley, Frame, Leavitt, Simmons, Johnson, J., Goodman, Walen, Dolan, Ryu, Taylor, Fey, Fitzgibbon, Davis, Bateman, Macri, Valdez and Pollet; by request of Administrative Office of the Courts.

Brief History:

Committee Activity:

Children, Youth & Families: 1/19/22, 1/27/22 [DP].

Floor Activity:

Passed House: 2/2/22, 96-0.

Brief Summary of Bill

- Allows a juvenile diversion agreement to be extended by six months at the request of a juvenile.

HOUSE COMMITTEE ON CHILDREN, YOUTH & FAMILIES

Majority Report: Do pass. Signed by 12 members: Representatives Senn, Chair; Harris-Talley, Vice Chair; Rule, Vice Chair; Dent, Ranking Minority Member; Chase, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Callan, Eslick, Goodman, Klippert, Ortiz-Self and Wicks.

Minority Report: Without recommendation. Signed by 1 member: Representative Young.

Staff: Luke Wickham (786-7146).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:*Juvenile Diversion Agreements.*

A juvenile diversion agreement is a contract between a juvenile accused of a crime and a diversion unit where the juvenile agrees to complete certain requirements instead of prosecution. Juvenile diversion agreements may only be executed after the prosecutor or probation counselor has determined that probable cause exists to believe that a crime was committed.

The requirements of a juvenile diversion agreement are limited to:

- community restitution not to exceed 150 hours;
- restitution limited to the amount of actual loss;
- attendance at up to 10 hours of counseling and 20 hours of positive youth development, educational, or information sessions at a community agency;
- requirements to remain during certain hours at home, school, or work, and restrictions on leaving or entering certain areas; and
- upon request of any victim or witness, requirements to refrain from contact with such victims or witnesses.

A juvenile diversion agreement may not exceed a period of six months and may include a period extending beyond the individual's eighteenth birthday. If additional time is needed to complete restitution to a victim, the period may be extended for six months.

Prosecutors are required to divert a case if the alleged offense is a misdemeanor or gross misdemeanor and the alleged offense is the offender's first offense. If the prosecutor is not required to divert the case and the offense is not a sex offense or a violent offense, other than Assault in the second degree or Robbery in the second degree, the prosecutor has discretion regarding whether to divert a case.

Summary of Bill:

A juvenile diversion agreement may be extended by six months at the request of a juvenile. A juvenile diversion agreement may be completed by a juvenile any time before an order terminates the diversion agreement.

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) Juvenile diversion agreements allow alternatives to incarceration. This bill provides an opportunity to extend a juvenile diversion agreement.

The goal of a diversion program is to avoid negative outcomes associated with prosecution and incarceration. In situations where a juvenile has complex needs, the juvenile may need additional time to complete programming associated with the juvenile diversion. This bill would have a positive impact on youth, families, and community partners. This bill will help keep youth out of the juvenile justice system.

The length of juvenile diversion agreements should be expanded to catch up with the expanded eligibility for juvenile diversions, allowing multiple diversions and additional offenses. There are so many youth around the state who are benefiting from the support provided by juvenile diversion agreements, and this bill allows that support to continue beyond six months. In San Juan County, 88 percent of people who complete diversions never come back through the criminal justice system again.

(Opposed) None.

Persons Testifying: Representative Kirsten Harris-Talley, prime sponsor; Brittany Gregory, Administrative Office of the Courts; and Linnea Anderson, Washington Association of Juvenile Court Administrators.

Persons Signed In To Testify But Not Testifying: None.