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**SENATE BILL 5692**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

Read first time 01/31/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to authorizing the participation of youth as  
2 decision makers in dispositions of minor offenses and rules violations;  
3 amending RCW 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new  
4 sections to chapter 13.40 RCW; adding a new section to chapter 28A.300  
5 RCW; and adding a new section to chapter 28A.320 RCW.

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

7 **Sec. 1.** RCW 13.40.020 and 1997 c 338 s 10 are each amended to read  
8 as follows:

9 For the purposes of this chapter:

10 (1) "Community-based rehabilitation" means one or more of the  
11 following: Employment; attendance of information classes; literacy  
12 classes; counseling, outpatient substance abuse treatment programs,  
13 outpatient mental health programs, anger management classes, education  
14 or outpatient treatment programs to prevent animal cruelty, or other  
15 services; or attendance at school or other educational programs  
16 appropriate for the juvenile as determined by the school district.  
17 Placement in community-based rehabilitation programs is subject to  
18 available funds;

1 (2) Community-based sanctions may include one or more of the  
2 following:

3 (a) A fine, not to exceed five hundred dollars;

4 (b) Community service not to exceed one hundred fifty hours of  
5 service;

6 (3) "Community service" means compulsory service, without  
7 compensation, performed for the benefit of the community by the  
8 offender as punishment for committing an offense. Community service  
9 may be performed through public or private organizations or through  
10 work crews;

11 (4) "Community supervision" means an order of disposition by the  
12 court of an adjudicated youth not committed to the department or an  
13 order granting a deferred disposition. A community supervision order  
14 for a single offense may be for a period of up to two years for a sex  
15 offense as defined by RCW 9.94A.030 and up to one year for other  
16 offenses. As a mandatory condition of any term of community  
17 supervision, the court shall order the juvenile to refrain from  
18 committing new offenses. As a mandatory condition of community  
19 supervision, the court shall order the juvenile to comply with the  
20 mandatory school attendance provisions of chapter 28A.225 RCW and to  
21 inform the school of the existence of this requirement. Community  
22 supervision is an individualized program comprised of one or more of  
23 the following:

24 (a) Community-based sanctions;

25 (b) Community-based rehabilitation;

26 (c) Monitoring and reporting requirements;

27 (d) Posting of a probation bond;

28 (5) "Confinement" means physical custody by the department of  
29 social and health services in a facility operated by or pursuant to a  
30 contract with the state, or physical custody in a detention facility  
31 operated by or pursuant to a contract with any county. The county may  
32 operate or contract with vendors to operate county detention  
33 facilities. The department may operate or contract to operate  
34 detention facilities for juveniles committed to the department.  
35 Pretrial confinement or confinement of less than thirty-one days  
36 imposed as part of a disposition or modification order may be served  
37 consecutively or intermittently, in the discretion of the court;

38 (6) "Court," when used without further qualification, means the  
39 juvenile court judge(s) or commissioner(s);

1 (7) "Criminal history" includes all criminal complaints against the  
2 respondent for which, prior to the commission of a current offense:

3 (a) The allegations were found correct by a court. If a respondent  
4 is convicted of two or more charges arising out of the same course of  
5 conduct, only the highest charge from among these shall count as an  
6 offense for the purposes of this chapter; or

7 (b) The criminal complaint was diverted by a prosecutor pursuant to  
8 the provisions of this chapter on agreement of the respondent and after  
9 an advisement to the respondent that the criminal complaint would be  
10 considered as part of the respondent's criminal history. A  
11 successfully completed deferred adjudication that was entered before  
12 July 1, 1998, or a deferred disposition shall not be considered part of  
13 the respondent's criminal history;

14 (8) "Department" means the department of social and health  
15 services;

16 (9) "Detention facility" means a county facility, paid for by the  
17 county, for the physical confinement of a juvenile alleged to have  
18 committed an offense or an adjudicated offender subject to a  
19 disposition or modification order. "Detention facility" includes  
20 county group homes, inpatient substance abuse programs, juvenile basic  
21 training camps, and electronic monitoring;

22 (10) "Diversion unit" means any probation counselor who enters into  
23 a diversion agreement with an alleged youthful offender, or any other  
24 person, community accountability board, youth court under the  
25 supervision of the juvenile court, or other entity except a law  
26 enforcement official or entity, with whom the juvenile court  
27 administrator has contracted to arrange and supervise such agreements  
28 pursuant to RCW 13.40.080, or any person, community accountability  
29 board, or other entity specially funded by the legislature to arrange  
30 and supervise diversion agreements in accordance with the requirements  
31 of this chapter. For purposes of this subsection, "community  
32 accountability board" means a board comprised of members of the local  
33 community in which the juvenile offender resides. The superior court  
34 shall appoint the members. The boards shall consist of at least three  
35 and not more than seven members. If possible, the board should include  
36 a variety of representatives from the community, such as a law  
37 enforcement officer, teacher or school administrator, high school  
38 student, parent, and business owner, and should represent the cultural  
39 diversity of the local community;

1 (11) "Foster care" means temporary physical care in a foster family  
2 home or group care facility as defined in RCW 74.15.020 and licensed by  
3 the department, or other legally authorized care;

4 (12) "Institution" means a juvenile facility established pursuant  
5 to chapters 72.05 and 72.16 through 72.20 RCW;

6 (13) "Intensive supervision program" means a parole program that  
7 requires intensive supervision and monitoring, offers an array of  
8 individualized treatment and transitional services, and emphasizes  
9 community involvement and support in order to reduce the likelihood a  
10 juvenile offender will commit further offenses;

11 (14) "Juvenile," "youth," and "child" mean any individual who is  
12 under the chronological age of eighteen years and who has not been  
13 previously transferred to adult court pursuant to RCW 13.40.110 or who  
14 is otherwise under adult court jurisdiction;

15 (15) "Juvenile offender" means any juvenile who has been found by  
16 the juvenile court to have committed an offense, including a person  
17 eighteen years of age or older over whom jurisdiction has been extended  
18 under RCW 13.40.300;

19 (16) "Local sanctions" means one or more of the following: (a)  
20 0-30 days of confinement; (b) 0-12 months of community supervision; (c)  
21 0-150 hours of community service; or (d) \$0-\$500 fine;

22 (17) "Manifest injustice" means a disposition that would either  
23 impose an excessive penalty on the juvenile or would impose a serious,  
24 and clear danger to society in light of the purposes of this chapter;

25 (18) "Monitoring and reporting requirements" means one or more of  
26 the following: Curfews; requirements to remain at home, school, work,  
27 or court-ordered treatment programs during specified hours;  
28 restrictions from leaving or entering specified geographical areas;  
29 requirements to report to the probation officer as directed and to  
30 remain under the probation officer's supervision; and other conditions  
31 or limitations as the court may require which may not include  
32 confinement;

33 (19) "Offense" means an act designated a violation or a crime if  
34 committed by an adult under the law of this state, under any ordinance  
35 of any city or county of this state, under any federal law, or under  
36 the law of another state if the act occurred in that state;

37 (20) "Probation bond" means a bond, posted with sufficient security  
38 by a surety justified and approved by the court, to secure the  
39 offender's appearance at required court proceedings and compliance with

1 court-ordered community supervision or conditions of release ordered  
2 pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of  
3 cash or posting of other collateral in lieu of a bond if approved by  
4 the court;

5 (21) "Respondent" means a juvenile who is alleged or proven to have  
6 committed an offense;

7 (22) "Restitution" means financial reimbursement by the offender to  
8 the victim, and shall be limited to easily ascertainable damages for  
9 injury to or loss of property, actual expenses incurred for medical  
10 treatment for physical injury to persons, lost wages resulting from  
11 physical injury, and costs of the victim's counseling reasonably  
12 related to the offense if the offense is a sex offense. Restitution  
13 shall not include reimbursement for damages for mental anguish, pain  
14 and suffering, or other intangible losses. Nothing in this chapter  
15 shall limit or replace civil remedies or defenses available to the  
16 victim or offender;

17 (23) "Secretary" means the secretary of the department of social  
18 and health services. "Assistant secretary" means the assistant  
19 secretary for juvenile rehabilitation for the department;

20 (24) "Services" means services which provide alternatives to  
21 incarceration for those juveniles who have pleaded or been adjudicated  
22 guilty of an offense or have signed a diversion agreement pursuant to  
23 this chapter;

24 (25) "Sex offense" means an offense defined as a sex offense in RCW  
25 9.94A.030;

26 (26) "Sexual motivation" means that one of the purposes for which  
27 the respondent committed the offense was for the purpose of his or her  
28 sexual gratification;

29 (27) "Surety" means an entity licensed under state insurance laws  
30 or by the state department of licensing, to write corporate, property,  
31 or probation bonds within the state, and justified and approved by the  
32 superior court of the county having jurisdiction of the case;

33 (28) "Violation" means an act or omission, which if committed by an  
34 adult, must be proven beyond a reasonable doubt, and is punishable by  
35 sanctions which do not include incarceration;

36 (29) "Violent offense" means a violent offense as defined in RCW  
37 9.94A.030.

38 (30) "Youth court" means a program under the supervision of the  
39 juvenile court.

1       **Sec. 2.** RCW 13.40.080 and 1999 c 91 s 1 are each amended to read  
2 as follows:

3       (1) A diversion agreement shall be a contract between a juvenile  
4 accused of an offense and a diversionary unit whereby the juvenile  
5 agrees to fulfill certain conditions in lieu of prosecution. Such  
6 agreements may be entered into only after the prosecutor, or probation  
7 counselor pursuant to this chapter, has determined that probable cause  
8 exists to believe that a crime has been committed and that the juvenile  
9 committed it. Such agreements shall be entered into as expeditiously  
10 as possible.

11       (2) A diversion agreement shall be limited to one or more of the  
12 following:

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

15       (b) Restitution limited to the amount of actual loss incurred by  
16 the victim;

17       (c) Attendance at up to ten hours of counseling and/or up to twenty  
18 hours of educational or informational sessions at a community agency.  
19 The educational or informational sessions may include sessions relating  
20 to respect for self, others, and authority; victim awareness;  
21 accountability; self-worth; responsibility; work ethics; good  
22 citizenship; literacy; and life skills. For purposes of this section,  
23 "community agency" may also mean a community-based nonprofit  
24 organization, if approved by the diversion unit. The state shall not  
25 be liable for costs resulting from the diversionary unit exercising the  
26 option to permit diversion agreements to mandate attendance at up to  
27 ten hours of counseling and/or up to twenty hours of educational or  
28 informational sessions;

29       (d) A fine, not to exceed one hundred dollars. In determining the  
30 amount of the fine, the diversion unit shall consider only the  
31 juvenile's financial resources and whether the juvenile has the means  
32 to pay the fine. The diversion unit shall not consider the financial  
33 resources of the juvenile's parents, guardian, or custodian in  
34 determining the fine to be imposed;

35       (e) Requirements to remain during specified hours at home, school,  
36 or work, and restrictions on leaving or entering specified geographical  
37 areas; and

1 (f) Upon request of the victim or witness, requirements to refrain  
2 from any contact with victims or witnesses of offenses committed by the  
3 juvenile.

4 (3) Notwithstanding the provisions of subsection (2) of this  
5 section, youth courts are not limited to the conditions imposed by  
6 subsection (2) of this section in imposing sanctions on juveniles  
7 pursuant to section 8 of this act.

8 (4) In assessing periods of community service to be performed and  
9 restitution to be paid by a juvenile who has entered into a diversion  
10 agreement, the court officer to whom this task is assigned shall  
11 consult with the juvenile's custodial parent or parents or guardian and  
12 victims who have contacted the diversionary unit and, to the extent  
13 possible, involve members of the community. Such members of the  
14 community shall meet with the juvenile and advise the court officer as  
15 to the terms of the diversion agreement and shall supervise the  
16 juvenile in carrying out its terms.

17 ~~((+4))~~ (5)(a) A diversion agreement may not exceed a period of six  
18 months and may include a period extending beyond the eighteenth  
19 birthday of the diverttee.

20 (b) If additional time is necessary for the juvenile to complete  
21 restitution to the victim, the time period limitations of this  
22 subsection may be extended by an additional six months.

23 (c) If the juvenile has not paid the full amount of restitution by  
24 the end of the additional six-month period, then the juvenile shall be  
25 referred to the juvenile court for entry of an order establishing the  
26 amount of restitution still owed to the victim. In this order, the  
27 court shall also determine the terms and conditions of the restitution,  
28 including a payment plan extending up to ten years if the court  
29 determines that the juvenile does not have the means to make full  
30 restitution over a shorter period. For the purposes of this subsection  
31 ~~((+4))~~ (5)(c), the juvenile shall remain under the court's  
32 jurisdiction for a maximum term of ten years after the juvenile's  
33 eighteenth birthday. Prior to the expiration of the initial ten-year  
34 period, the juvenile court may extend the judgment for restitution an  
35 additional ten years. The court may not require the juvenile to pay  
36 full or partial restitution if the juvenile reasonably satisfies the  
37 court that he or she does not have the means to make full or partial  
38 restitution and could not reasonably acquire the means to pay the  
39 restitution over a ten-year period. The county clerk shall make

1 disbursements to victims named in the order. The restitution to  
2 victims named in the order shall be paid prior to any payment for other  
3 penalties or monetary assessments. A juvenile under obligation to pay  
4 restitution may petition the court for modification of the restitution  
5 order.

6 ~~((+5))~~ (6) The juvenile shall retain the right to be referred to  
7 the court at any time prior to the signing of the diversion agreement.

8 ~~((+6))~~ (7) Divertees and potential divertees shall be afforded due  
9 process in all contacts with a diversionary unit regardless of whether  
10 the juveniles are accepted for diversion or whether the diversion  
11 program is successfully completed. Such due process shall include, but  
12 not be limited to, the following:

13 (a) A written diversion agreement shall be executed stating all  
14 conditions in clearly understandable language;

15 (b) Violation of the terms of the agreement shall be the only  
16 grounds for termination;

17 (c) No divertee may be terminated from a diversion program without  
18 being given a court hearing, which hearing shall be preceded by:

19 (i) Written notice of alleged violations of the conditions of the  
20 diversion program; and

21 (ii) Disclosure of all evidence to be offered against the divertee;

22 (d) The hearing shall be conducted by the juvenile court and shall  
23 include:

24 (i) Opportunity to be heard in person and to present evidence;

25 (ii) The right to confront and cross-examine all adverse witnesses;

26 (iii) A written statement by the court as to the evidence relied on  
27 and the reasons for termination, should that be the decision; and

28 (iv) Demonstration by evidence that the divertee has substantially  
29 violated the terms of his or her diversion agreement.

30 (e) The prosecutor may file an information on the offense for which  
31 the divertee was diverted:

32 (i) In juvenile court if the divertee is under eighteen years of  
33 age; or

34 (ii) In superior court or the appropriate court of limited  
35 jurisdiction if the divertee is eighteen years of age or older.

36 ~~((+7))~~ (8) The diversion unit shall, subject to available funds,  
37 be responsible for providing interpreters when juveniles need  
38 interpreters to effectively communicate during diversion unit hearings  
39 or negotiations.

1       (~~(8)~~) (9) The diversion unit shall be responsible for advising a  
2     divertee of his or her rights as provided in this chapter.

3       (~~(9)~~) (10) The diversion unit may refer a juvenile to community-  
4     based counseling or treatment programs.

5       (~~(10)~~) (11) The right to counsel shall inure prior to the initial  
6     interview for purposes of advising the juvenile as to whether he or she  
7     desires to participate in the diversion process or to appear in the  
8     juvenile court. The juvenile may be represented by counsel at any  
9     critical stage of the diversion process, including intake interviews  
10    and termination hearings. The juvenile shall be fully advised at the  
11    intake of his or her right to an attorney and of the relevant services  
12    an attorney can provide. For the purpose of this section, intake  
13    interviews mean all interviews regarding the diversion agreement  
14    process.

15       The juvenile shall be advised that a diversion agreement shall  
16    constitute a part of the juvenile's criminal history as defined by RCW  
17    13.40.020(7). A signed acknowledgment of such advisement shall be  
18    obtained from the juvenile, and the document shall be maintained by the  
19    diversionary unit together with the diversion agreement, and a copy of  
20    both documents shall be delivered to the prosecutor if requested by the  
21    prosecutor. The supreme court shall promulgate rules setting forth the  
22    content of such advisement in simple language.

23       (~~(11)~~) (12) When a juvenile enters into a diversion agreement,  
24    the juvenile court may receive only the following information for  
25    dispositional purposes:

- 26       (a) The fact that a charge or charges were made;  
27       (b) The fact that a diversion agreement was entered into;  
28       (c) The juvenile's obligations under such agreement;  
29       (d) Whether the alleged offender performed his or her obligations  
30    under such agreement; and  
31       (e) The facts of the alleged offense.

32       (~~(12)~~) (13) A diversionary unit may refuse to enter into a  
33    diversion agreement with a juvenile. When a diversionary unit refuses  
34    to enter a diversion agreement with a juvenile, it shall immediately  
35    refer such juvenile to the court for action and shall forward to the  
36    court the criminal complaint and a detailed statement of its reasons  
37    for refusing to enter into a diversion agreement. The diversionary  
38    unit shall also immediately refer the case to the prosecuting attorney

1 for action if such juvenile violates the terms of the diversion  
2 agreement.

3 ~~((13))~~ (14) A diversionary unit may, in instances where it  
4 determines that the act or omission of an act for which a juvenile has  
5 been referred to it involved no victim, or where it determines that the  
6 juvenile referred to it has no prior criminal history and is alleged to  
7 have committed an illegal act involving no threat of or instance of  
8 actual physical harm and involving not more than fifty dollars in  
9 property loss or damage and that there is no loss outstanding to the  
10 person or firm suffering such damage or loss, counsel and release or  
11 release such a juvenile without entering into a diversion agreement.  
12 A diversion unit's authority to counsel and release a juvenile under  
13 this subsection shall include the authority to refer the juvenile to  
14 community-based counseling or treatment programs. Any juvenile  
15 released under this subsection shall be advised that the act or  
16 omission of any act for which he or she had been referred shall  
17 constitute a part of the juvenile's criminal history as defined by RCW  
18 13.40.020(7). A signed acknowledgment of such advisement shall be  
19 obtained from the juvenile, and the document shall be maintained by the  
20 unit, and a copy of the document shall be delivered to the prosecutor  
21 if requested by the prosecutor. The supreme court shall promulgate  
22 rules setting forth the content of such advisement in simple language.  
23 A juvenile determined to be eligible by a diversionary unit for release  
24 as provided in this subsection shall retain the same right to counsel  
25 and right to have his or her case referred to the court for formal  
26 action as any other juvenile referred to the unit.

27 ~~((14))~~ (15) A diversion unit may supervise the fulfillment of a  
28 diversion agreement entered into before the juvenile's eighteenth  
29 birthday and which includes a period extending beyond the diverttee's  
30 eighteenth birthday.

31 ~~((15))~~ (16) If a fine required by a diversion agreement cannot  
32 reasonably be paid due to a change of circumstance, the diversion  
33 agreement may be modified at the request of the diverttee and with the  
34 concurrence of the diversion unit to convert an unpaid fine into  
35 community service. The modification of the diversion agreement shall  
36 be in writing and signed by the diverttee and the diversion unit. The  
37 number of hours of community service in lieu of a monetary penalty  
38 shall be converted at the rate of the prevailing state minimum wage per  
39 hour.

1       (~~(16)~~) (17) Fines imposed under this section shall be collected  
2 and paid into the county general fund in accordance with procedures  
3 established by the juvenile court administrator under RCW 13.04.040 and  
4 may be used only for juvenile services. In the expenditure of funds  
5 for juvenile services, there shall be a maintenance of effort whereby  
6 counties exhaust existing resources before using amounts collected  
7 under this section.

8       NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW  
9 to read as follows:

10       Youth courts provide a diversion for cases involving juvenile  
11 offenders, in which participants, under the supervision of an adult  
12 coordinator, may serve in various capacities within the program, acting  
13 in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths  
14 who appear before youth courts are youths eligible for diversion  
15 pursuant to RCW 13.40.070 (6) and (7). Youth courts have no  
16 jurisdiction except as provided for in this act. Youth courts are  
17 diversion units and not courts established under Article IV of the  
18 state Constitution.

19       NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW  
20 to read as follows:

21       (1) The office of the administrator for the courts shall encourage  
22 the juvenile courts to work with cities and counties to implement,  
23 expand, or use youth court programs for juveniles who commit diversion-  
24 eligible offenses, civil, or traffic infractions. Program operations  
25 of youth court programs may be funded by government and private grants.  
26 Youth court programs are limited to those that:

27       (a) Are developed using the guidelines for creating and operating  
28 teen court programs developed by the American probation and parole  
29 association teen courts project;

30       (b) Target offenders age eight through seventeen; and

31       (c) Emphasize the following principles:

32       (i) Youth must be held accountable for their problem behavior;

33       (ii) Youth must be educated about the impact their actions have on  
34 themselves and others including their victims, their families, and  
35 their community;

36       (iii) Youth must develop skills to resolve problems with their  
37 peers more effectively; and

1 (iv) Youth should be provided a meaningful forum to practice and  
2 enhance newly developed skills.

3 (2) Youth court programs may be established by law enforcement  
4 entities, municipal courts, district courts, juvenile probation  
5 departments, private nonprofit organizations, and schools, under the  
6 supervision of juvenile court.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW  
8 to read as follows:

9 (1) Youth courts have authority over juveniles ages eight through  
10 seventeen who:

11 (a) Along with their parent, guardian, or legal custodian,  
12 voluntarily and in writing request youth court involvement;

13 (b) Admit they have committed the offense they are referred for;

14 (c) Along with their parent, guardian, or legal custodian, waive  
15 any privilege against self-incrimination concerning the offense; and

16 (d) Along with their parent, guardian, or legal custodian, agree to  
17 comply with the youth court disposition of the case.

18 (2) Youth courts shall not exercise authority over youth who are  
19 under the continuing jurisdiction of the juvenile court for law  
20 violations, including a youth with a matter pending before the juvenile  
21 court but which has not yet been adjudicated.

22 (3) Youth courts may decline to accept a youth for youth court  
23 disposition for any reason and may terminate a youth from youth court  
24 participation at any time.

25 (4) A youth or his or her parent, guardian, or legal custodian may  
26 withdraw from the youth court process at any time.

27 (5) Youth courts shall give any victims of a juvenile the  
28 opportunity to be notified, present, and heard in any youth court  
29 proceeding.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 13.40 RCW  
31 to read as follows:

32 Youth court may not notify the juvenile court of satisfaction of  
33 conditions until all ordered restitution has been paid.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.40 RCW  
35 to read as follows:

1 Every youth appearing before a youth court shall be accompanied by  
2 his or her parent, guardian, or legal custodian.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.40 RCW  
4 to read as follows:

5 (1) Youth court dispositional options include those delineated in  
6 RCW 13.40.080, and may also include:

7 (a) Participating in law-related education classes, appropriate  
8 counseling, treatment, or other education programs;

9 (b) Providing periodic reports to the youth court;

10 (c) Participating in mentoring programs;

11 (d) Serving as a participant in future youth court proceedings;

12 (e) Writing apology letters; or

13 (f) Writing essays.

14 (2) Youth courts shall not impose a term of confinement or  
15 detention. Youth courts may require that the youth pay reasonable fees  
16 to participate in youth court and in classes, counseling, treatment, or  
17 other educational programs that are the disposition of the youth court.

18 (3) A youth court disposition shall be completed within one hundred  
19 eighty days from the date of referral.

20 (4) Pursuant to RCW 13.40.080(1), a youth court disposition shall  
21 be reduced to writing and signed by the youth and his or her parent,  
22 guardian, or legal custodian accepting the disposition terms.

23 (5) Youth court shall notify the juvenile court upon successful or  
24 unsuccessful completion of the disposition.

25 (6) Youth court shall notify the prosecutor or probation counselor  
26 of a failure to successfully complete the youth court disposition.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.40 RCW  
28 to read as follows:

29 A youth court may require that a youth pay a nonrefundable fee, not  
30 exceeding thirty dollars, to cover the costs of administering the  
31 program. The fee may be reduced or waived for a participant. Fees  
32 shall be paid to and accounted for by the youth court.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.300  
34 RCW to read as follows:

35 The office of the superintendent of public instruction shall  
36 encourage school districts to implement, expand, or use student court

1 programs for students who commit violations of school rules and  
2 policies. Program operations of student courts may be funded by  
3 government and private grants. Student court programs are limited to  
4 those that:

5 (1) Are developed using the guidelines for creating and operating  
6 teen court programs developed by the American probation and parole  
7 association teen courts project;

8 (2) Target violators of school rules age eight through seventeen;  
9 and

10 (3) Emphasize the following principles:

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

12 (b) Youth must be educated about the impact their actions have on  
13 themselves and others including the school, school personnel, their  
14 classmates, their families, and their community;

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

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

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.320  
20 RCW to read as follows:

21 Local school boards may provide for school credit for participation  
22 as a member of a youth court as defined in RCW 13.40.020 or a student  
23 court pursuant to section 10 of this act.

24 **Sec. 12.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to  
25 read as follows:

26 A traffic or civil infraction case involving a juvenile under the  
27 age of sixteen may be diverted in accordance with the provisions of  
28 this chapter or filed in juvenile court.

29 (1) If a notice of a traffic or civil infraction is filed in  
30 juvenile court, the juvenile named in the notice shall be afforded the  
31 same due process afforded to adult defendants in traffic infraction  
32 cases.

33 (2) A monetary penalty imposed upon a juvenile under the age of  
34 sixteen who is found to have committed a traffic or civil infraction  
35 may not exceed one hundred dollars. At the juvenile's request, the  
36 court may order performance of a number of hours of community service

1 in lieu of a monetary penalty, at the rate of the prevailing state  
2 minimum wage per hour.

3 (3) A diversion agreement entered into by a juvenile referred  
4 pursuant to this section shall be limited to thirty hours of community  
5 service, or educational or informational sessions.

6 (4) Traffic or civil infractions referred to a youth court pursuant  
7 to this section are subject to the conditions imposed by section 8 of  
8 this act.

9 (5) If a case involving the commission of a traffic or civil  
10 infraction or offense by a juvenile under the age of sixteen has been  
11 referred to a diversion unit, an abstract of the action taken by the  
12 diversion unit may be forwarded to the department of licensing in the  
13 manner provided for in RCW 46.20.270(2).

14 **Sec. 13.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to  
15 read as follows:

16 (1) All violations of state law, local law, ordinance, regulation,  
17 or resolution designated as traffic infractions in RCW 46.63.020 may be  
18 heard and determined by a district court, except as otherwise provided  
19 in this section.

20 (2) Any municipal court has the authority to hear and determine  
21 traffic infractions pursuant to this chapter.

22 (3) Any city or town with a municipal court may contract with the  
23 county to have traffic infractions committed within the city or town  
24 adjudicated by a district court.

25 (4) District court commissioners have the authority to hear and  
26 determine traffic infractions pursuant to this chapter.

27 (5) Any district or municipal court may, with the consent of the  
28 juvenile court, refer juveniles age sixteen or seventeen to a youth  
29 court, as defined in RCW 13.40.020, for traffic infractions.

30 (6) The boards of regents of the state universities, and the boards  
31 of trustees of the regional universities and of The Evergreen State  
32 College have the authority to hear and determine traffic infractions  
33 under RCW 28B.10.560.

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