

ESSB 6472 - H COMM AMD

By Committee on Juvenile Justice & Family Law

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 13.40.010 and 1997 c 338 s 8 are each amended to
4 read as follows:

5 (1) This chapter shall be known and cited as the Juvenile
6 Justice Act of 1977.

7 (2) It is the intent of the legislature that a system capable
8 of having primary responsibility for, being accountable for, and
9 responding to the needs of youthful offenders and their victims, as
10 defined by this chapter, be established. It is the further intent
11 of the legislature that youth, in turn, be held accountable for
12 their offenses and that communities, families, and the juvenile
13 courts carry out their functions consistent with this intent. To
14 effectuate these policies, the legislature declares the following
15 to be equally important purposes of this chapter:

16 (a) Protect the citizenry from criminal behavior;

17 (b) Provide for determining whether accused juveniles have
18 committed offenses as defined by this chapter;

19 (c) Make the juvenile offender accountable for his or her
20 criminal behavior;

21 (d) Provide for punishment commensurate with the age, crime,
22 and criminal history of the juvenile offender;

23 (e) Provide due process for juveniles alleged to have committed
24 an offense;

25 (f) Provide necessary treatment, supervision, and custody for
26 juvenile offenders;

27 (g) Provide for the handling of juvenile offenders by
28 communities whenever consistent with public safety;

29 (h) Provide for restitution to victims of crime;

1 (i) Develop effective standards and goals for the operation,
2 funding, and evaluation of all components of the juvenile justice
3 system and related services at the state and local levels;

4 (j) Provide for a clear policy to determine what types of
5 offenders shall receive punishment, treatment, or both, and to
6 determine the jurisdictional limitations of the courts,
7 institutions, and community services; (~~and~~)

8 (k) Provide opportunities for victim participation in juvenile
9 justice process, including court hearings on juvenile offender
10 matters, and ensure that Article I, section 35 of the Washington
11 state Constitution, the victim bill of rights, is fully observed;
12 and

13 (l) Encourage the parents, guardian, or custodian of the
14 juvenile to actively participate in the juvenile justice process.

15 **Sec. 2.** RCW 13.40.020 and 2002 c 237 s 7 and 2002 c 175 s 19
16 are each reenacted and amended to read as follows:

17 For the purposes of this chapter:

18 (1) "Community-based rehabilitation" means one or more of the
19 following: Employment; attendance of information classes; literacy
20 classes; counseling, outpatient substance abuse treatment programs,
21 outpatient mental health programs, anger management classes,
22 education or outpatient treatment programs to prevent animal
23 cruelty, or other services; or attendance at school or other
24 educational programs appropriate for the juvenile as determined by
25 the school district. Placement in community-based rehabilitation
26 programs is subject to available funds;

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

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

30 (b) Community restitution not to exceed one hundred fifty hours
31 of community restitution;

32 (3) "Community restitution" means compulsory service, without
33 compensation, performed for the benefit of the community by the
34 offender as punishment for committing an offense. Community
35 restitution may be performed through public or private
36 organizations or through work crews;

37 (4) "Community supervision" means an order of disposition by
38 the court of an adjudicated youth not committed to the department

1 or an order granting a deferred disposition. A community
2 supervision order for a single offense may be for a period of up to
3 two years for a sex offense as defined by RCW 9.94A.030 and up to
4 one year for other offenses. As a mandatory condition of any term
5 of community supervision, the court shall order the juvenile to
6 refrain from committing new offenses. As a mandatory condition of
7 community supervision, the court shall order the juvenile to comply
8 with the mandatory school attendance provisions of chapter 28A.225
9 RCW and to inform the school of the existence of this requirement.
10 Community supervision is an individualized program comprised of one
11 or more of the following:

12 (a) Community-based sanctions;

13 (b) Community-based rehabilitation;

14 (c) Monitoring and reporting requirements;

15 (d) Posting of a probation bond;

16 (5) "Confinement" means physical custody by the department of
17 social and health services in a facility operated by or pursuant to
18 a contract with the state, or physical custody in a detention
19 facility operated by or pursuant to a contract with any county.
20 The county may operate or contract with vendors to operate county
21 detention facilities. The department may operate or contract to
22 operate detention facilities for juveniles committed to the
23 department. Pretrial confinement or confinement of less than
24 thirty-one days imposed as part of a disposition or modification
25 order may be served consecutively or intermittently, in the
26 discretion of the court;

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

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

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

36 (b) The criminal complaint was diverted by a prosecutor
37 pursuant to the provisions of this chapter on agreement of the
38 respondent and after an advisement to the respondent that the
39 criminal complaint would be considered as part of the respondent's

1 criminal history. A successfully completed deferred adjudication
2 that was entered before July 1, 1998, or a deferred disposition
3 shall not be considered part of the respondent's criminal history;

4 (8) "Department" means the department of social and health
5 services;

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

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

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

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

36 (13) "Intensive supervision program" means a parole program
37 that requires intensive supervision and monitoring, offers an array
38 of individualized treatment and transitional services, and

1 emphasizes community involvement and support in order to reduce the
2 likelihood a juvenile offender will commit further offenses;

3 (14) "Juvenile," "youth," and "child" mean any individual who
4 is under the chronological age of eighteen years and who has not
5 been previously transferred to adult court pursuant to RCW
6 13.40.110 or who is otherwise under adult court jurisdiction;

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

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

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

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

26 (19) "Offense" means an act designated a violation or a crime
27 if committed by an adult under the law of this state, under any
28 ordinance of any city or county of this state, under any federal
29 law, or under the law of another state if the act occurred in that
30 state;

31 (20) "Probation bond" means a bond, posted with sufficient
32 security by a surety justified and approved by the court, to secure
33 the offender's appearance at required court proceedings and
34 compliance with court-ordered community supervision or conditions
35 of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also
36 means a deposit of cash or posting of other collateral in lieu of
37 a bond if approved by the court;

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

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

12 (23) "Secretary" means the secretary of the department of
13 social and health services. "Assistant secretary" means the
14 assistant secretary for juvenile rehabilitation for the department;

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

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

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

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

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

32 (29) "Violent offense" means a violent offense as defined in
33 RCW 9.94A.030;

34 (30) "Youth court" means a diversion unit under the supervision
35 of the juvenile court.

36 **Sec. 3.** RCW 13.40.080 and 2002 c 237 s 8 and 2002 c 175 s 21
37 are each reenacted and amended to read as follows:

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

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

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

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

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

28 (d) A fine, not to exceed one hundred dollars;

29 (e) Requirements to remain during specified hours at home,
30 school, or work, and restrictions on leaving or entering specified
31 geographical areas; and

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

35 (3) Notwithstanding the provisions of subsection (2) of this
36 section, youth courts are not limited to the conditions imposed by
37 subsection (2) of this section in imposing sanctions on juveniles
38 pursuant to RCW 13.40.630.

1 (4) In assessing periods of community restitution to be
2 performed and restitution to be paid by a juvenile who has entered
3 into a diversion agreement, the court officer to whom this task is
4 assigned shall consult with the juvenile's custodial parent or
5 parents or guardian. To the extent possible, the court officer
6 shall advise the victims ((who have contacted the diversion unit))
7 of the juvenile offender of the diversion process, offer victim
8 impact letter forms and restitution claim forms, and((, to the
9 extent possible,-)) involve members of the community. Such members
10 of the community shall meet with the juvenile and advise the court
11 officer as to the terms of the diversion agreement and shall
12 supervise the juvenile in carrying out its terms.

13 (5)(a) A diversion agreement may not exceed a period of six
14 months and may include a period extending beyond the eighteenth
15 birthday of the diverttee.

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

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

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

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

8 (7) Divertees and potential divertees shall be afforded due
9 process in all contacts with a diversion 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,
12 but 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
18 without being given a court hearing, which hearing shall be
19 preceded by:

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

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

24 (d) The hearing shall be conducted by the juvenile court and
25 shall include:

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

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

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

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

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

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

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

1 (8) The diversion unit shall, subject to available funds, be
2 responsible for providing interpreters when juveniles need
3 interpreters to effectively communicate during diversion unit
4 hearings or negotiations.

5 (9) The diversion unit shall be responsible for advising a
6 diverttee of his or her rights as provided in this chapter.

7 (10) The diversion unit may refer a juvenile to community-based
8 counseling or treatment programs.

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

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

28 (12) When a juvenile enters into a diversion agreement, the
29 juvenile court may receive only the following information for
30 dispositional purposes:

31 (a) The fact that a charge or charges were made;

32 (b) The fact that a diversion agreement was entered into;

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

34 (d) Whether the alleged offender performed his or her
35 obligations under such agreement; and

36 (e) The facts of the alleged offense.

37 (13) A diversion unit may refuse to enter into a diversion
38 agreement with a juvenile. When a diversion unit refuses to enter
39 a diversion agreement with a juvenile, it shall immediately refer

1 such juvenile to the court for action and shall forward to the
2 court the criminal complaint and a detailed statement of its
3 reasons for refusing to enter into a diversion agreement. The
4 diversion unit shall also immediately refer the case to the
5 prosecuting attorney for action if such juvenile violates the terms
6 of the diversion agreement.

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

32 (15) A diversion unit may supervise the fulfillment of a
33 diversion agreement entered into before the juvenile's eighteenth
34 birthday and which includes a period extending beyond the
35 diverttee's eighteenth birthday.

36 (16) If a fine required by a diversion agreement cannot
37 reasonably be paid due to a change of circumstance, the diversion
38 agreement may be modified at the request of the diverttee and with
39 the concurrence of the diversion unit to convert an unpaid fine

1 into community restitution. The modification of the diversion
2 agreement shall be in writing and signed by the divertee and the
3 diversion unit. The number of hours of community restitution in
4 lieu of a monetary penalty shall be converted at the rate of the
5 prevailing state minimum wage per hour.

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

13 **Sec. 4.** RCW 13.40.160 and 2003 c 378 s 3 and 2003 c 53 s 99
14 are each reenacted and amended to read as follows:

15 (1) The standard range disposition for a juvenile adjudicated
16 of an offense is determined according to RCW 13.40.0357.

17 (a) When the court sentences an offender to a local sanction as
18 provided in RCW 13.40.0357 option A, the court shall impose a
19 determinate disposition within the standard ranges, except as
20 provided in subsection (2), (3), (4), (5), or (6) of this section.
21 The disposition may be comprised of one or more local sanctions.

22 (b) When the court sentences an offender to a standard range as
23 provided in RCW 13.40.0357 option A that includes a term of
24 confinement exceeding thirty days, commitment shall be to the
25 department for the standard range of confinement, except as
26 provided in subsection (2), (3), (4), (5), or (6) of this section.

27 (2) If the court concludes, and enters reasons for its
28 conclusion, that disposition within the standard range would
29 effectuate a manifest injustice the court shall impose a
30 disposition outside the standard range, as indicated in option D of
31 RCW 13.40.0357. The court's finding of manifest injustice shall be
32 supported by clear and convincing evidence.

33 A disposition outside the standard range shall be determinate
34 and shall be comprised of confinement or community supervision, or
35 a combination thereof. When a judge finds a manifest injustice and
36 imposes a sentence of confinement exceeding thirty days, the court
37 shall sentence the juvenile to a maximum term, and the provisions
38 of RCW 13.40.030(2) shall be used to determine the range. A

1 disposition outside the standard range is appealable under RCW
2 13.40.230 by the state or the respondent. A disposition within the
3 standard range is not appealable under RCW 13.40.230.

4 (3) When a juvenile offender is found to have committed a sex
5 offense, other than a sex offense that is also a serious violent
6 offense as defined by RCW 9.94A.030, and has no history of a prior
7 sex offense, the court, on its own motion or the motion of the
8 state or the respondent, may order an examination to determine
9 whether the respondent is amenable to treatment.

10 The report of the examination shall include at a minimum the
11 following: The respondent's version of the facts and the official
12 version of the facts, the respondent's offense history, an
13 assessment of problems in addition to alleged deviant behaviors,
14 the respondent's social, educational, and employment situation, and
15 other evaluation measures used. The report shall set forth the
16 sources of the evaluator's information.

17 The examiner shall assess and report regarding the respondent's
18 amenability to treatment and relative risk to the community. A
19 proposed treatment plan shall be provided and shall include, at a
20 minimum:

21 (a)(i) Frequency and type of contact between the offender and
22 therapist;

23 (ii) Specific issues to be addressed in the treatment and
24 description of planned treatment modalities;

25 (iii) Monitoring plans, including any requirements regarding
26 living conditions, lifestyle requirements, and monitoring by family
27 members, legal guardians, or others;

28 (iv) Anticipated length of treatment; and

29 (v) Recommended crime-related prohibitions.

30 The court on its own motion may order, or on a motion by the
31 state shall order, a second examination regarding the offender's
32 amenability to treatment. The evaluator shall be selected by the
33 party making the motion. The defendant shall pay the cost of any
34 second examination ordered unless the court finds the defendant to
35 be indigent in which case the state shall pay the cost.

36 After receipt of reports of the examination, the court shall
37 then consider whether the offender and the community will benefit
38 from use of this special sex offender disposition alternative and
39 consider the victim's opinion whether the offender should receive

1 a treatment disposition under this section. If the court
2 determines that this special sex offender disposition alternative
3 is appropriate, then the court shall impose a determinate
4 disposition within the standard range for the offense, or if the
5 court concludes, and enters reasons for its conclusions, that such
6 disposition would cause a manifest injustice, the court shall
7 impose a disposition under option D, and the court may suspend the
8 execution of the disposition and place the offender on community
9 supervision for at least two years. As a condition of the
10 suspended disposition, the court may impose the conditions of
11 community supervision and other conditions, including up to thirty
12 days of confinement and requirements that the offender do any one
13 or more of the following:

14 (b)(i) Devote time to a specific education, employment, or
15 occupation;

16 (ii) Undergo available outpatient sex offender treatment for up
17 to two years, or inpatient sex offender treatment not to exceed the
18 standard range of confinement for that offense. A community mental
19 health center may not be used for such treatment unless it has an
20 appropriate program designed for sex offender treatment. The
21 respondent shall not change sex offender treatment providers or
22 treatment conditions without first notifying the prosecutor, the
23 probation counselor, and the court, and shall not change providers
24 without court approval after a hearing if the prosecutor or
25 probation counselor object to the change;

26 (iii) Remain within prescribed geographical boundaries and
27 notify the court or the probation counselor prior to any change in
28 the offender's address, educational program, or employment;

29 (iv) Report to the prosecutor and the probation counselor prior
30 to any change in a sex offender treatment provider. This change
31 shall have prior approval by the court;

32 (v) Report as directed to the court and a probation counselor;

33 (vi) Pay all court-ordered legal financial obligations, perform
34 community restitution, or any combination thereof;

35 (vii) Make restitution to the victim for the cost of any
36 counseling reasonably related to the offense;

37 (viii) Comply with the conditions of any court-ordered
38 probation bond; or

1 (ix) The court shall order that the offender (~~may~~) shall not
2 attend the public or approved private elementary, middle, or high
3 school attended by the victim or the victim's siblings. The
4 parents or legal guardians of the offender are responsible for
5 transportation or other costs associated with the offender's change
6 of school that would otherwise be paid by the school district. The
7 court shall send notice of the disposition and restriction on
8 attending the same school as the victim or victim's siblings to the
9 public or approved private school the juvenile will attend, if
10 known, or if unknown, to the approved private schools and the
11 public school district board of directors of the district in which
12 the juvenile resides or intends to reside. This notice must be
13 sent at the earliest possible date but not later than ten calendar
14 days after entry of the disposition.

15 The sex offender treatment provider shall submit quarterly
16 reports on the respondent's progress in treatment to the court and
17 the parties. The reports shall reference the treatment plan and
18 include at a minimum the following: Dates of attendance,
19 respondent's compliance with requirements, treatment activities,
20 the respondent's relative progress in treatment, and any other
21 material specified by the court at the time of the disposition.

22 At the time of the disposition, the court may set treatment
23 review hearings as the court considers appropriate.

24 Except as provided in this subsection (3), after July 1, 1991,
25 examinations and treatment ordered pursuant to this subsection
26 shall only be conducted by sex offender treatment providers
27 certified by the department of health pursuant to chapter 18.155
28 RCW. A sex offender therapist who examines or treats a juvenile
29 sex offender pursuant to this subsection does not have to be
30 certified by the department of health pursuant to chapter 18.155
31 RCW if the court finds that: (A) The offender has already moved to
32 another state or plans to move to another state for reasons other
33 than circumventing the certification requirements; (B) no certified
34 providers are available for treatment within a reasonable
35 geographical distance of the offender's home; and (C) the
36 evaluation and treatment plan comply with this subsection (3) and
37 the rules adopted by the department of health.

38 If the offender violates any condition of the disposition or
39 the court finds that the respondent is failing to make satisfactory

1 progress in treatment, the court may revoke the suspension and
2 order execution of the disposition or the court may impose a
3 penalty of up to thirty days' confinement for violating conditions
4 of the disposition. The court may order both execution of the
5 disposition and up to thirty days' confinement for the violation of
6 the conditions of the disposition. The court shall give credit for
7 any confinement time previously served if that confinement was for
8 the offense for which the suspension is being revoked.

9 For purposes of this section, "victim" means any person who has
10 sustained emotional, psychological, physical, or financial injury
11 to person or property as a direct result of the crime charged.
12 "Victim" may also include a known parent or guardian of a victim
13 who is a minor child unless the parent or guardian is the
14 perpetrator of the offense.

15 A disposition entered under this subsection (3) is not
16 appealable under RCW 13.40.230.

17 (4) If the juvenile offender is subject to a standard range
18 disposition of local sanctions or 15 to 36 weeks of confinement and
19 has not committed an A- or B+ offense, the court may impose the
20 disposition alternative under RCW 13.40.165.

21 (5) If a juvenile is subject to a commitment of 15 to 65 weeks
22 of confinement, the court may impose the disposition alternative
23 under RCW 13.40.--- (section 4, chapter 378, Laws of 2003).

24 (6) When the offender is subject to a standard range commitment
25 of 15 to 36 weeks and is ineligible for a suspended disposition
26 alternative, a manifest injustice disposition below the standard
27 range, special sex offender disposition alternative, chemical
28 dependency disposition alternative, or mental health disposition
29 alternative, the court in a county with a pilot program under RCW
30 13.40.--- (section 5, chapter 378, Laws of 2003) may impose the
31 disposition alternative under RCW 13.40.--- (section 5, chapter
32 378, Laws of 2003).

33 (7) RCW 13.40.193 shall govern the disposition of any juvenile
34 adjudicated of possessing a firearm in violation of RCW
35 9.41.040(2)(a)(iii) or any crime in which a special finding is
36 entered that the juvenile was armed with a firearm.

37 (8) Whenever a juvenile offender is entitled to credit for time
38 spent in detention prior to a dispositional order, the

1 dispositional order shall specifically state the number of days of
2 credit for time served.

3 (9) Except as provided under subsection (3), (4), (5), or (6)
4 of this section, or option B of RCW 13.40.0357, or RCW 13.40.127,
5 the court shall not suspend or defer the imposition or the
6 execution of the disposition.

7 (10) In no case shall the term of confinement imposed by the
8 court at disposition exceed that to which an adult could be
9 subjected for the same offense.

10 **Sec. 5.** RCW 13.40.165 and 2003 c 378 s 6 are each amended to
11 read as follows:

12 (1) The purpose of this disposition alternative is to ensure
13 that successful treatment options to reduce recidivism are
14 available to eligible youth, pursuant to RCW 70.96A.520. The court
15 must consider eligibility for the chemical dependency disposition
16 alternative when a juvenile offender is subject to a standard range
17 disposition of local sanctions or 15 to 36 weeks of confinement and
18 has not committed an A- or B+ offense, other than a first time B+
19 offense under chapter 69.50 RCW. The court, on its own motion or
20 the motion of the state or the respondent if the evidence shows
21 that the offender may be chemically dependent or substance abusing,
22 may order an examination by a chemical dependency counselor from a
23 chemical dependency treatment facility approved under chapter
24 70.96A RCW to determine if the youth is chemically dependent or
25 substance abusing. The offender shall pay the cost of any
26 examination ordered under this subsection unless the court finds
27 that the offender is indigent and no third party insurance coverage
28 is available, in which case the state shall pay the cost.

29 (2) The report of the examination shall include at a minimum
30 the following: The respondent's version of the facts and the
31 official version of the facts, the respondent's offense history, an
32 assessment of drug-alcohol problems and previous treatment
33 attempts, the respondent's social, educational, and employment
34 situation, and other evaluation measures used. The report shall
35 set forth the sources of the examiner's information.

36 (3) The examiner shall assess and report regarding the
37 respondent's relative risk to the community. A proposed treatment
38 plan shall be provided and shall include, at a minimum:

1 (a) Whether inpatient and/or outpatient treatment is
2 recommended;

3 (b) Availability of appropriate treatment;

4 (c) Monitoring plans, including any requirements regarding
5 living conditions, lifestyle requirements, and monitoring by family
6 members, legal guardians, or others;

7 (d) Anticipated length of treatment; and

8 (e) Recommended crime-related prohibitions.

9 (4) The court on its own motion may order, or on a motion by
10 the state or the respondent shall order, a second examination. The
11 evaluator shall be selected by the party making the motion. The
12 requesting party shall pay the cost of any examination ordered
13 under this subsection unless the requesting party is the offender
14 and the court finds that the offender is indigent and no third
15 party insurance coverage is available, in which case the state
16 shall pay the cost.

17 (5)(a) After receipt of reports of the examination, the court
18 shall then consider whether the offender and the community will
19 benefit from use of this chemical dependency disposition
20 alternative and consider the victim's opinion whether the offender
21 should receive a treatment disposition under this section.

22 (b) If the court determines that this chemical dependency
23 disposition alternative is appropriate, then the court shall impose
24 the standard range for the offense, or if the court concludes, and
25 enters reasons for its conclusion, that such disposition would
26 effectuate a manifest injustice, the court shall impose a
27 disposition above the standard range as indicated in option D of
28 RCW 13.40.0357 if the disposition is an increase from the standard
29 range and the confinement of the offender does not exceed a maximum
30 of fifty-two weeks, suspend execution of the disposition, and place
31 the offender on community supervision for up to one year. As a
32 condition of the suspended disposition, the court shall require the
33 offender to undergo available outpatient drug/alcohol treatment
34 and/or inpatient drug/alcohol treatment. For purposes of this
35 section, inpatient treatment may not exceed ninety days. As a
36 condition of the suspended disposition, the court may impose
37 conditions of community supervision and other sanctions, including
38 up to thirty days of confinement, one hundred fifty hours of

1 community restitution, and payment of legal financial obligations
2 and restitution.

3 (6) The drug/alcohol treatment provider shall submit monthly
4 reports on the respondent's progress in treatment to the court and
5 the parties. The reports shall reference the treatment plan and
6 include at a minimum the following: Dates of attendance,
7 respondent's compliance with requirements, treatment activities,
8 the respondent's relative progress in treatment, and any other
9 material specified by the court at the time of the disposition.

10 At the time of the disposition, the court may set treatment
11 review hearings as the court considers appropriate.

12 If the offender violates any condition of the disposition or
13 the court finds that the respondent is failing to make satisfactory
14 progress in treatment, the court may impose sanctions pursuant to
15 RCW 13.40.200 or revoke the suspension and order execution of the
16 disposition. The court shall give credit for any confinement time
17 previously served if that confinement was for the offense for which
18 the suspension is being revoked.

19 (7) For purposes of this section, "victim" means any person who
20 has sustained emotional, psychological, physical, or financial
21 injury to person or property as a direct result of the offense
22 charged. "Victim" may also include a known parent or guardian of
23 a victim who is a minor child or is not a minor child but is
24 incapacitated, incompetent, disabled, or deceased.

25 (8) Whenever a juvenile offender is entitled to credit for time
26 spent in detention prior to a dispositional order, the
27 dispositional order shall specifically state the number of days of
28 credit for time served.

29 (9) In no case shall the term of confinement imposed by the
30 court at disposition exceed that to which an adult could be
31 subjected for the same offense.

32 (10) A disposition under this section is not appealable under
33 RCW 13.40.230.

34 **Sec. 6.** RCW 13.40.190 and 1997 c 338 s 29 and 1997 c 121 s 9
35 are each reenacted and amended to read as follows:

36 (1) In its dispositional order, the court shall require the
37 respondent to make restitution to any persons who have suffered
38 loss or damage as a result of the offense committed by the

1 respondent. In addition, restitution may be ordered for loss or
2 damage if the offender pleads guilty to a lesser offense or fewer
3 offenses and agrees with the prosecutor's recommendation that the
4 offender be required to pay restitution to a victim of an offense
5 or offenses which, pursuant to a plea agreement, are not
6 prosecuted. The payment of restitution shall be in addition to any
7 punishment which is imposed pursuant to the other provisions of
8 this chapter. The court may determine the amount, terms, and
9 conditions of the restitution including a payment plan extending up
10 to ten years if the court determines that the respondent does not
11 have the means to make full restitution over a shorter period.
12 Restitution may include the costs of counseling reasonably related
13 to the offense. If the respondent participated in the crime with
14 another person or other persons, all such participants shall be
15 jointly and severally responsible for the payment of restitution.
16 For the purposes of this section, the respondent shall remain under
17 the court's jurisdiction for a maximum term of ten years after the
18 respondent's eighteenth birthday. Prior to the expiration of the
19 ten-year period, the juvenile court may extend the judgment for the
20 payment of restitution for an additional ten years. At any time,
21 the court may determine that the respondent is not required to pay,
22 or may relieve the respondent of the requirement to pay, full or
23 partial restitution to any insurance provider authorized under
24 Title 48 RCW if the respondent reasonably satisfies the court that
25 he or she does not have the means to make full or partial
26 restitution to the insurance provider and could not reasonably
27 acquire the means to pay the insurance provider the restitution
28 over a ten-year period.

29 (2) Regardless of the provisions of subsection (1) of this
30 section, the court shall order restitution in all cases where the
31 victim is entitled to benefits under the crime victims'
32 compensation act, chapter 7.68 RCW. If the court does not order
33 restitution and the victim of the crime has been determined to be
34 entitled to benefits under the crime victims' compensation act, the
35 department of labor and industries, as administrator of the crime
36 victims' compensation program, may petition the court within one
37 year of entry of the disposition order for entry of a restitution
38 order. Upon receipt of a petition from the department of labor and

1 industries, the court shall hold a restitution hearing and shall
2 enter a restitution order.

3 (3) If an order includes restitution as one of the monetary
4 assessments, the county clerk shall make disbursements to victims
5 named in the order. The restitution to victims named in the order
6 shall be paid prior to any payment for other penalties or monetary
7 assessments.

8 (4) For purposes of this section, "victim" means any person who
9 has sustained emotional, psychological, physical, or financial
10 injury to person or property as a direct result of the offense
11 charged. "Victim" may also include a known parent or guardian of
12 a victim who is a minor child or is not a minor child but is
13 incapacitated, incompetent, disabled, or deceased.

14 (5) A respondent under obligation to pay restitution may
15 petition the court for modification of the restitution order.

16 **Sec. 7.** RCW 13.40.200 and 2002 c 175 s 25 are each amended to
17 read as follows:

18 (1) When a respondent fails to comply with an order of
19 restitution, community supervision, penalty assessments, or
20 confinement of less than thirty days, the court upon motion of the
21 prosecutor or its own motion, may modify the order after a hearing
22 on the violation.

23 (2) The hearing shall afford the respondent the same due
24 process of law as would be afforded an adult probationer. The
25 court may issue a summons or a warrant to compel the respondent's
26 appearance. The state shall have the burden of proving by a
27 preponderance of the evidence the fact of the violation. The
28 respondent shall have the burden of showing that the violation was
29 not a willful refusal to comply with the terms of the order. If a
30 respondent has failed to pay a fine, penalty assessments, or
31 restitution or to perform community restitution hours, as required
32 by the court, it shall be the respondent's burden to show that he
33 or she did not have the means and could not reasonably have
34 acquired the means to pay the fine, penalty assessments, or
35 restitution or perform community restitution.

36 (3) If the court finds that a respondent has willfully violated
37 the terms of an order pursuant to subsections (1) and (2) of this
38 section, it may impose a penalty of up to thirty days' confinement.

1 Penalties for multiple violations occurring prior to the hearing
2 shall not be aggregated to exceed thirty days' confinement.
3 Regardless of the number of times a respondent is brought to court
4 for violations of the terms of a single disposition order, the
5 combined total number of days spent by the respondent in detention
6 shall never exceed the maximum term to which an adult could be
7 sentenced for the underlying offense.

8 (4) If a respondent has been ordered to pay a fine or monetary
9 penalty and due to a change of circumstance cannot reasonably
10 comply with the order, the court, upon motion of the respondent,
11 may order that the unpaid fine or monetary penalty be converted to
12 community restitution unless the monetary penalty is the crime
13 victim penalty assessment, which cannot be converted, waived, or
14 otherwise modified, except for schedule of payment. The number of
15 hours of community restitution in lieu of a monetary penalty or
16 fine shall be converted at the rate of the prevailing state minimum
17 wage per hour. The monetary penalties or fines collected shall be
18 deposited in the county general fund. A failure to comply with an
19 order under this subsection shall be deemed a failure to comply
20 with an order of community supervision and may be proceeded against
21 as provided in this section.

22 (5) When a respondent has willfully violated the terms of a
23 probation bond, the court may modify, revoke, or retain the
24 probation bond as provided in RCW 13.40.054.

25 **Sec. 8.** RCW 7.69.030 and 1999 c 323 s 2 are each amended to
26 read as follows:

27 There shall be a reasonable effort made to ensure that victims,
28 survivors of victims, and witnesses of crimes have the following
29 rights, which apply to any criminal court and/or juvenile court
30 proceeding:

31 (1) With respect to victims of violent or sex crimes, to
32 receive, at the time of reporting the crime to law enforcement
33 officials, a written statement of the rights of crime victims as
34 provided in this chapter. The written statement shall include the
35 name, address, and telephone number of a county or local crime
36 victim/witness program, if such a crime victim/witness program
37 exists in the county;

1 (2) To be informed by local law enforcement agencies or the
2 prosecuting attorney of the final disposition of the case in which
3 the victim, survivor, or witness is involved;

4 (3) To be notified by the party who issued the subpoena that a
5 court proceeding to which they have been subpoenaed will not occur
6 as scheduled, in order to save the person an unnecessary trip to
7 court;

8 (4) To receive protection from harm and threats of harm arising
9 out of cooperation with law enforcement and prosecution efforts,
10 and to be provided with information as to the level of protection
11 available;

12 (5) To be informed of the procedure to be followed to apply for
13 and receive any witness fees to which they are entitled;

14 (6) To be provided, whenever practical, a secure waiting area
15 during court proceedings that does not require them to be in close
16 proximity to defendants and families or friends of defendants;

17 (7) To have any stolen or other personal property expeditiously
18 returned by law enforcement agencies or the superior court when no
19 longer needed as evidence. When feasible, all such property,
20 except weapons, currency, contraband, property subject to
21 evidentiary analysis, and property of which ownership is disputed,
22 shall be photographed and returned to the owner within ten days of
23 being taken;

24 (8) To be provided with appropriate employer intercession
25 services to ensure that employers of victims, survivors of victims,
26 and witnesses of crime will cooperate with the criminal justice
27 process in order to minimize an employee's loss of pay and other
28 benefits resulting from court appearance;

29 (9) To access to immediate medical assistance and not to be
30 detained for an unreasonable length of time by a law enforcement
31 agency before having such assistance administered. However, an
32 employee of the law enforcement agency may, if necessary, accompany
33 the person to a medical facility to question the person about the
34 criminal incident if the questioning does not hinder the
35 administration of medical assistance;

36 (10) With respect to victims of violent and sex crimes, to have
37 a crime victim advocate from a crime victim/witness program, or any
38 other support person of the victim's choosing, present at any
39 prosecutorial or defense interviews with the victim, and at any

1 judicial proceedings related to criminal acts committed against the
2 victim. This subsection applies if practical and if the presence
3 of the crime victim advocate or support person does not cause any
4 unnecessary delay in the investigation or prosecution of the case.
5 The role of the crime victim advocate is to provide emotional
6 support to the crime victim;

7 (11) With respect to victims and survivors of victims, to be
8 physically present in court during trial, or if subpoenaed to
9 testify, to be scheduled as early as practical in the proceedings
10 in order to be physically present during trial after testifying and
11 not to be excluded solely because they have testified;

12 (12) With respect to victims and survivors of victims, to be
13 informed by the prosecuting attorney of the date, time, and place
14 of the trial and of the sentencing hearing for felony convictions
15 upon request by a victim or survivor;

16 (13) To submit a victim impact statement or report to the
17 court, with the assistance of the prosecuting attorney if
18 requested, which shall be included in all presentence reports and
19 permanently included in the files and records accompanying the
20 offender committed to the custody of a state agency or institution;

21 (14) With respect to victims and survivors of victims, to
22 present a statement personally or by representation, at the
23 sentencing hearing for felony convictions;

24 (15) With respect to victims and survivors of victims, to entry
25 of an order of restitution by the court in all felony cases, even
26 when the offender is sentenced to confinement, unless extraordinary
27 circumstances exist which make restitution inappropriate in the
28 court's judgment; and

29 (16) With respect to victims and survivors of victims, to
30 present a statement in person, via audio or videotape, in writing
31 or by representation at any hearing conducted regarding an
32 application for pardon or commutation of sentence.

33 **Sec. 9.** RCW 7.69A.030 and 1997 c 283 s 2 are each amended to
34 read as follows:

35 In addition to the rights of victims and witnesses provided for
36 in RCW 7.69.030, there shall be every reasonable effort made by law
37 enforcement agencies, prosecutors, and judges to assure that child
38 victims and witnesses are afforded the rights enumerated in this

1 section. Except as provided in RCW 7.69A.050 regarding child
2 victims or child witnesses of violent crimes, sex crimes, or child
3 abuse, the enumeration of rights shall not be construed to create
4 substantive rights and duties, and the application of an enumerated
5 right in an individual case is subject to the discretion of the law
6 enforcement agency, prosecutor, or judge. Child victims and
7 witnesses have the following rights, which apply to any criminal
8 court and/or juvenile court proceeding:

9 (1) To have explained in language easily understood by the
10 child, all legal proceedings and/or police investigations in which
11 the child may be involved.

12 (2) With respect to child victims of sex or violent crimes or
13 child abuse, to have a crime victim advocate from a crime
14 victim/witness program, or any other support person of the victim's
15 choosing, present at any prosecutorial or defense interviews with
16 the child victim. This subsection applies if practical and if the
17 presence of the crime victim advocate or support person does not
18 cause any unnecessary delay in the investigation or prosecution of
19 the case. The role of the crime victim advocate is to provide
20 emotional support to the child victim and to promote the child's
21 feelings of security and safety.

22 (3) To be provided, whenever possible, a secure waiting area
23 during court proceedings and to have an advocate or support person
24 remain with the child prior to and during any court proceedings.

25 (4) To not have the names, addresses, nor photographs of the
26 living child victim or witness disclosed by any law enforcement
27 agency, prosecutor's office, or state agency without the permission
28 of the child victim, child witness, parents, or legal guardians to
29 anyone except another law enforcement agency, prosecutor, defense
30 counsel, or private or governmental agency that provides services
31 to the child victim or witness.

32 (5) To allow an advocate to make recommendations to the
33 prosecuting attorney about the ability of the child to cooperate
34 with prosecution and the potential effect of the proceedings on the
35 child.

36 (6) To allow an advocate to provide information to the court
37 concerning the child's ability to understand the nature of the
38 proceedings.

1 (7) To be provided information or appropriate referrals to
2 social service agencies to assist the child and/or the child's
3 family with the emotional impact of the crime, the subsequent
4 investigation, and judicial proceedings in which the child is
5 involved.

6 (8) To allow an advocate to be present in court while the child
7 testifies in order to provide emotional support to the child.

8 (9) To provide information to the court as to the need for the
9 presence of other supportive persons at the court proceedings while
10 the child testifies in order to promote the child's feelings of
11 security and safety.

12 (10) To allow law enforcement agencies the opportunity to
13 enlist the assistance of other professional personnel such as child
14 protection services, victim advocates or prosecutorial staff
15 trained in the interviewing of the child victim.

16 (11) With respect to child victims of violent or sex crimes or
17 child abuse, to receive either directly or through the child's
18 parent or guardian if appropriate, at the time of reporting the
19 crime to law enforcement officials, a written statement of the
20 rights of child victims as provided in this chapter. The written
21 statement shall include the name, address, and telephone number of
22 a county or local crime victim/witness program, if such a crime
23 victim/witness program exists in the county.

24 **Sec. 10.** RCW 13.04.040 and 1995 c 312 s 40 are each amended to
25 read as follows:

26 The administrator shall, in any county or judicial district in
27 the state, appoint or designate one or more persons of good
28 character to serve as probation counselors during the pleasure of
29 the administrator. The probation counselor shall:

30 (1) Receive and examine referrals to the juvenile court for the
31 purpose of considering the filing of a petition or information
32 pursuant to chapter 13.32A or 13.34 RCW or RCW 13.40.070;

33 (2) Make recommendations to the court regarding the need for
34 continued detention or shelter care of a child unless otherwise
35 provided in this title;

36 (3) Arrange and supervise diversion agreements as provided in
37 RCW 13.40.080, and ensure that the requirements of such agreements
38 are met except as otherwise provided in this title;

1 (4) Prepare predisposition studies as required in RCW
2 ((~~13.34.120~~ and)) 13.40.130, and be present at the disposition
3 hearing to respond to questions regarding the predisposition study:
4 PROVIDED, That such duties shall be performed by the department for
5 cases relating to dependency or to the termination of a parent and
6 child relationship which is filed by the department unless
7 otherwise ordered by the court; and

8 (5) Supervise court orders of disposition to ensure that all
9 requirements of the order are met.

10 All probation counselors shall possess all the powers conferred
11 upon sheriffs and police officers to serve process and make arrests
12 of juveniles under their supervision for the violation of any state
13 law or county or city ordinance.

14 The administrator may, in any county or judicial district in
15 the state, appoint one or more persons who shall have charge of
16 detention rooms or houses of detention.

17 The probation counselors and persons appointed to have charge
18 of detention facilities shall each receive compensation which shall
19 be fixed by the legislative authority of the county, or in cases of
20 joint counties, judicial districts of more than one county, or
21 joint judicial districts such sums as shall be agreed upon by the
22 legislative authorities of the counties affected, and such persons
23 shall be paid as other county officers are paid.

24 The administrator is hereby authorized, and to the extent
25 possible is encouraged to, contract with private agencies existing
26 within the community for the provision of services to youthful
27 offenders and youth who have entered into diversion agreements
28 pursuant to RCW 13.40.080.

29 The administrator shall establish procedures for the collection
30 of fines assessed under RCW 13.40.080 (2)((~~d~~ and (~~13~~)) (c) and
31 (14) and for the payment of the fines into the county general fund.

32 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2004."

EFFECT:

- Ø Changes the revisions to the intent section to separate references to victim participation and participation by the offender's parents or guardians in the juvenile process.
- Ø Removes the definition of "victim" in the definition section.
- Ø Removes the requirement that restitution shall be included in a diversion agreement.
- Ø Clarifies that the diversion court officer must advise victims of the offender of the juvenile process, provide forms, and include the community to the extent possible.
- Ø Changes the definition of "victim" in the Chemical Dependency Disposition Alternative (CDDA) section to limit a victim only to those whose injuries are a direct result of the offense charged.
- Ø Adds language to give the court discretion to relieve an offender of the requirement to pay restitution for insurance providers.
- Ø Includes a definition of "victim" for the purposes of restitution that is the same definition as used in the CDDA section.
- Ø Removes the restriction on modifications of the restitution order to permit a juvenile to request to modify the order rather than only the payment schedule.
- Ø Clarifies the language in the victim rights, and child victim and witness rights, to indicate that the support person is permitted so long as the presence of that person does not cause unnecessary delay in the investigation or prosecution of the case.