
HOUSE BILL 2677

State of Washington

56th Legislature

2000 Regular Session

By Representatives Wolfe, Alexander, O'Brien, Ballasiotes, Lovick, Morris, Wensman, Cody, D. Schmidt, Reardon, Ruderman and Kagi

Read first time . Referred to Committee on .

1 AN ACT Relating to eligibility for deferred prosecution; and
2 amending RCW 10.05.010.

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

4 **Sec. 1.** RCW 10.05.010 and 1998 c 208 s 1 are each amended to read
5 as follows:

6 In a court of limited jurisdiction a person charged with a
7 misdemeanor or gross misdemeanor may petition the court to be
8 considered for a deferred prosecution program. The petition shall be
9 filed with the court at least seven days before the date set for trial
10 but, upon a written motion and affidavit establishing good cause for
11 the delay and failure to comply with this section, the court may waive
12 this requirement subject to the defendant's reimbursement to the court
13 of the witness fees and expenses due for subpoenaed witnesses who have
14 appeared on the date set for trial.

15 A person charged with a traffic infraction, misdemeanor, or gross
16 misdemeanor under Title 46 RCW shall not be eligible for a deferred
17 prosecution program unless the court makes specific findings pursuant
18 to RCW 10.05.020. Such person shall not be eligible for a deferred
19 prosecution program more than once and is not eligible if he or she has

1 more than two prior convictions for an offense or offenses to which RCW
2 46.61.513 applies, or for any equivalent out-of-state offense or
3 offenses, where the prior convictions are the result of arrests that
4 occurred within seven years of the arrest for the current offense.
5 Separate offenses committed more than seven days apart may not be
6 consolidated in a single program.

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