

FINAL BILL REPORT

SHB 2487

C 54 L 10
Synopsis as Enacted

Brief Description: Increasing costs for administering a deferred prosecution.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Liias and Kelley).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Judiciary

Background:

A person charged with a misdemeanor or gross misdemeanor offense in a court of limited jurisdiction may be eligible for deferred prosecution. To be eligible, a person must:

- allege that alcoholism, drug addiction, or mental problems caused the person to commit the offense;
- allege that treatment is necessary to prevent recurrence;
- agree to pay for diagnosis and treatment, if financially able;
- stipulate to the admissibility and sufficiency of the facts in the police report;
- acknowledge the admissibility of the stipulated facts in any trial on the charged offense; and
- waive the rights to testify, have a speedy trial, call witnesses, present evidence, and have a jury trial.

The petitioner must be evaluated by an approved treatment facility, which will submit a treatment plan to the court. If the court approves the plan and grants a deferred prosecution, the person will be ordered to undergo treatment in a two-year program. The court must dismiss the charges three years after the person successfully completes the program.

The court may order the person to pay costs incurred by the state in administering the deferred prosecution, up to a maximum of \$150. If the person will be unable to pay, the court may not order costs. The court must consider the person's financial resources in determining the amount and method of payment of costs.

Summary:

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

The maximum amount that a court may order a person to pay for administering a deferred prosecution is increased from \$150 to \$250.

Votes on Final Passage:

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|--------|----|---|
| House | 95 | 0 |
| Senate | 45 | 0 |

Effective: June 10, 2010