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**HOUSE BILL 1113**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Farivar, Goodman, Simmons, Taylor, Macri, Scott, Fosse, Street, Reed, Senn, Berry, Alvarado, Morgan, Mena, Peterson, Stonier, Walen, Pollet, and Wylie

Prefiled 12/20/24.

1 AN ACT Relating to accountability and access to services for  
2 individuals charged with a misdemeanor; amending RCW 46.20.270;  
3 adding a new chapter to Title 10 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** This act shall be known and may be cited  
6 as the public supporting accountability and fast, effective treatment  
7 act, or public SAFE-T act.

8 NEW SECTION. **Sec. 2.** (1) In a court of limited jurisdiction,  
9 the court may, upon the motion of either party, agree to dismiss a  
10 defendant's simple misdemeanor or gross misdemeanor charge pursuant  
11 to the following:

12 (a) The court may continue a case pursuant to a defendant's  
13 agreement to waive speedy trial in anticipation of dismissal  
14 following court-ordered conditions for a period not to exceed 12  
15 months and order the defendant to comply with terms, conditions, or  
16 programs that the court deems appropriate based on the defendant's  
17 specific situation. The court shall hear from both parties and rule  
18 on the motion in open court.

19 (b) (i) If the defendant has substantially complied with the  
20 imposed terms and conditions, either at the end of or at any point

1 during the continuance period, the court shall dismiss the charges  
2 pending against the defendant.

3 (ii) Full restitution must be a required condition for the  
4 dismissal of charges. However, a defendant's inability to pay  
5 restitution due to indigence may not be grounds for denial of this  
6 dismissal following progress towards complying with court-ordered  
7 conditions or as a basis for finding that the defendant has failed to  
8 substantially comply with the court's conditions.

9 (c) If it appears to the prosecuting attorney that the defendant  
10 is not substantially complying with the terms and conditions, after  
11 providing the defendant with written notice of the alleged violations  
12 and disclosure of all evidence to be offered against the defendant,  
13 the court shall hold a hearing to determine whether the defendant  
14 has, by a preponderance of the evidence, willfully failed to  
15 substantially comply with the terms and conditions set by the court.  
16 At that hearing:

17 (i) The rules of evidence do not apply, but the defendant must be  
18 afforded the due process rights required for the revocation of  
19 probation, including the right to confront and cross-examine all  
20 witnesses;

21 (ii) The defendant must have the opportunity to be heard in  
22 person and to present evidence; and

23 (iii) If the court finds by a preponderance of the evidence that  
24 the defendant is willfully failing to substantially comply with the  
25 terms and conditions, the court may either continue the hearing to  
26 provide additional time for substantial compliance or end the period  
27 of continuance pending dismissal and set a new commencement date.

28 (d) If the court agrees to dismiss a defendant's simple  
29 misdemeanor or gross misdemeanor charge, any written confirmation of  
30 completion of an assessment or statement indicating the defendant's  
31 enrollment or referral to a specific service or program, or any  
32 written updates regarding treatment or services, must be considered a  
33 treatment evaluation or compliance form ordered by the court for  
34 purposes of Washington state rules of court, General Rule GR 22.

35 (e) Admissions made by the defendant in the course of receiving  
36 treatment or services pursuant to the agreement to dismiss may not be  
37 used against the defendant in the prosecution's case-in-chief.

38 (2) A charge may not be dismissed pursuant to this section for  
39 any of the following offenses or any violations of equivalent local  
40 ordinances:

1 (a) Any offense that would constitute a prior offense as defined  
2 in RCW 46.61.5055 upon conviction;

3 (b) Reckless driving under RCW 46.61.500;

4 (c) Racing under RCW 46.61.530;

5 (d) Reckless endangerment of roadway workers under RCW  
6 46.61.527(4);

7 (e) Negligent driving in the first degree under RCW 46.61.5249;

8 (f) Negligent driving in the second degree under RCW 46.61.525;

9 (g) Negligent driving in the second degree with a vulnerable user  
10 victim under RCW 46.61.526;

11 (h) Hit and run (unattended vehicle or property) under RCW  
12 46.52.010;

13 (i) Hit and run (attended vehicle or property) under RCW  
14 46.52.020(5);

15 (j) Hit and run (striking a deceased person) under RCW  
16 46.52.020(4)(c);

17 (k) A domestic violence offense involving an intimate partner as  
18 defined in RCW 7.105.010;

19 (l) Stalking under RCW 9A.46.110(5)(a);

20 (m) Violation of a domestic violence protection order, sexual  
21 assault protection order, stalking protection order, or vulnerable  
22 adult protection order; an order issued under chapter 9A.40, 9A.44,  
23 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW; a valid  
24 foreign protection order as described in RCW 26.52.020; or a Canadian  
25 domestic violence protection order as defined in RCW 26.55.010;

26 (n) Aiming or discharging firearms under RCW 9.41.230;

27 (o) Hazing under RCW 28B.10.901(2)(a);

28 (p) Animal cruelty in the second degree committed under the  
29 circumstances described in RCW 16.52.207(1);

30 (q) Assault in the fourth degree under RCW 9A.36.041;

31 (r) Any offense with a finding of sexual motivation under RCW  
32 9.94A.835 or 13.40.135;

33 (s) Communication with a minor or someone believed to be a minor  
34 for immoral purposes under RCW 9.68A.090(1);

35 (t) Harassment under RCW 9A.46.020(2)(a);

36 (u) Cyber harassment under RCW 9A.90.120(2)(a), excluding cyber  
37 harassment committed solely pursuant to the element set forth in RCW  
38 9A.90.120(1)(a)(i);

39 (v) Unlawful carrying or handling of a firearm under RCW  
40 9.41.270;

- 1 (w) Indecent exposure under RCW 9A.88.010(2) (a) or (b);  
2 (x) Disclosing intimate images under RCW 9A.86.010(7) (a);  
3 (y) Abandonment of a dependent person in the third degree under  
4 RCW 9A.42.080;  
5 (z) Leaving a child in the care of a sex offender under RCW  
6 9A.42.110;  
7 (aa) Criminal mistreatment in the third degree under RCW  
8 9A.42.035;  
9 (bb) Criminal mistreatment in the fourth degree under RCW  
10 9A.42.037;  
11 (cc) Interfering with the reporting of domestic violence under  
12 RCW 9A.36.150;  
13 (dd) Reckless endangerment under RCW 9A.36.050;  
14 (ee) A violation of the provisions of an order to surrender and  
15 prohibit weapons, an extreme risk protection order, or any other  
16 protection order or no-contact order restraining the person or  
17 excluding the person from a residence;  
18 (ff) Any traffic offense involving a commercial driver's license  
19 or a commercial learner's permit, or involving the operation of a  
20 commercial motor vehicle; or  
21 (gg) Any offense that was originally filed as a felony charge and  
22 subsequently amended to, or refiled as, a gross misdemeanor or  
23 misdemeanor charge.

24 **Sec. 3.** RCW 46.20.270 and 2024 c 308 s 2 are each amended to  
25 read as follows:

26 (1) Every court having jurisdiction over offenses committed under  
27 this chapter, or any other act of this state or municipal ordinance  
28 adopted by a local authority regulating the operation of motor  
29 vehicles on highways, or any federal authority having jurisdiction  
30 over offenses substantially the same as those set forth in this title  
31 which occur on federal installations within this state, shall  
32 immediately forward to the department a forfeiture of bail or  
33 collateral deposited to secure the defendant's appearance in court, a  
34 payment of a fine, penalty, or court cost, a plea of guilty or nolo  
35 contendere or a finding of guilt, or a finding that any person has  
36 committed a traffic infraction an abstract of the court record in the  
37 form prescribed by rule of the supreme court, showing the conviction  
38 of any person or the finding that any person has committed a traffic  
39 infraction in said court for a violation of any said laws other than

1 regulations governing standing, stopping, parking, and pedestrian  
2 offenses.

3 (2) Every state agency or municipality having jurisdiction over  
4 offenses committed under this chapter, or under any other act of this  
5 state or municipal ordinance adopted by a state or local authority  
6 regulating the operation of motor vehicles on highways, may forward  
7 to the department within 10 days of failure to respond, failure to  
8 pay a penalty, failure to appear at a hearing to contest the  
9 determination that a violation of any statute, ordinance, or  
10 regulation relating to standing, stopping, parking, or civil  
11 penalties issued under RCW 46.63.160 or 46.63.200 has been committed,  
12 or failure to appear at a hearing to explain mitigating  
13 circumstances, an abstract of the citation record in the form  
14 prescribed by rule of the department, showing the finding by such  
15 municipality that two or more violations of laws governing standing,  
16 stopping, and parking or one or more civil penalties issued under RCW  
17 46.63.160 or 46.63.200 have been committed and indicating the nature  
18 of the defendant's failure to act. Such violations or infractions may  
19 not have occurred while the vehicle is stolen from the registered  
20 owner. The department may enter into agreements of reciprocity with  
21 the duly authorized representatives of the states for reporting to  
22 each other violations of laws governing standing, stopping, and  
23 parking.

24 (3) For the purposes of this title and except as defined in RCW  
25 46.25.010, "conviction" means a final conviction in a state or  
26 municipal court or by any federal authority having jurisdiction over  
27 offenses substantially the same as those set forth in this title  
28 which occur on federal installations in this state, an unvacated  
29 forfeiture of bail or collateral deposited to secure a defendant's  
30 appearance in court, the payment of a fine or court cost, a plea of  
31 guilty or nolo contendere, or a finding of guilt on a traffic law  
32 violation charge, regardless of whether the imposition of sentence or  
33 sanctions are deferred or the penalty is suspended, but not including  
34 entry into a deferred prosecution agreement under chapter 10.05 RCW  
35 or entry into a judicially authorized dismissal of a misdemeanor or  
36 gross misdemeanor following substantial compliance with court-ordered  
37 conditions under section 2 of this act.

38 (4) Perfection of a notice of appeal shall stay the execution of  
39 the sentence pertaining to the withholding of the driving privilege.

1           (5) For the purposes of this title, "finding that a traffic  
2     infraction has been committed" means a failure to respond to a notice  
3     of infraction or a determination made by a court pursuant to this  
4     chapter. Payment of a monetary penalty made pursuant to RCW  
5     46.63.070(2) is deemed equivalent to such a finding.

6           NEW SECTION.   **Sec. 4.**   Section 2 of this act constitutes a new  
7     chapter in Title 10 RCW.

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