

FINAL BILL REPORT

2SHB 3089

PARTIAL VETO

C 208 L 98

Synopsis as Enacted

Brief Description: Limiting eligibility for the deferred prosecution program to once in a lifetime.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives McDonald, Sheahan, Kessler, Bush, Robertson and Boldt).

House Committee on Law & Justice
House Committee on Appropriations
Senate Committee on Law & Justice

Background: A person charged with a non-felony offense in district court may petition for a "deferred prosecution." Driving under the influence (DUI) is the offense for which a deferred prosecution is most often sought. To qualify for a deferred prosecution, a person must allege that the charged criminal conduct resulted from the person's alcoholism or drug addiction, that the conduct is likely to recur if the alcoholism or addiction is not treated, and that the alcoholism or addiction is in fact amenable to treatment. Among other things, the person must also acknowledge in writing that he or she waives the right to testify, to call witnesses, to have a speedy trial, or to have a jury. The person must also stipulate to the admissibility of the evidence contained in the police report.

If a person is granted a deferred prosecution and successfully completes a court-ordered, two-year treatment program, the court will dismiss the charges. Conviction for another offense during the two-year program results in judgment being entered on the deferred charge.

A person charged with an offense under the motor vehicle code is not eligible for a deferred prosecution more than once in a five-year period.

Summary: No person charged with a violation of the motor vehicle code is eligible for a deferred prosecution program more than once. If the person is convicted of another offense that was committed during the two-year program, the court must enter judgment on the deferred charge. The court may not dismiss the deferred charge until three years after proof of completion of the two-year treatment program.

The act is null and void unless funded in the budget.

Votes on Final Passage:

House 96 0

Senate 46 0 (Senate amended)

House 96 0 (House concurred)

Effective: January 1, 1999

Partial Veto Summary: The Governor vetoed a provision that restates the existing authority for local governments to submit claims to the state for reimbursement for the costs of implementing new programs.