

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1257

Chapter 135, Laws of 2009

61st Legislature
2009 Regular Session

DEFERRED PROSECUTION FILES--TREATMENT PLAN

EFFECTIVE DATE: 07/26/09

Passed by the House February 27, 2009
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2009
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 20, 2009, 2:14 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1257** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 20, 2009

**Secretary of State
State of Washington**

HOUSE BILL 1257

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representatives Goodman, Rodne, O'Brien, Simpson, and Moeller

Read first time 01/16/09. Referred to Committee on Judiciary.

1 AN ACT Relating to deferred prosecution files; and amending RCW
2 10.05.060.

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

4 **Sec. 1.** RCW 10.05.060 and 1994 c 275 s 17 are each amended to read
5 as follows:

6 If the report recommends treatment, the court shall examine the
7 treatment plan. If it approves the plan and the petitioner agrees to
8 comply with its terms and conditions and agrees to pay the cost
9 thereof, if able to do so, or arrange for the treatment, an entry shall
10 be made upon the person's court docket showing that the person has been
11 accepted for deferred prosecution. A copy of the treatment plan shall
12 be (~~attached to the docket, which shall then be removed from the~~
13 ~~regular court dockets and filed in a special court deferred prosecution~~
14 ~~file~~) filed with the court. If the charge be one that an abstract of
15 the docket showing the charge, the date of the violation for which the
16 charge was made, and the date of petitioner's acceptance is required to
17 be sent to the department of licensing, an abstract shall be sent, and
18 the department of licensing shall make an entry of the charge and of
19 the petitioner's acceptance for deferred prosecution on the

1 department's driving record of the petitioner. The entry is not a
2 conviction for purposes of Title 46 RCW. Upon receipt of the abstract
3 of the docket, the department shall issue the petitioner a probationary
4 license in accordance with RCW 46.20.355, and the petitioner's driver's
5 license shall be on probationary status for five years from the date of
6 the violation that gave rise to the charge. The department shall
7 maintain the record for ten years from date of entry of the order
8 granting deferred prosecution.

Passed by the House February 27, 2009.

Passed by the Senate April 7, 2009.

Approved by the Governor April 20, 2009.

Filed in Office of Secretary of State April 20, 2009.