

SHB 1194 - S AMD TO JUD COMM AMD (S-2268.3/11) **258**
By Senator Benton

NOT CONSIDERED 05/25/2011

1 On page 7, after line 28 of the amendment, insert the following:

2 "Sec. 10. RCW 10.05.010 and 2008 c 282 s 15 are each amended to
3 read as follows:

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

13 (2) A person charged with a traffic infraction, misdemeanor, or
14 gross misdemeanor under Title 46 RCW shall not be eligible for a
15 deferred prosecution program unless the court makes specific findings
16 pursuant to RCW 10.05.020 (~~or section 18 of this act~~). Such person
17 shall not be eligible for a deferred prosecution program more than
18 once; and cannot receive a deferred prosecution under (~~both~~) RCW
19 10.05.020 (~~and section 18 of this act~~). Separate offenses committed
20 more than seven days apart may not be consolidated in a single program.

21 (3) A person charged with a misdemeanor or a gross misdemeanor
22 under chapter 9A.42 RCW shall not be eligible for a deferred
23 prosecution program unless the court makes specific findings pursuant
24 to RCW 10.05.020. Such person shall not be eligible for a deferred
25 prosecution program more than once.

26 (4) If a petitioner has successfully completed a deferred
27 prosecution program under this chapter, no criminal justice agency may
28 disseminate for any purpose including, but not limited to determination
29 of bail, any criminal history or court record information pertaining to
30 the charges underlying the deferred prosecution petition or diversion

1 program or the fact of the deferred prosecution or diversion program.
2 For purposes of this subsection, "criminal justice agency" has the same
3 meaning as provided in RCW 10.97.030."

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4 On page 8, beginning on line 3 of the title amendment, after
5 "18.185.07," strike all material through "18.185.110" on line 4 and
6 insert "18.185.110, and 10.05.010"

EFFECT: The amendment would prohibit any criminal justice agency from disseminating for any purpose including determination of bail, any criminal history or court record regarding a deferred prosecution agreement or diversion program following completion of the requirements of deferred prosecution or diversion program.

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