
ENGROSSED SUBSTITUTE HOUSE BILL 1113

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Farivar, Goodman, Simmons, Taylor, Macri, Scott, Fosse, Street, Reed, Senn, Berry, Alvarado, Morgan, Mena, Peterson, Stonier, Walen, Pollet, Wylie, Cortes, Obras, Gregerson, Ormsby, Bergquist, Salahuddin, and Hill)

READ FIRST TIME 02/13/25.

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)(i) 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 of no less than six
15 months, up to a maximum of 12 months, and order the defendant to
16 comply with terms, conditions, or programs that are connected to the
17 underlying charge and reasonably related to supporting the
18 defendant's rehabilitation.

19 (ii) In determining which terms, conditions, or programs are
20 appropriate to order, the court shall consider the defendant's

1 specific circumstances affecting the underlying charge, including but
2 not limited to whether the underlying charge is the result of or
3 caused by a behavioral health disorder as defined in RCW 71.05.020,
4 lack of access to stable housing or employment, or a combination of
5 such factors, and whether the defendant has previously been
6 identified as needing competency restoration treatment.

7 (iii) The court shall consider ordering the defendant to
8 participate in a recovery navigator program established under RCW
9 71.24.115, arrest and jail alternative program established under RCW
10 36.28A.450, law enforcement assisted diversion program established
11 under RCW 71.24.589, *Trueblood* high utilizer program, or local
12 diversion program, or a combination of such programs, to the extent
13 such programs are available in the jurisdiction and are appropriate
14 for the defendant's specific circumstances.

15 (iv) The court shall hear from both parties and rule on the
16 motion in open court.

17 (b) (i) If the defendant has substantially complied with the
18 imposed terms and conditions, the court shall dismiss the charges
19 pending against the defendant at the end of the continuance period.
20 The court must make written findings that provide an explanation for
21 its decision to grant the dismissal.

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

28 (iii) The court shall order the defendant to not commit any new
29 criminal law violations for the entire continuance period as a
30 condition for the dismissal of charges.

31 (iv) The mandatory conditions described under (b) (ii) and (iii)
32 of this subsection must not be the only conditions ordered by the
33 court.

34 (v) Prior to dismissing the charges pending against the
35 defendant, the court shall provide an opportunity for victims and
36 survivors of victims to present a statement personally or by
37 representation.

38 (c) If it appears to the prosecuting attorney that the defendant
39 is not substantially complying with the terms and conditions, after
40 providing the defendant with written notice of the alleged violations

1 and disclosure of all evidence to be offered against the defendant,
2 the court shall hold a hearing to determine whether the defendant
3 has, by a preponderance of the evidence, willfully failed to
4 substantially comply with the terms and conditions set by the court.
5 At that hearing:

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

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

12 (iii) If the court finds by a preponderance of the evidence that
13 the defendant has failed to comply with the terms and conditions, the
14 court may either continue the hearing to provide additional time for
15 substantial compliance or end the period of continuance pending
16 dismissal and set a new commencement date.

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

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

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

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

32 (b) Reckless driving under RCW 46.61.500;

33 (c) Racing under RCW 46.61.530;

34 (d) Reckless endangerment of roadway workers under RCW
35 46.61.527(4);

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

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

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

1 (h) Hit and run (unattended vehicle or property) under RCW
2 46.52.010;

3 (i) Hit and run (attended vehicle or property) under RCW
4 46.52.020(5);

5 (j) Hit and run (striking a deceased person) under RCW
6 46.52.020(4)(c);

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

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

10 (m) Violation of a domestic violence protection order, sexual
11 assault protection order, stalking protection order, or vulnerable
12 adult protection order; an order issued under chapter 9A.40, 9A.44,
13 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW; a valid
14 foreign protection order as described in RCW 26.52.020; or a Canadian
15 domestic violence protection order as defined in RCW 26.55.010;

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

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

18 (p) Animal cruelty in the second degree under RCW 16.52.207;

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

20 (r) Any offense with a finding of sexual motivation under RCW
21 9.94A.835 or 13.40.135;

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

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

25 (u) Cyber harassment under RCW 9A.90.120(2)(a), excluding cyber
26 harassment committed solely pursuant to the element set forth in RCW
27 9A.90.120(1)(a)(i);

28 (v) Unlawful carrying or handling of a firearm under RCW
29 9.41.270;

30 (w) Indecent exposure under RCW 9A.88.010(2)(a) or (b);

31 (x) Disclosing intimate images under RCW 9A.86.010(7)(a);

32 (y) Abandonment of a dependent person in the third degree under
33 RCW 9A.42.080;

34 (z) Leaving a child in the care of a sex offender under RCW
35 9A.42.110;

36 (aa) Criminal mistreatment in the third degree under RCW
37 9A.42.035;

38 (bb) Criminal mistreatment in the fourth degree under RCW
39 9A.42.037;

1 (cc) Interfering with the reporting of domestic violence under
2 RCW 9A.36.150;

3 (dd) Reckless endangerment under RCW 9A.36.050;

4 (ee) A violation of the provisions of an order to surrender and
5 prohibit weapons, an extreme risk protection order, or any other
6 protection order or no-contact order restraining the person or
7 excluding the person from a residence;

8 (ff) Any traffic offense involving a commercial driver's license
9 or a commercial learner's permit, or involving the operation of a
10 commercial motor vehicle; or

11 (gg) Any offense that was originally filed as a felony charge and
12 subsequently amended to, or refiled as, a gross misdemeanor or
13 misdemeanor charge.

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

16 (1) Every court having jurisdiction over offenses committed under
17 this chapter, or any other act of this state or municipal ordinance
18 adopted by a local authority regulating the operation of motor
19 vehicles on highways, or any federal authority having jurisdiction
20 over offenses substantially the same as those set forth in this title
21 which occur on federal installations within this state, shall
22 immediately forward to the department a forfeiture of bail or
23 collateral deposited to secure the defendant's appearance in court, a
24 payment of a fine, penalty, or court cost, a plea of guilty or nolo
25 contendere or a finding of guilt, or a finding that any person has
26 committed a traffic infraction an abstract of the court record in the
27 form prescribed by rule of the supreme court, showing the conviction
28 of any person or the finding that any person has committed a traffic
29 infraction in said court for a violation of any said laws other than
30 regulations governing standing, stopping, parking, and pedestrian
31 offenses.

32 (2) Every state agency or municipality having jurisdiction over
33 offenses committed under this chapter, or under any other act of this
34 state or municipal ordinance adopted by a state or local authority
35 regulating the operation of motor vehicles on highways, may forward
36 to the department within 10 days of failure to respond, failure to
37 pay a penalty, failure to appear at a hearing to contest the
38 determination that a violation of any statute, ordinance, or
39 regulation relating to standing, stopping, parking, or civil

1 penalties issued under RCW 46.63.160 or 46.63.200 has been committed,
2 or failure to appear at a hearing to explain mitigating
3 circumstances, an abstract of the citation record in the form
4 prescribed by rule of the department, showing the finding by such
5 municipality that two or more violations of laws governing standing,
6 stopping, and parking or one or more civil penalties issued under RCW
7 46.63.160 or 46.63.200 have been committed and indicating the nature
8 of the defendant's failure to act. Such violations or infractions may
9 not have occurred while the vehicle is stolen from the registered
10 owner. The department may enter into agreements of reciprocity with
11 the duly authorized representatives of the states for reporting to
12 each other violations of laws governing standing, stopping, and
13 parking.

14 (3) For the purposes of this title and except as defined in RCW
15 46.25.010, "conviction" means a final conviction in a state or
16 municipal court or by any federal authority having jurisdiction over
17 offenses substantially the same as those set forth in this title
18 which occur on federal installations in this state, an unvacated
19 forfeiture of bail or collateral deposited to secure a defendant's
20 appearance in court, the payment of a fine or court cost, a plea of
21 guilty or nolo contendere, or a finding of guilt on a traffic law
22 violation charge, regardless of whether the imposition of sentence or
23 sanctions are deferred or the penalty is suspended, but not including
24 entry into a deferred prosecution agreement under chapter 10.05 RCW
25 or entry into a judicially authorized dismissal of a misdemeanor or
26 gross misdemeanor following substantial compliance with court-ordered
27 conditions under section 2 of this act.

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

30 (5) For the purposes of this title, "finding that a traffic
31 infraction has been committed" means a failure to respond to a notice
32 of infraction or a determination made by a court pursuant to this
33 chapter. Payment of a monetary penalty made pursuant to RCW
34 46.63.070(2) is deemed equivalent to such a finding.

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

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