

# FINAL BILL REPORT

## SSB 5396

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Synopsis as Enacted

**Brief Description:** Enforcing conditions in deferred prosecutions.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators McCaslin, Deccio, Thibaudeau, Eide and Brandland).

**Senate Committee on Judiciary**  
**House Committee on Judiciary**

**Background:** A person who is charged with the gross misdemeanor offense of driving under the influence of alcohol or any drug (DUI) may petition the court to be considered for a deferred prosecution program. The petitioner must allege under oath that the wrongful conduct charged is the result of or caused by alcoholism or drug addiction for which the person is in need of treatment and, unless treated, will likely reoffend. The petition must also contain a case history and a written assessment prepared by an approved alcoholism or drug treatment program. As a condition of granting the deferred prosecution, the court will order that the petitioner not operate a motor vehicle without a valid operator's license and proof of liability insurance. The court will also order installation of an ignition interlock device if the person has previously been convicted of a DUI, the DUI presently charged involves an alcohol concentration of .15 or greater, or the person refused to take the test so no measure of the alcohol concentration is available. The court may also order the petitioner to make restitution and pay costs.

**Summary:** During the period of a deferred prosecution, the court may order reasonable conditions including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintenance of law-abiding behavior.

A court may dismiss the charges pending against a petitioner who has successfully completed the two-year treatment program of a deferred prosecution and has complied with the conditions imposed by the court.

**Votes on Final Passage:**

Senate	49	0
House	93	0

**Effective:** July 27, 2003