

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5396

Chapter 220, Laws of 2003

58th Legislature
2003 Regular Session

DEFERRED PROSECUTIONS

EFFECTIVE DATE: 7/27/03

Passed by the Senate February 26, 2003
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 2003
YEAS 93 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5396 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 12, 2003 - 3:58 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5396

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators McCaslin, Deccio, Thibaudeau, Eide and Brandland)

READ FIRST TIME 02/10/03.

1 AN ACT Relating to court-imposed conditions of deferred
2 prosecutions; and amending RCW 10.05.120 and 10.05.140.

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

4 **Sec. 1.** RCW 10.05.120 and 2002 c 219 s 14 are each amended to read
5 as follows:

6 (1) Three years after receiving proof of successful completion of
7 the two-year treatment program, and following proof to the court that
8 the petitioner has complied with the conditions imposed by the court
9 following successful completion of the two-year treatment program, but
10 not before five years following entry of the order of deferred
11 prosecution pursuant to a petition brought under RCW 10.05.020(1), the
12 court shall dismiss the charges pending against the petitioner.

13 (2) When a deferred prosecution is ordered pursuant to a petition
14 brought under RCW 10.05.020(2) and the court has received proof that
15 the petitioner has successfully completed the child welfare service
16 plan, or the plan has been terminated because the alleged victim has
17 reached his or her majority and there are no other minor children in
18 the home, the court shall dismiss the charges pending against the
19 petitioner: PROVIDED, That in any case where the petitioner's parental

1 rights have been terminated with regard to the alleged victim due to
2 abuse or neglect that occurred during the pendency of the deferred
3 prosecution, the termination shall be per se evidence that the
4 petitioner did not successfully complete the child welfare service
5 plan.

6 **Sec. 2.** RCW 10.05.140 and 1999 c 331 s 4 are each amended to read
7 as follows:

8 As a condition of granting a deferred prosecution petition, the
9 court shall order that the petitioner shall not operate a motor vehicle
10 upon the public highways without a valid operator's license and proof
11 of liability insurance. The amount of liability insurance shall be
12 established by the court at not less than that established by RCW
13 46.29.490. As a condition of granting a deferred prosecution petition,
14 the court shall also order the installation of an interlock or other
15 device under RCW 46.20.720 for a petitioner who has previously been
16 convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent
17 local ordinance or a petitioner who has been charged with such an
18 offense and had an alcohol concentration of at least .15, or by reason
19 of the person's refusal to take a test offered pursuant to RCW
20 46.20.308 there is no test result indicating the person's alcohol
21 concentration. For any other petitioner, the court may order the
22 installation of an interlock device under RCW 46.20.720(1) as a
23 condition of granting a deferred prosecution petition. As a condition
24 of granting a deferred prosecution petition, the court may order the
25 petitioner to make restitution and to pay costs as defined in RCW
26 10.01.160. To help ensure continued sobriety and reduce the likelihood
27 of reoffense, the court may order reasonable conditions during the
28 period of the deferred prosecution including, but not limited to,
29 attendance at self-help recovery support groups for alcoholism or
30 drugs, complete abstinence from alcohol and all nonprescribed mind-
31 altering drugs, periodic urinalysis or breath analysis, and maintaining
32 law-abiding behavior. The court may terminate the deferred prosecution
33 program upon violation of (~~this section~~) the deferred prosecution
34 order.

Passed by the Senate February 26, 2003.

Passed by the House April 14, 2003.

Approved by the Governor May 12, 2003.

Filed in Office of Secretary of State May 12, 2003.