

WAC 446-20-040 Deferred prosecutions. (1) A deferred prosecution under chapter 10.05 RCW of an alleged offender does not become nonconviction data until more than one year has elapsed since arrest, citation, charge, or service of warrant, or there is a final decision to dismiss charges or not to prosecute, whichever occurs first.

(2) A deferred prosecution under this section will not be subject to deletion under RCW 10.97.060 unless there is a final decision not to prosecute.

(3) Notwithstanding subsection (2) of this section, the division retains the discretion to refuse to delete nonconviction data as provided in RCW 10.97.060.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. WSR 21-05-044, § 446-20-040, filed 2/11/21, effective 3/14/21. Statutory Authority: RCW 10.97.080 and 10.97.090. WSR 15-22-078, § 446-20-040, filed 11/3/15, effective 12/4/15; WSR 80-08-057 (Order 80-2), § 446-20-040, filed 7/1/80.]