

HOUSE BILL ANALYSIS

HB 3089

Title: An act relating to drunk driving.

Brief Description: Limiting eligibility for the deferred prosecution program to once in a lifetime.

Sponsors: Representatives McDonald, Sheahan, Kessler, Bush, Robertson and Boldt.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: Any person charged with a non-felony offense in district court may petition for what's called a "deferred prosecution." DUI is the offense for which a deferred prosecution is most often sought. In order to qualify for a deferred prosecution, a person must allege that the charged criminal conduct resulted from the person's alcoholism or drug addiction, that the conduct is likely to recur if the alcoholism or addiction is not treated, and that the alcoholism or addiction is in fact amenable to treatment. Among other things, the applicant must also acknowledge in writing that he or she waives the right to testify, to call witnesses, to have a speedy trial, or to have a jury. The applicant must also stipulate to the admissibility of the evidence contained in the police report.

If a person is granted a deferred prosecution and successfully completes a court-ordered, two-year treatment program, the court will dismiss the charges.

A person charged with an offense under the motor vehicle code is not eligible for a deferred prosecution more than once in a five-year period.

Summary of Bill: No person charged with a violation of the motor vehicle code is eligible for a deferred prosecution program more than once.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research