
HOUSE BILL 3089

State of Washington

55th Legislature

1998 Regular Session

By Representatives McDonald and Sheahan

Read first time . Referred to Committee on .

1 AN ACT Relating to drunk driving; and amending RCW 10.05.010.

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

3 **Sec. 1.** RCW 10.05.010 and 1985 c 352 s 4 are each amended to read
4 as follows:

5 In a court of limited jurisdiction a person charged with a
6 misdemeanor or gross misdemeanor may petition the court to be
7 considered for a deferred prosecution program. The petition shall be
8 filed with the court at least seven days before the date set for trial
9 but, upon a written motion and affidavit establishing good cause for
10 the delay and failure to comply with this section, the court may waive
11 this requirement subject to the defendant's reimbursement to the court
12 of the witness fees and expenses due for subpoenaed witnesses who have
13 appeared on the date set for trial.

14 A person charged with a traffic infraction, misdemeanor, or gross
15 misdemeanor under Title 46 RCW shall not be eligible for a deferred
16 prosecution program unless the court makes specific findings pursuant
17 to RCW 10.05.020. Such person shall not be eligible for a deferred
18 prosecution program more than once (~~in any five-year period~~).

- 1 Separate offenses committed more than seven days apart may not be
- 2 consolidated in a single program.

--- END ---