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HOUSE BILL 1749

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Dickerson, McDonald, Lantz and Koster

Read first time 02/04/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to eligibility for deferred disposition; and  
2 amending RCW 13.40.127.

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

4            **Sec. 1.** RCW 13.40.127 and 1997 c 338 s 21 are each amended to read  
5 as follows:

6            (1) A juvenile is eligible for deferred disposition unless he or  
7 she:

8            (a) Is charged with a sex or violent offense;

9            (b) Has a criminal history which includes any felony; or

10           (c) Has a prior deferred disposition or deferred adjudication; or

11           (d) Has two or more diversions; or

12           (e) Has two or more misdemeanors.

13           (2) The juvenile court may, upon motion at least fourteen days  
14 before commencement of trial and, after consulting the juvenile's  
15 custodial parent or parents or guardian and with the consent of the  
16 juvenile, continue the case for disposition for a period not to exceed  
17 one year from the date the juvenile is found guilty. The court shall  
18 consider whether the offender and the community will benefit from a  
19 deferred disposition before deferring the disposition.

1 (3) Any juvenile who agrees to a deferral of disposition shall:

2 (a) Stipulate to the admissibility of the facts contained in the  
3 written police report;

4 (b) Acknowledge that the report will be entered and used to support  
5 a finding of guilt and to impose a disposition if the juvenile fails to  
6 comply with terms of supervision; and

7 (c) Waive the following rights to: (i) A speedy disposition; and  
8 (ii) call and confront witnesses.

9 The adjudicatory hearing shall be limited to a reading of the  
10 court's record.

11 (4) Following the stipulation, acknowledgment, waiver, and entry of  
12 a finding or plea of guilt, the court shall defer entry of an order of  
13 disposition of the juvenile.

14 (5) Any juvenile granted a deferral of disposition under this  
15 section shall be placed under community supervision. The court may  
16 impose any conditions of supervision that it deems appropriate  
17 including posting a probation bond. Payment of restitution under RCW  
18 13.40.190 shall be a condition of community supervision under this  
19 section.

20 (6) A parent who signed for a probation bond has the right to  
21 notify the counselor if the juvenile fails to comply with the bond or  
22 conditions of supervision. The counselor shall notify the court and  
23 surety of any failure to comply. A surety shall notify the court of  
24 the juvenile's failure to comply with the probation bond. The state  
25 shall bear the burden to prove, by a preponderance of the evidence,  
26 that the juvenile has failed to comply with the terms of community  
27 supervision.

28 (7) A juvenile's lack of compliance shall be determined by the  
29 judge upon written motion by the prosecutor or the juvenile's juvenile  
30 court community supervision counselor. If a juvenile fails to comply  
31 with terms of supervision, the court shall enter an order of  
32 disposition.

33 (8) At any time following deferral of disposition the court may,  
34 following a hearing, continue the case for an additional one-year  
35 period for good cause.

36 (9) At the conclusion of the period set forth in the order of  
37 deferral and upon a finding by the court of full compliance with  
38 conditions of supervision and payment of full restitution, the

1 respondent's conviction shall be vacated and the court shall dismiss  
2 the case with prejudice.

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