

HOUSE BILL REPORT

SHB 2487

As Passed Legislature

Title: An act relating to increasing costs for administering a deferred prosecution.

Brief Description: Increasing costs for administering a deferred prosecution.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Liias and Kelley).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/20/10, 1/22/10 [DPS].

Floor Activity:

Passed House: 2/13/10, 95-0.

Passed Senate: 3/2/10, 45-0.

Passed Legislature.

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">Increases the maximum costs for administering a deferred prosecution agreement from \$150 to \$250.
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HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Alexa Silver (786-7190).

Background:

A person charged with a misdemeanor or gross misdemeanor offense in a court of limited jurisdiction may be eligible for deferred prosecution. To be eligible, a person must:

- allege in the petition for consideration that alcoholism, drug addiction, or mental problems caused the person to commit the offense;

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- allege that treatment is necessary to prevent recurrence;
- agree to pay for the expenses of diagnosis and treatment, if financially able;
- stipulate to the admissibility and sufficiency of the facts in the police report;
- acknowledge the admissibility of the stipulated facts in any trial on the charged offense; and
- waive the rights to testify, have a speedy trial, call witnesses, present evidence, and have a jury trial.

A person charged with a non-felony traffic offense or certain offenses related to criminal mistreatment is not eligible for a deferred prosecution more than once.

The petitioner must be evaluated by an approved treatment facility, which will submit a treatment plan to the court. If the court approves the plan and grants a deferred prosecution, the person will be ordered to undergo treatment in a two-year program. If a person fails to successfully complete the treatment program, the court must hold a hearing to determine whether to remove the person from the deferred prosecution and enter judgment on the charge. If the person successfully completes the program, the court must dismiss the charges three years after the successful completion of the program.

The court may order the person to pay costs incurred by the state in administering the deferred prosecution, up to a maximum of \$150. If the person will not be able to pay the costs, the court may not order costs. The court must consider the person's financial resources in determining the amount and method of payment of costs.

Summary of Substitute Bill:

The maximum amount that a court may order a person to pay for administering a deferred prosecution is \$250.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The maximum cost that a court can order a person to pay for administering a deferred prosecution was set at \$150 in 1991. In 2003 deferred prosecution was changed from two years to five years, so there are an additional three years of monitoring required.

(With concerns on the original bill, in support of substitute bill) Accounting for inflation, the costs today should be \$250, not \$500.

(Opposed) Deferred prosecution has been successful in taking drunk drivers off the road. Increasing the cost of a deferred prosecution makes it less attractive to the people who need it.

Persons Testifying: (In support) Scott Ahlf, District and Municipal Court Judges.

(With concerns on the original bill, in support of substitute bill) Representative Goodman, prime sponsor.

(Opposed) Julie Mitchell, Association of Alcoholism and Addictions Programs.

Persons Signed In To Testify But Not Testifying: None.