

# SENATE BILL REPORT

## HB 1257

---

---

As Reported by Senate Committee On:  
Judiciary, March 17, 2009

**Title:** An act relating to deferred prosecution files.

**Brief Description:** Eliminating the requirement that courts segregate deferred prosecution files.

**Sponsors:** Representatives Goodman, Rodne, O'Brien, Simpson and Moeller.

**Brief History:** Passed House: 2/27/09, 94-0.

**Committee Activity:** Judiciary: 3/17/09 [DP].

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Kohl-Welles, Roach and Tom.

**Staff:** Kim Johnson (786-7472)

**Background:** A person charged with a misdemeanor or gross misdemeanor in district or municipal court may petition the court for a deferred prosecution. A deferred prosecution program requires the person to undergo treatment in a two-year program. If the person successfully completes the program, the court will dismiss the charges three years after the successful completion of the treatment program.

In addition to other conditions to which the person must agree for a deferred prosecution, the person must be evaluated by a state approved treatment facility. The treatment facility will submit a treatment plan to the court. If the court approves the plan and grants deferred prosecution, the court must attach the treatment plan to the person's file, remove it from the regular court dockets, and file it in a special deferred prosecution file.

**Summary of Bill:** The requirement that deferred prosecution files be filed in a special court file different than the regular court docket is removed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Through experience and court rule any previous privacy concerns have been addressed. This is truly a clean-up bill.

**Persons Testifying:** PRO: Representative Goodman, prime sponsor; Melanie Stewart, District and Municipal Court Judges' Association.