
SENATE BILL 5591

State of Washington

62nd Legislature

2011 Regular Session

By Senator Benton

Read first time 01/31/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the dissemination of information pertaining to
2 a deferred prosecution; and amending RCW 10.05.010.

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

4 **Sec. 1.** RCW 10.05.010 and 2008 c 282 s 15 are each amended to read
5 as follows:

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

15 (2) A person charged with a traffic infraction, misdemeanor, or
16 gross misdemeanor under Title 46 RCW shall not be eligible for a
17 deferred prosecution program unless the court makes specific findings
18 pursuant to RCW 10.05.020 (~~or section 18 of this act~~). Such person
19 shall not be eligible for a deferred prosecution program more than

1 once; and cannot receive a deferred prosecution under ((~~both~~)) RCW
2 10.05.020 ((~~and section 18 of this act~~)). Separate offenses committed
3 more than seven days apart may not be consolidated in a single program.

4 (3) A person charged with a misdemeanor or a gross misdemeanor
5 under chapter 9A.42 RCW shall not be eligible for a deferred
6 prosecution program unless the court makes specific findings pursuant
7 to RCW 10.05.020. Such person shall not be eligible for a deferred
8 prosecution program more than once.

9 (4) If a petitioner has successfully completed a deferred
10 prosecution program under this chapter, no criminal justice agency may
11 disseminate any criminal history or court record information pertaining
12 to the charges underlying the deferred prosecution petition or the fact
13 of the deferred prosecution. For purposes of this subsection,
14 "criminal justice agency" has the same meaning as provided in RCW
15 10.97.030.

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