

E2SSB 5536 - H AMD TO H AMD (H-1919.1/23) **718**

By Representative Eslick

NOT ADOPTED 04/11/2023

1 On page 12, beginning on line 25 of the striking amendment, after
2 "services," strike all material through "service" on line 28 and
3 insert "the defendant shall not be eligible to continue with pretrial
4 diversion and the court must schedule the matter for further
5 proceedings"

6
7 On page 13, beginning on line 21 of the striking amendment, after
8 "defendant" strike all material through "diversion" on line 23 and
9 insert "shall not be eligible to continue with pretrial diversion and
10 the court must schedule the matter for further proceedings"

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12 On page 13, beginning on line 40 of the striking amendment, after
13 "program" strike all material through "service" on page 14, line 1

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15 On page 14, beginning on line 22 of the striking amendment, after
16 "services" through all material through "service" on line 23

17
18 On page 14, beginning on line 25 of the striking amendment, after
19 "diversion" strike all material through "court" on line 39 and insert
20 "by having six months of substantial compliance with assessment and
21 recommended treatment or services and progress toward recovery goals
22 as reflected by a written status update from the applicable program,
23 the court must dismiss the charge or charges under RCW 69.50.4011(1)
24 (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)(b) or (c)"

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26 On page 15, beginning on line 37 of the striking amendment, after
27 "services" strike all material through "service" on line 39

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2 On page 16, beginning on line 18 of the striking amendment, after
3 "services, the" strike all material through "probation" on line 20 and
4 insert "individual shall not be eligible to continue with the agreed
5 condition of probation described in subsection (2) of this section,
6 and the prosecutor must make a motion to modify the conditions of the
7 individual's probation"

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9 On page 17, beginning on line 17 of the striking amendment, after
10 "program" strike all material through "service" on line 18

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12 On page 18, beginning on line 11 of the striking amendment, after
13 "services" strike all material through "service" on line 12

14
15 On page 18, beginning on line 21 of the striking amendment, after
16 "program" strike all material through "court" on line 23

EFFECT: Eliminates the provisions allowing a person to successfully complete pretrial diversion or an agreed condition of probation for an applicable drug offense by completing a specified amount of community service under certain conditions. Provides that a person is ineligible to continue with pretrial diversion for an applicable drug offense if the person's assessment does not recommend treatment or services, and that the court must schedule the matter for further proceedings. Provides that a person is ineligible to continue with an agreed condition of probation for an applicable drug offense if the person's assessment does not recommend treatment or services, and that the prosecutor must make a motion to modify the conditions of the person's probation.

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