

**RCW 10.05.090 Procedure upon breach of treatment plan.**

**(Effective until January 1, 2026.)** If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment. [2010 c 269 s 10; 2008 c 282 s 17; 1997 c 229 s 1; 1994 c 275 s 18; 1985 c 352 s 12; 1975 1st ex.s. c 244 s 9.]

**Effective date—2010 c 269:** See note following RCW 46.20.385.

**Effective date—1997 c 229:** "This act takes effect January 1, 1998." [1997 c 229 s 15.]

**Short title—Effective date—1994 c 275:** See notes following RCW 46.04.015.

**Legislative finding—Severability—1985 c 352:** See notes following RCW 10.05.010.

**RCW 10.05.090 Procedure upon breach of treatment plan.**

**(Effective January 1, 2026.)** If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for

which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment. [2024 c 306 s 18; 2010 c 269 s 10; 2008 c 282 s 17; 1997 c 229 s 1; 1994 c 275 s 18; 1985 c 352 s 12; 1975 1st ex.s. c 244 s 9.]

**Effective date—2024 c 306:** See note following RCW 9.94A.661.

**Effective date—2010 c 269:** See note following RCW 46.20.385.

**Effective date—1997 c 229:** "This act takes effect January 1, 1998." [1997 c 229 s 15.]

**Short title—Effective date—1994 c 275:** See notes following RCW 46.04.015.

**Legislative finding—Severability—1985 c 352:** See notes following RCW 10.05.010.