

RCW 10.05.120 Dismissal of charges. (Effective until January 1, 2026.) (1) Three years after receiving proof of successful completion of the two-year treatment program, and following proof to the court that the petitioner has complied with the conditions imposed by the court following successful completion of the two-year treatment program, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED, That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.

(3) When a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the petitioner has successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against the petitioner. [2019 c 263 s 705; 2003 c 220 s 1; 2002 c 219 s 14; 1998 c 208 s 3; 1994 c 275 s 19; 1985 c 352 s 15; 1983 c 165 s 45; 1975 1st ex.s. c 244 s 12.]

Findings—Intent—2019 c 263 ss 202-803: See note following RCW 10.01.240.

Effective date—2019 c 263 ss 501-504, 601, 602, and 701-708: See note following RCW 9.94A.500.

Intent—Finding—2002 c 219: See note following RCW 9A.42.037.

Effective date—1998 c 208: See note following RCW 10.05.010.

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.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

RCW 10.05.120 Dismissal of charges. (Effective January 1, 2026.) (1) Three years after receiving proof of successful completion of the approved treatment plan, and following proof to the court that the petitioner has complied with the conditions imposed by the court following successful completion of the approved treatment plan, but not before five years following entry of the order of deferred

prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED, That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan. [2024 c 306 s 20; 2019 c 263 s 705; 2003 c 220 s 1; 2002 c 219 s 14; 1998 c 208 s 3; 1994 c 275 s 19; 1985 c 352 s 15; 1983 c 165 s 45; 1975 1st ex.s. c 244 s 12.]

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

Findings—Intent—2019 c 263 ss 202-803: See note following RCW 10.01.240.

Effective date—2019 c 263 ss 501-504, 601, 602, and 701-708: See note following RCW 9.94A.500.

Intent—Finding—2002 c 219: See note following RCW 9A.42.037.

Effective date—1998 c 208: See note following RCW 10.05.010.

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.

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.