

HB 2191-S.E - DIGEST

(AS OF HOUSE 2ND READING 1/23/2008)

Declares that a person charged with a misdemeanor or a gross misdemeanor that would be considered domestic violence under RCW 10.99.020 or with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

Requires that, in the case of a petitioner charged with a misdemeanor or gross misdemeanor that would be considered domestic violence under RCW 10.99.020, the petitioner shall allege under oath in the petition that the petitioner is the family or household member of the alleged victim; that the petitioner is in need of domestic violence perpetrator treatment under chapter 26.50 RCW; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her family or household members; and that unless treated, the probability of future recurrence is great. The petition shall contain a statement that the petitioner agrees to pay the cost of diagnosis and treatment if the petitioner is financially able. The petition shall also contain a case history and written assessment prepared by an approved domestic violence perpetrator treatment program provider under chapter 26.50 RCW.

Provides that, in lieu of alleging that the petitioner is in need of domestic violence perpetrator treatment under RCW 26.50.150, the petitioner shall allege that the petitioner is in need of counseling or other appropriate services if: (1) The case history and written assessment indicate that the petitioner is not the primary perpetrator of domestic violence in the relationship based on the comparative extent of injuries inflicted or threats creating fear of physical injury or the history of domestic violence between the persons involved; or

(2) The victim is a family or household member who is not a spouse, former spouse, person who has a child in common with the petitioner whether or not he or she has been married or lived together with the petitioner, person sixteen years of age or older who is presently residing together or who has resided together with the petitioner in the past and who has or has had a dating relationship with the petitioner, or person sixteen years of age or older who has or has had a dating relationship with the petitioner.