
Judiciary Committee

HB 1257

Title: An act relating to deferred prosecution files.

Brief Description: Eliminating the requirement that courts segregate deferred prosecution files.

Sponsors: Representatives Goodman, Rodne, O'Brien, Simpson and Moeller.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Removes the requirement that courts segregate deferred prosecution files from the court's regular files.
--

Hearing Date: 1/28/09

Staff: Trudes Tango (786-7384)

Background:

A person charged with a misdemeanor or gross misdemeanor in district or municipal court may petition the court for a deferred prosecution. A deferred prosecution program requires the person to undergo treatment in a two-year program. If the person successfully completes the program, the court will dismiss the charges three years after the successful completion of the treatment program. If a person fails to successfully complete the treatment program, the court will determine whether to remove the person from the deferred prosecution and enter judgment on the charge.

The person petitioning for a deferred prosecution must allege in the petition that alcoholism, drug addiction, or mental problems caused the person to commit the offense and that treatment is necessary to prevent a reoccurrence. In addition to other conditions to which the person must agree for a deferred prosecution, the person must be evaluated by a state-approved treatment facility. The treatment facility will submit a treatment plan to the court. If the court approves the plan and grants deferred prosecution, the court must attach the treatment plan to the person's

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

file, remove it from the regular court dockets, and file it in a special court deferred prosecution file.

Summary of Bill:

The requirement that deferred prosecution files be filed in a special court file different than the regular court docket is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.