

SENATE BILL REPORT

SHB 2487

As Reported by Senate Committee On:
Judiciary, February 24, 2010

Title: An act relating to increasing costs for administering a deferred prosecution.

Brief Description: Increasing costs for administering a deferred prosecution.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Liias and Kelley).

Brief History: Passed House: 2/13/10, 95-0.

Committee Activity: Judiciary: 2/24/10 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon, Hargrove, Kohl-Welles and Roach.

Staff: Juliana Roe (786-7438)

Background: A person charged with a misdemeanor or gross misdemeanor may be eligible for a deferred prosecution. To be eligible, a person must: (1) allege in the petition for consideration that alcoholism, drug addiction, or mental problems caused the person to commit the offense; (2) allege that treatment is necessary to prevent recurrence; (3) agree to pay for the expenses of diagnosis and treatment, if financially able; (4) stipulate to the admissibility and sufficiency of the facts in the police report; (5) acknowledge the admissibility of the stipulated facts in any trial on the charged offense; and (6) waive the rights to testify, have a speedy trial, call witnesses, present evidence, and have a jury trial.

The person must be evaluated by an approved treatment facility, which submits a treatment plan to the court. If the court approves the plan and grants the deferred prosecution, the person will be ordered to undergo treatment in a two-year program. If the person fails to successfully complete the treatment program, the court must hold a hearing to determine whether to remove the person from the deferred prosecution and enter judgment on the charge. If the person successfully completes the program, the court must dismiss the charges three years after the successful completion of the program.

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.

The court may order the person to pay costs incurred by the state in administering the deferred prosecution, up to a maximum of \$150. If the person will not be able to pay the costs, the court may not order costs. The court is required to consider the person's financial resources in determining the amount and method of payment of costs.

Summary of Bill: The maximum amount that a court may order a person to pay for administering a deferred prosecution is \$250.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a simple bill. When deferred prosecutions were created, they originally lasted for a period of two years. Now, deferred prosecutions last for five years. This allows the person entered into the deferred prosecution to pay his or her fine over a longer period of time. Additionally, the amount should be increased because of inflation. The fine amount has never been adjusted.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Judge Doug Goeltz, District and Municipal Court Judges Association.