
SUBSTITUTE HOUSE BILL 1994

State of Washington

68th Legislature

2024 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Farivar, Goodman, Reed, Alvarado, Ramos, Cortes, Morgan, Reeves, Simmons, Ormsby, Macri, Street, Fosse, and Pollet)

1 AN ACT Relating to judicial dismissal of a misdemeanor following
2 completion of court-ordered conditions; amending RCW 46.20.270; and
3 adding a new chapter to Title 10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) In a court of limited jurisdiction,
6 the court may, in its discretion, or upon motion of either party,
7 offer to dismiss a defendant's simple misdemeanor or gross
8 misdemeanor charge pursuant to the following:

9 (a) The court may continue a case pursuant to a defendant's
10 agreement to waive speedy trial in anticipation of dismissal
11 following court-ordered conditions for a period not to exceed 12
12 months and order the defendant to comply with terms, conditions, or
13 programs that the court deems appropriate based on the defendant's
14 specific situation. The court shall rule on the motion in open court.

15 (b)(i) If the defendant has substantially complied with the
16 imposed terms and conditions, either at the end of or at any point
17 during the continuance period, the court shall dismiss the charges
18 pending against the defendant.

19 (ii) Full restitution must be a required condition for the
20 dismissal of charges. However, a defendant's inability to pay
21 restitution due to indigence may not be grounds for denial of this

1 dismissal following progress towards complying with court-ordered
2 conditions or as a basis for finding that the defendant has failed to
3 substantially comply with the court's conditions.

4 (c) If it appears to the prosecuting attorney that the defendant
5 is not substantially complying with the terms and conditions, after
6 providing the defendant with written notice of the alleged violations
7 and disclosure of all evidence to be offered against the defendant,
8 the court shall hold a hearing to determine whether the defendant
9 has, by a preponderance of the evidence, willfully failed to
10 substantially comply with the terms and conditions set by the court.
11 At that hearing:

12 (i) The rules of evidence do not apply, but the defendant must be
13 afforded the due process rights required for the revocation of
14 probation, including the right to confront and cross-examine all
15 witnesses;

16 (ii) The defendant must have the opportunity to be heard in
17 person and to present evidence; and

18 (iii) If the court finds by a preponderance of the evidence that
19 the defendant is willfully failing to substantially comply with the
20 terms and conditions, the court may continue the hearing to provide
21 additional time for substantial compliance or may end the period of
22 continuance pending dismissal.

23 (d) If the court offers to dismiss a defendant's simple
24 misdemeanor or gross misdemeanor charge, any written confirmation of
25 completion of an assessment or statement indicating the defendant's
26 enrollment or referral to a specific service or program, or any
27 written updates regarding treatment or services, must be considered a
28 treatment evaluation or compliance form ordered by the court.

29 (e) Admissions made by the defendant in the course of receiving
30 treatment or services pursuant to the offer to dismiss may not be
31 used against the defendant in the prosecution's case in chief.

32 (2) A charge may not be dismissed with court-ordered conditions
33 pursuant to this section for any of the following offenses:

34 (a) A violation of RCW 46.61.502 or 46.61.504;

35 (b) A domestic violence offense involving an intimate partner as
36 defined in RCW 7.105.010;

37 (c) Stalking under RCW 9A.46.110(5)(a);

38 (d) A violation of RCW 9.41.230;

39 (e) Animal cruelty in the second degree committed under the
40 circumstances described in RCW 16.52.207(1);

1 (f) Assault in the fourth degree under RCW 9A.36.041;

2 (g) Any offense with a finding of sexual motivation under RCW
3 9.94A.835 or 13.40.135;

4 (h) Communication with a minor or someone believed to be a minor
5 for immoral purposes under RCW 9.68A.090(1);

6 (i) Any traffic offense involving a commercial driver's license
7 or a commercial learner's permit, or involving the operation of a
8 commercial motor vehicle; or

9 (j) Any offense that was originally filed as a felony charge and
10 subsequently amended to, or refiled as, a gross misdemeanor or
11 misdemeanor charge.

12 **Sec. 2.** RCW 46.20.270 and 2015 c 189 s 1 are each amended to
13 read as follows:

14 (1) Every court having jurisdiction over offenses committed under
15 this chapter, or any other act of this state or municipal ordinance
16 adopted by a local authority regulating the operation of motor
17 vehicles on highways, or any federal authority having jurisdiction
18 over offenses substantially the same as those set forth in this title
19 which occur on federal installations within this state, shall
20 immediately forward to the department a forfeiture of bail or
21 collateral deposited to secure the defendant's appearance in court, a
22 payment of a fine, penalty, or court cost, a plea of guilty or nolo
23 contendere or a finding of guilt, or a finding that any person has
24 committed a traffic infraction an abstract of the court record in the
25 form prescribed by rule of the supreme court, showing the conviction
26 of any person or the finding that any person has committed a traffic
27 infraction in said court for a violation of any said laws other than
28 regulations governing standing, stopping, parking, and pedestrian
29 offenses.

30 (2) Every state agency or municipality having jurisdiction over
31 offenses committed under this chapter, or under any other act of this
32 state or municipal ordinance adopted by a state or local authority
33 regulating the operation of motor vehicles on highways, may forward
34 to the department within ten days of failure to respond, failure to
35 pay a penalty, failure to appear at a hearing to contest the
36 determination that a violation of any statute, ordinance, or
37 regulation relating to standing, stopping, parking, or civil
38 penalties issued under RCW 46.63.160 has been committed, or failure
39 to appear at a hearing to explain mitigating circumstances, an

1 abstract of the citation record in the form prescribed by rule of the
2 department, showing the finding by such municipality that two or more
3 violations of laws governing standing, stopping, and parking or one
4 or more civil penalties issued under RCW 46.63.160 have been
5 committed and indicating the nature of the defendant's failure to
6 act. Such violations or infractions may not have occurred while the
7 vehicle is stolen from the registered owner. The department may enter
8 into agreements of reciprocity with the duly authorized
9 representatives of the states for reporting to each other violations
10 of laws governing standing, stopping, and parking.

11 (3) For the purposes of this title and except as defined in RCW
12 46.25.010, "conviction" means a final conviction in a state or
13 municipal court or by any federal authority having jurisdiction over
14 offenses substantially the same as those set forth in this title
15 which occur on federal installations in this state, an unvacated
16 forfeiture of bail or collateral deposited to secure a defendant's
17 appearance in court, the payment of a fine or court cost, a plea of
18 guilty or nolo contendere, or a finding of guilt on a traffic law
19 violation charge, regardless of whether the imposition of sentence or
20 sanctions are deferred or the penalty is suspended, but not including
21 entry into a deferred prosecution agreement under chapter 10.05 RCW
22 or entry into a judicially authorized dismissal of a misdemeanor or
23 gross misdemeanor following substantial compliance with court-ordered
24 conditions under section 1 of this act.

25 (4) Perfection of a notice of appeal shall stay the execution of
26 the sentence pertaining to the withholding of the driving privilege.

27 (5) For the purposes of this title, "finding that a traffic
28 infraction has been committed" means a failure to respond to a notice
29 of infraction or a determination made by a court pursuant to this
30 chapter. Payment of a monetary penalty made pursuant to RCW
31 46.63.070(2) is deemed equivalent to such a finding.

32 NEW SECTION. **Sec. 3.** Section 1 of this act constitutes a new
33 chapter in Title 10 RCW.

--- END ---