

RCW 10.05.140 Conditions of granting. (Effective until January 1, 2026.) (1) As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance abuse or mental health cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order. [2019 c 263 s 706; 2016 c 203 s 11; 2013 2nd sp.s. c 35 s 21; 2011 c 293 s 8; 2004 c 95 s 1; 2003 c 220 s 2; 1999 c 331 s 4; 1997 c 229 s 2; 1991 c 247 s 1; 1985 c 352 s 16.]

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.

Effective date—2011 c 293 ss 1-9: See note following RCW 46.20.385.

Effective date—1999 c 331: See note following RCW 9.94A.525.

Effective date—1997 c 229: See note following RCW 10.05.090.

Legislative finding—Severability—1985 c 352: See notes following RCW 10.05.010.

RCW 10.05.140 Conditions of granting. (Effective January 1, 2026.) (1) As a condition of granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any substance use disorder-based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance use disorder or mental health disorder cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution upon violation of the deferred prosecution order. [2024 c 306 s 21; 2019 c 263 s 706; 2016 c 203 s 11; 2013 2nd sp.s. c 35 s 21; 2011 c 293 s 8; 2004 c 95 s 1; 2003 c 220 s 2; 1999 c 331 s 4; 1997 c 229 s 2; 1991 c 247 s 1; 1985 c 352 s 16.]

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.

Effective date—2011 c 293 ss 1-9: See note following RCW 46.20.385.

Effective date—1999 c 331: See note following RCW 9.94A.525.

Effective date—1997 c 229: See note following RCW 10.05.090.

Legislative finding—Severability—1985 c 352: See notes following
RCW 10.05.010.