# MISDEMEANOR PLEA GUIDELINE

**The following assumes no criminal history and no aggravating factors such as victims, accidents involved, and treatment of officers. All listed fines do not include additional costs and assessments except the mandatory minimums for DUI. The following guidelines are the Prosecutor's direction to his deputies as to suggested minimums they should keep in mind when entering into plea agreements. Prosecutorial discretion is fully retained. These guidelines create no rights or entitlements for defendants or the general public, and create no duties or liabilities upon the deputy prosecutors if offers or resolutions in specific cases vary from these guidelines.**

**DUI offenses:**

No SOP.

.10 and below—Plead to Neg.1: 90/90, $500.00, 12 months active probation ($40/month)
.11 to .14—Plead to Reckless: 365/365, $500.00, 24 month active probation ($40/month)
.15 to .17—Plead to below .15: 365/364, $866.00, 24 months active probation ($40/month)
.18 and above—plead as charged: 365/363, $1121.00, 12 months ignition interlock, 60 months probation (first 24 are active, $40/month, remaining 36 are RCO – record check every 6 months at $60/check).

Probation shall require an alcohol evaluation and treatment, VIP,
no new crimes, no refusals or BAC >.08, no driving w/o license or insurance.

For DUI cases involving illegal drugs or medications without valid prescription- plead as charged, which is below .15 (see above).

DUI refusals—plead to below .15 (see above)

**Physical Control**

The same standards as DUI apply.

**Minor Driving While Exhibiting Effects of Having Consumed Alcohol**

24 month SOP with 40 hours community service and completion of all of the same probation requirements as for a DUI, leading to an amendment to the infraction of Neg.2 bail forfeit of $250.

**No Ignition Interlock Device**

90/85 to be served as jail only (no alternatives). No bail forfeiture or SOP. 12 months RCO.



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**Assault 4—DV**— Will be determined on a case-by-case basis.

SOP's are acceptable in cases that are truly first time offenders and little or no damage. SOP will be for 12 months minimum active probation. Depending upon the factors present, evaluations for substance abuse, mental health, and **always** a DV Batterer's evaluation.

Any misstep, revoke and sentence to 5 days jail (365/360), which can be converted to alternatives at discretion of deputy, plus $250 fine and at least 12 months active probation with DV evaluation and treatment.

**POM/UODP**

12 month SOP with active probation leading to a dismissal. 24 hours of community service and obtain an alcohol/drug evaluation (can be done anywhere, PRIME for Life only counts as ADIS, not eval) and $100 contribution to Kittitas County Drug Fund (unless it's CWU, then it goes to the CWUPD Drug Fund). If court won't allow contribution as part of SOP, proof of contribution (receipt from County Treasurer or CWU Finance Dept) required prior to entry of SOP. Can be converted to records check only by probation depending upon evaluation.

Any misstep, revoke and sentence to statutory minimums plus $100 contribution to drug fund if not previously paid. (POM/PODP minimums are: 1 day in jail (90/89) and $250 fine. If under 21, a one-year license suspension for conviction of either and a three year if convicted of both. 12 months of active probation requiring evaluation and treatment.) If revoked because of new charge, then something more.

**MIP/C**

12 month SOP to a dismissal. 24 hours of community service, obtain an alcohol/drug evaluation (PRIME for Life only counts as ADIS, not eval), and must provide a statement identifying the supplier prior to entry. Can be converted to RCO by probation depending upon evaluation. If a first-time offender refuses to give the name of the supplier, then plead guilty with 90/89, 12 months active probation requiring evaluation and treatment.

Any misstep on the SOP, revoke and sentence to 90/90, $250 fine, 12 months active probation requiring evaluation and treatment. If revoked because of new charge, then something more.

**Furnishing Liquor to a Minor**

No SOP. 365/360 to be served as jail only (no alternatives). Records-check probation unless the person who furnished was also drinking, in which case require drug/alcohol eval and active probation.



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For furnishing cases involving the employee of a business, less (including SOP) may be warranted depending on circumstances and history but attendance of a Liquor Control Board class required. Other sanctions at discretion of the Deputy.

**Reckless Driving**

24 month SOP to a dismissal. 24 hours of community service and a driving course. This is where the reckless is about speed alone. If it's more, then likely will look for more.

RCO Probation— 4 record checks in 6 month intervals.

**DWLS 1**— takes two major moving violations (DWLS 2's, etc)

Follow the statutory minimum unless other factors dictate more. 1st, 10 days, 2nd, 90 days and 3rd 180 days. There is also a one-year license suspension.

If defendant gets license back, amend to DWLS 3 as 90/80 and 12 months RCO probation. Do not agree to continuances for the purpose of allowing the defendant to get license back.

**DWLS 2**—drove while under suspension.

With no DWLS history, amend to DWLS 3, 90/85, $250.00, 12 months RCO probation. With history, 365/360, $250.00 fine, 24 month RCO. There is also a one-year license suspension.

If defendant gets license back, amend to DWLS 3 with 90/90 and 12 months RCO probation. Allow the defendant 30 days to get the license back.

**DWLS 3**— suspended for unpaid tickets or child support

If obtains a DL, amend to NVOLP (an infraction) for $124.00. Allow the defendant 60 days to get the license back.

If defendant fails to obtain DL, 90/87 with a reporting date 90 days out. The three days may be met with proof of 24 hours of community service within 90 days. 12 months RCO probation.

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Date



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