



## **BAINBRIDGE ISLAND MUNICIPAL COURT**

### COMPROMISE OF A MISDEMEANOR

BAINBRIDGE ISLAND MUNICIPAL COURT

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## Compromise of a Misdemeanor

RCW 10.22.010-.030 permits certain misdemeanor charges to be dismissed upon satisfactory payment of restitution to the victim of the crime and court costs.

Compromise of a misdemeanor is permitted in misdemeanor cases where the victim injured by the act would have a civil remedy, except for cases involving domestic violence, graffiti, riotous behavior, or with intent to commit a felony.

Steps necessary to obtain a dismissal pursuant to RCW 10.22 are as follows:

- 1) Make sure your charge qualifies under RCW 10.22.
- 2) Pay restitution to the victim of the crime.
- 3) Obtain an affidavit from the victim that damages have been paid in full. (Your attorney will assist you with this).
- 4) Pay \$100 in court costs to the court clerk.
- 5) Present the information at your court hearing for consideration of dismissal.

## Court Costs

RCW 10.22.020 permits the court to require court costs prior to dismissal. The Bainbridge Island Municipal Court requires a \$100 assessment be paid. This may be paid to the clerk by cash, check, money order or credit card. Two weeks is required for a check to clear prior to dismissal. Certain convenience fees apply to use of a credit card. Any check or money order must clear the bank prior to dismissal.

If the \$100 court fee is a hardship and the defendant is found to be indigent, the court will permit \$50 of the fee to be earned through community service (3 1/3 hours at \$15 per hour) at a non-profit agency. Any community service permitted for part of the fee must be performed and verified by the court prior to dismissal.

## Chapter 10.22 RCW

### COMPROMISE OF MISDEMEANORS

#### 10.22.010 When permitted — Exceptions.

When a defendant is prosecuted in a criminal action for a misdemeanor, other than a violation of RCW [9A.48.105](#), (graffiti) for which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in RCW [10.22.020](#), except when it was committed:

(1) By or upon an officer while in the execution of the duties of his or her office;

(2) Riotously;

(3) With an intent to commit a felony; or

(4) By one family or household member against another as defined in RCW [10.99.020](#) and was a crime of domestic violence as defined in RCW [10.99.020](#).

#### 10.22.020 Procedure — Costs.

In such case, if the party injured appear in the court in which the cause is pending at any time before the final judgment therein, and acknowledge, in writing, that he or she has received satisfaction for the injury, the court may, in its discretion, on payment of the costs incurred, order all proceedings to be discontinued and the defendant to be discharged. The reasons for making the order must be set forth therein and entered in the minutes. Such order is a bar to another prosecution for the same offense.

#### 10.22.030 Compromise in all other cases forbidden.

No offense can be compromised, nor can any proceedings for the prosecution or punishment thereof be stayed upon a compromise, except as provided in this chapter.