
Public Safety Committee

HB 2206

Brief Description: Concerning the possession or use of alcohol, cannabis products, and controlled substances in sentencing provisions.

Sponsors: Representatives Takko and Jenkins.

Brief Summary of Bill

- Expands the definition for "crime-related prohibitions."
- Authorizes courts to prohibit an offender from using or possessing alcohol, cannabis, or controlled substances if the court finds that any chemical or substance abuse contributed to the offense.

Hearing Date: 1/21/14

Staff: Yvonne Walker (786-7841).

Background:

As part of any felony sentence, the court may impose sentencing conditions known as crime-related prohibitions. When the court finds that the offender has a chemical dependency issue that contributed to the person's offense, the court may, as a condition of the sentence, order the offender to participate in rehabilitative programs or perform affirmative conduct reasonably related to the circumstances of the crime.

Under Washington's Sentencing Reform Act, "crime-related prohibition" is defined as an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and must not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the Department of Corrections.

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.

In *State v. Warnock* (2013), the defendant (Brian Warnock) was charged with second degree assault and driving under the influence offenses. There was ample evidence of the offender's alcohol intoxication during the offense, but there was no evidence and no court finding regarding the abuse of any other substance. The trial court ordered a chemical dependency evaluation and treatment. Warnock appealed the chemical dependency condition of his sentence. The Court of Appeals remanded the case to the trial court to impose only an alcohol evaluation and treatment.

Summary of Bill:

Crime-related prohibitions are defined to include a prohibition on the use or possession of alcohol, cannabis, or controlled substances if the court finds that any chemical or substance abuse contributed to the offense. If a court finds that any chemical dependency contributed to the offense, the court may order participation in rehabilitative programs for alcohol, cannabis, or controlled substances as a condition of the sentence regardless of the particular substance that contributed to the offense. The court may also impose a prohibition on the use or possession of alcohol, cannabis products, or controlled substances regardless of whether a chemical dependency evaluation is ordered.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.