

2 **2SSB 5419** - S AMD 294

3 By Senators Hargrove, Long, Patterson, Kline and Brown

4 ADOPTED 04/12/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that community safety
8 and health are promoted and tax dollars are saved when offenders who
9 abuse drugs are provided with effective treatment programs. The
10 legislature further finds that appropriate substance abuse treatment is
11 effective, but that adult offenders with substance abuse problems often
12 do not have access to the treatment needed to help them live healthier,
13 more stable, and productive lives.

14 The legislature intends to increase the capacity of the criminal
15 justice system to provide access to appropriate substance abuse
16 treatment, at the local level, for all types of offenders who are
17 diagnosed with an addiction or a substance abuse problem that if not
18 treated would result in addiction. The legislature intends to fund the
19 increased access by sentencing drug offenders commensurate to the
20 seriousness of their offenses while continuing to punish offenders who
21 manufacture methamphetamine or sell drugs for profit at current levels.

22 It is the intent of the legislature to ensure, as much as possible,
23 that the treatment is effective by requiring the use of research proven
24 and approved treatment programs under chapter 70.96A RCW. At the same
25 time, through a distribution formula and grants, the legislature
26 intends to provide counties with the flexibility to tailor their
27 approach and seek local solutions to treatment issues while providing
28 adequate oversight to make sure that funds are effectively used.

29 **Sec. 2.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
30 2000 c 66 s 2 are each reenacted and amended to read as follows:

31 TABLE 2

32 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

33 XVI Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 XIII Malicious explosion 2 (RCW 70.74.280(2))
6 Malicious placement of an explosive 1 (RCW
7 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation device
11 1 (RCW 70.74.272(1)(a))
12 Rape 1 (RCW 9A.44.040)
13 Rape of a Child 1 (RCW 9A.44.073)
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 X Child Molestation 1 (RCW 9A.44.083)
18 Indecent Liberties (with forcible
19 compulsion) (RCW 9A.44.100(1)(a))
20 Kidnapping 1 (RCW 9A.40.020)
21 Leading Organized Crime (RCW
22 9A.82.060(1)(a))
23 Malicious explosion 3 (RCW 70.74.280(3))
24 Manufacture of methamphetamine (RCW
25 69.50.401(a)(1)(ii))
26 Over 18 and deliver heroin,
27 methamphetamine, a narcotic from
28 Schedule I or II, or flunitrazepam
29 from Schedule IV to someone under 18
30 (RCW 69.50.406)
31 IX Assault of a Child 2 (RCW 9A.36.130)
32 Controlled Substance Homicide (RCW
33 69.50.415)
34 Explosive devices prohibited (RCW
35 70.74.180)

1 Homicide by Watercraft, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 79A.60.050)
4 Inciting Criminal Profiteering (RCW
5 9A.82.060(1)(b))
6 Malicious placement of an explosive 2 (RCW
7 70.74.270(2))
8 Over 18 and deliver narcotic from Schedule
9 III, IV, or V or a nonnarcotic, except
10 flunitrazepam or methamphetamine, from
11 Schedule I-V to someone under 18 and 3
12 years junior (RCW 69.50.406)
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)

18 VIII Arson 1 (RCW 9A.48.020)
19 Deliver or possess with intent to deliver
20 methamphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Hit and Run--Death (RCW 46.52.020(4)(a))
23 Homicide by Watercraft, by the operation of
24 any vessel in a reckless manner (RCW
25 79A.60.050)
26 Manslaughter 2 (RCW 9A.32.070)
27 Manufacture, deliver, or possess with
28 intent to deliver amphetamine (RCW
29 69.50.401(a)(1)(ii))
30 (~~Manufacture, deliver, or possess with~~
31 ~~intent to deliver heroin or cocaine~~
32 ~~(RCW 69.50.401(a)(1)(i))~~)
33 Possession of Ephedrine, Pseudoephedrine,
34 or Anhydrous Ammonia with intent to
35 manufacture methamphetamine (RCW
36 69.50.440)
37 Promoting Prostitution 1 (RCW 9A.88.070)

1 Selling for profit (controlled or
2 counterfeit) any controlled substance
3 (RCW 69.50.410)
4 Theft of Anhydrous Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation of any
6 vehicle in a reckless manner (RCW
7 46.61.520)

8 VII Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Dealing in depictions of minor engaged in
11 sexually explicit conduct (RCW
12 9.68A.050)
13 Drive-by Shooting (RCW 9A.36.045)
14 Homicide by Watercraft, by disregard for
15 the safety of others (RCW 79A.60.050)
16 Indecent Liberties (without forcible
17 compulsion) (RCW 9A.44.100(1) (b) and
18 (c))
19 Introducing Contraband 1 (RCW 9A.76.140)
20 Involving a minor in drug dealing (RCW
21 69.50.401(f))
22 Malicious placement of an explosive 3 (RCW
23 70.74.270(3))
24 Manufacture, deliver, or possess with
25 intent to deliver heroin or cocaine
26 (RCW 69.50.401(a)(1)(i))
27 Sending, bringing into state depictions of
28 minor engaged in sexually explicit
29 conduct (RCW 9.68A.060)
30 Unlawful Possession of a Firearm in the
31 first degree (RCW 9.41.040(1)(a))
32 Use of a Machine Gun in Commission of a
33 Felony (RCW 9.41.225)
34 Vehicular Homicide, by disregard for the
35 safety of others (RCW 46.61.520)

36 VI Bail Jumping with Murder 1 (RCW
37 9A.76.170(2)(a))
38 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation device
6 2 (RCW 70.74.272(1)(b))
7 Manufacture, deliver, or possess with
8 intent to deliver narcotics from
9 Schedule I or II (except heroin or
10 cocaine) or flunitrazepam from
11 Schedule IV (RCW 69.50.401(a)(1)(i))
12 Rape of a Child 3 (RCW 9A.44.079)
13 Theft of a Firearm (RCW 9A.56.300)
14 Unlawful Storage of Anhydrous Ammonia (RCW
15 69.55.020)

16 V Abandonment of dependent person 1 (RCW
17 9A.42.060)
18 Advancing money or property for
19 extortionate extension of credit (RCW
20 9A.82.030)
21 Bail Jumping with class A Felony (RCW
22 9A.76.170(2)(b))
23 Child Molestation 3 (RCW 9A.44.089)
24 Criminal Mistreatment 1 (RCW 9A.42.020)
25 Custodial Sexual Misconduct 1 (RCW
26 9A.44.160)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Domestic Violence Court Order Violation
31 (RCW 10.99.040, 10.99.050, 26.09.300,
32 26.10.220, 26.26.138, 26.50.110,
33 26.52.070, or 74.34.145)
34 Extortion 1 (RCW 9A.56.120)
35 Extortionate Extension of Credit (RCW
36 9A.82.020)
37 Extortionate Means to Collect Extensions of
38 Credit (RCW 9A.82.040)
39 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)
2 Perjury 1 (RCW 9A.72.020)
3 Persistent prison misbehavior (RCW
4 9.94.070)
5 Possession of a Stolen Firearm (RCW
6 9A.56.310)
7 Rape 3 (RCW 9A.44.060)
8 Rendering Criminal Assistance 1 (RCW
9 9A.76.070)
10 Sexual Misconduct with a Minor 1 (RCW
11 9A.44.093)
12 Sexually Violating Human Remains (RCW
13 9A.44.105)
14 Stalking (RCW 9A.46.110)

15 IV Arson 2 (RCW 9A.48.030)
16 Assault 2 (RCW 9A.36.021)
17 Assault by Watercraft (RCW 79A.60.060)
18 Bribing a Witness/Bribe Received by Witness
19 (RCW 9A.72.090, 9A.72.100)
20 Commercial Bribery (RCW 9A.68.060)
21 Counterfeiting (RCW 9.16.035(4))
22 Escape 1 (RCW 9A.76.110)
23 Hit and Run--Injury (RCW 46.52.020(4)(b))
24 Hit and Run with Vessel--Injury Accident
25 (RCW 79A.60.200(3))
26 Indecent Exposure to Person Under Age
27 Fourteen (subsequent sex offense) (RCW
28 9A.88.010)
29 Influencing Outcome of Sporting Event (RCW
30 9A.82.070)
31 Knowingly Trafficking in Stolen Property
32 (RCW 9A.82.050(2))
33 Malicious Harassment (RCW 9A.36.080)
34 Manufacture, deliver, or possess with
35 intent to deliver narcotics from
36 Schedule III, IV, or V or nonnarcotics
37 from Schedule I-V (except marijuana,
38 amphetamine, methamphetamines, or

1 flunitrazepam) (RCW 69.50.401(a)(1)
2 (iii) through (v))
3 Residential Burglary (RCW 9A.52.025)
4 Robbery 2 (RCW 9A.56.210)
5 Theft of Livestock 1 (RCW 9A.56.080)
6 Threats to Bomb (RCW 9.61.160)
7 Use of Proceeds of Criminal Profiteering
8 (RCW 9A.82.080 (1) and (2))
9 Vehicular Assault (RCW 46.61.522)
10 Willful Failure to Return from Furlough
11 (RCW 72.66.060)

12 III Abandonment of dependent person 2 (RCW
13 9A.42.070)
14 Assault 3 (RCW 9A.36.031)
15 Assault of a Child 3 (RCW 9A.36.140)
16 Bail Jumping with class B or C Felony (RCW
17 9A.76.170(2)(c))
18 Burglary 2 (RCW 9A.52.030)
19 Communication with a Minor for Immoral
20 Purposes (RCW 9.68A.090)
21 Criminal Gang Intimidation (RCW 9A.46.120)
22 Criminal Mistreatment 2 (RCW 9A.42.030)
23 Custodial Assault (RCW 9A.36.100)
24 Delivery of a material in lieu of a
25 controlled substance (RCW
26 69.50.401(c))
27 Escape 2 (RCW 9A.76.120)
28 Extortion 2 (RCW 9A.56.130)
29 Harassment (RCW 9A.46.020)
30 Intimidating a Public Servant (RCW
31 9A.76.180)
32 Introducing Contraband 2 (RCW 9A.76.150)
33 Maintaining a Dwelling or Place for
34 Controlled Substances (RCW
35 69.50.402(a)(6))
36 Malicious Injury to Railroad Property (RCW
37 81.60.070)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(iii))
4 Manufacture, distribute, or possess with
5 intent to distribute an imitation
6 controlled substance (RCW
7 69.52.030(1))
8 Patronizing a Juvenile Prostitute (RCW
9 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-Barreled
14 Shotgun or Rifle (RCW 9.41.190)
15 Promoting Prostitution 2 (RCW 9A.88.080)
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Securities Act violation (RCW 21.20.400)
19 Tampering with a Witness (RCW 9A.72.120)
20 Telephone Harassment (subsequent conviction
21 or threat of death) (RCW 9.61.230)
22 Theft of Livestock 2 (RCW 9A.56.080)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(1)(b))
26 Unlawful Use of Building for Drug Purposes
27 (RCW 69.53.010)
28 Willful Failure to Return from Work Release
29 (RCW 72.65.070)
30 II Computer Trespass 1 (RCW 9A.52.110)
31 Counterfeiting (RCW 9.16.035(3))
32 Create, deliver, or possess a counterfeit
33 controlled substance (RCW
34 69.50.401(b))
35 Escape from Community Custody (RCW
36 72.09.310)
37 Health Care False Claims (RCW 48.80.030)
38 Malicious Mischief 1 (RCW 9A.48.070)

1 Possession of controlled substance that is
2 either heroin or narcotics from
3 Schedule I or II or flunitrazepam from
4 Schedule IV (RCW 69.50.401(d))
5 Possession of phencyclidine (PCP) (RCW
6 69.50.401(d))
7 Possession of Stolen Property 1 (RCW
8 9A.56.150)
9 Theft 1 (RCW 9A.56.030)
10 Theft of Rental, Leased, or Lease-purchased
11 Property (valued at one thousand five
12 hundred dollars or more) (RCW
13 9A.56.096(4))
14 Trafficking in Insurance Claims (RCW
15 48.30A.015)
16 Unlawful Practice of Law (RCW 2.48.180)
17 Unlicensed Practice of a Profession or
18 Business (RCW 18.130.190(7))

19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forged Prescription (RCW 69.41.020)
24 Forged Prescription for a Controlled
25 Substance (RCW 69.50.403)
26 Forgery (RCW 9A.60.020)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Possess Controlled Substance that is a
29 Narcotic from Schedule III, IV, or V
30 or Non-narcotic from Schedule I-V
31 (except phencyclidine or
32 flunitrazepam) (RCW 69.50.401(d))
33 Possession of Stolen Property 2 (RCW
34 9A.56.160)
35 Reckless Burning 1 (RCW 9A.48.040)
36 Taking Motor Vehicle Without Permission
37 (RCW 9A.56.070)
38 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-purchased
2 Property (valued at two hundred fifty
3 dollars or more but less than one
4 thousand five hundred dollars) (RCW
5 9A.56.096(4))
6 Unlawful Issuance of Checks or Drafts (RCW
7 9A.56.060)
8 Unlawful Use of Food Stamps (RCW 9.91.140
9 (2) and (3))
10 Vehicle Prowl 1 (RCW 9A.52.095)

11 **Sec. 3.** RCW 9.94A.360 and 2000 c 28 s 15 are each amended to read
12 as follows:

13 The offender score is measured on the horizontal axis of the
14 sentencing grid. The offender score rules are as follows:

15 The offender score is the sum of points accrued under this section
16 rounded down to the nearest whole number.

17 (1) A prior conviction is a conviction which exists before the date
18 of sentencing for the offense for which the offender score is being
19 computed. Convictions entered or sentenced on the same date as the
20 conviction for which the offender score is being computed shall be
21 deemed "other current offenses" within the meaning of RCW 9.94A.400.

22 (2) Class A and sex prior felony convictions shall always be
23 included in the offender score. Class B prior felony convictions other
24 than sex offenses shall not be included in the offender score, if since
25 the last date of release from confinement (including full-time
26 residential treatment) pursuant to a felony conviction, if any, or
27 entry of judgment and sentence, the offender had spent ten consecutive
28 years in the community without committing any crime that subsequently
29 results in a conviction. Class C prior felony convictions other than
30 sex offenses shall not be included in the offender score if, since the
31 last date of release from confinement (including full-time residential
32 treatment) pursuant to a felony conviction, if any, or entry of
33 judgment and sentence, the offender had spent five consecutive years in
34 the community without committing any crime that subsequently results in
35 a conviction. Serious traffic convictions shall not be included in the
36 offender score if, since the last date of release from confinement
37 (including full-time residential treatment) pursuant to a felony
38 conviction, if any, or entry of judgment and sentence, the offender

1 spent five years in the community without committing any crime that
2 subsequently results in a conviction. This subsection applies to both
3 adult and juvenile prior convictions.

4 (3) Out-of-state convictions for offenses shall be classified
5 according to the comparable offense definitions and sentences provided
6 by Washington law. Federal convictions for offenses shall be
7 classified according to the comparable offense definitions and
8 sentences provided by Washington law. If there is no clearly
9 comparable offense under Washington law or the offense is one that is
10 usually considered subject to exclusive federal jurisdiction, the
11 offense shall be scored as a class C felony equivalent if it was a
12 felony under the relevant federal statute.

13 (4) Score prior convictions for felony anticipatory offenses
14 (attempts, criminal solicitations, and criminal conspiracies) the same
15 as if they were convictions for completed offenses.

16 (5)(a) In the case of multiple prior convictions, for the purpose
17 of computing the offender score, count all convictions separately,
18 except:

19 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to
20 encompass the same criminal conduct, shall be counted as one offense,
21 the offense that yields the highest offender score. The current
22 sentencing court shall determine with respect to other prior adult
23 offenses for which sentences were served concurrently or prior juvenile
24 offenses for which sentences were served consecutively, whether those
25 offenses shall be counted as one offense or as separate offenses using
26 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and
27 if the court finds that they shall be counted as one offense, then the
28 offense that yields the highest offender score shall be used. The
29 current sentencing court may presume that such other prior offenses
30 were not the same criminal conduct from sentences imposed on separate
31 dates, or in separate counties or jurisdictions, or in separate
32 complaints, indictments, or informations;

33 (ii) In the case of multiple prior convictions for offenses
34 committed before July 1, 1986, for the purpose of computing the
35 offender score, count all adult convictions served concurrently as one
36 offense, and count all juvenile convictions entered on the same date as
37 one offense. Use the conviction for the offense that yields the
38 highest offender score.

1 (b) As used in this subsection (5), "served concurrently" means
2 that: (i) The latter sentence was imposed with specific reference to
3 the former; (ii) the concurrent relationship of the sentences was
4 judicially imposed; and (iii) the concurrent timing of the sentences
5 was not the result of a probation or parole revocation on the former
6 offense.

7 (6) If the present conviction is one of the anticipatory offenses
8 of criminal attempt, solicitation, or conspiracy, count each prior
9 conviction as if the present conviction were for a completed offense.
10 When these convictions are used as criminal history, score them the
11 same as a completed crime.

12 (7) If the present conviction is for a nonviolent offense and not
13 covered by subsection (11) or (12) of this section, count one point for
14 each adult prior felony conviction and one point for each juvenile
15 prior violent felony conviction and 1/2 point for each juvenile prior
16 nonviolent felony conviction.

17 (8) If the present conviction is for a violent offense and not
18 covered in subsection (9), (10), (11), or (12) of this section, count
19 two points for each prior adult and juvenile violent felony conviction,
20 one point for each prior adult nonviolent felony conviction, and 1/2
21 point for each prior juvenile nonviolent felony conviction.

22 (9) If the present conviction is for a serious violent offense,
23 count three points for prior adult and juvenile convictions for crimes
24 in this category, two points for each prior adult and juvenile violent
25 conviction (not already counted), one point for each prior adult
26 nonviolent felony conviction, and 1/2 point for each prior juvenile
27 nonviolent felony conviction.

28 (10) If the present conviction is for Burglary 1, count prior
29 convictions as in subsection (8) of this section; however count two
30 points for each prior adult Burglary 2 or residential burglary
31 conviction, and one point for each prior juvenile Burglary 2 or
32 residential burglary conviction.

33 (11) If the present conviction is for a felony traffic offense
34 count two points for each adult or juvenile prior conviction for
35 Vehicular Homicide or Vehicular Assault; for each felony offense count
36 one point for each adult and 1/2 point for each juvenile prior
37 conviction; for each serious traffic offense, other than those used for
38 an enhancement pursuant to RCW 46.61.520(2), count one point for each
39 adult and 1/2 point for each juvenile prior conviction.

1 (12) If the present conviction is for ((a drug offense))
2 manufacture of methamphetamine count three points for each adult prior
3 ((felony drug offense)) manufacture of methamphetamine conviction and
4 two points for each juvenile ((drug)) manufacture of methamphetamine
5 offense. All other adult and juvenile felonies are scored as in
6 subsection (8) of this section if the current drug offense is violent,
7 or as in subsection (7) of this section if the current drug offense is
8 nonviolent.

9 (13) If the present conviction is for Willful Failure to Return
10 from Furlough, RCW 72.66.060, Willful Failure to Return from Work
11 Release, RCW 72.65.070, or Escape from Community Custody, RCW
12 72.09.310, count only prior escape convictions in the offender score.
13 Count adult prior escape convictions as one point and juvenile prior
14 escape convictions as 1/2 point.

15 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
16 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
17 juvenile prior convictions as 1/2 point.

18 (15) If the present conviction is for Burglary 2 or residential
19 burglary, count priors as in subsection (7) of this section; however,
20 count two points for each adult and juvenile prior Burglary 1
21 conviction, two points for each adult prior Burglary 2 or residential
22 burglary conviction, and one point for each juvenile prior Burglary 2
23 or residential burglary conviction.

24 (16) If the present conviction is for a sex offense, count priors
25 as in subsections (7) through (15) of this section; however count three
26 points for each adult and juvenile prior sex offense conviction.

27 (17) If the present conviction is for an offense committed while
28 the offender was under community placement, add one point.

29 NEW SECTION. Sec. 4. A new section is added to chapter 70.96A RCW
30 to read as follows:

31 (1) The criminal justice treatment account is created in the state
32 treasury. Moneys in the account may be expended solely for substance
33 abuse treatment for offenders with an addiction or a substance abuse
34 problem that if not treated would result in addiction, against whom
35 charges are filed by a prosecuting attorney in Washington state as well
36 as for the provision of drug and alcohol services for nonviolent
37 offenders within a drug court program. Moneys in the account may be
38 spent only after appropriation.

1 (2) Revenues to the criminal justice treatment account consist of:
2 (a) Savings to the state general fund resulting from reductions in drug
3 offender sentencing as a result of sections 2 and 3, chapter . . . ,
4 Laws of 2001 (sections 2 and 3 of this act), as calculated pursuant to
5 this section; and (b) any other revenues appropriated to or deposited
6 in the account.

7 (3)(a) The department of corrections, the sentencing guidelines
8 commission, the office of financial management, and the caseload
9 forecast council shall develop a methodology for calculating the
10 projected biennial savings under this section. Savings shall be
11 projected for the fiscal biennium beginning on July 1, 2003, and for
12 each biennium thereafter. By December 1, 2001, the proposed
13 methodology shall be submitted to the governor and the appropriate
14 committees of the legislature. The methodology is deemed approved
15 unless the legislature enacts legislation during the 2002 session to
16 modify or reject the methodology.

17 (b) When the department of corrections submits its biennial budget
18 request to the governor in 2002, the department of corrections shall
19 use the methodology approved in (a) of this subsection to calculate
20 savings to the state general fund for the ensuing fiscal biennium
21 resulting from reductions in drug offender sentencing as a result of
22 sections 2 and 3, chapter . . . , Laws of 2001 (sections 2 and 3 this
23 act). The department shall report the dollar amount of the savings to
24 the state treasurer, the office of financial management, and the fiscal
25 committees of the legislature.

26 (c) For the fiscal biennium beginning July 1, 2003, and each fiscal
27 biennium thereafter, the state treasurer shall transfer seventy-five
28 percent of the amount reported in (b) of this subsection from the
29 general fund into the criminal justice treatment account, divided into
30 eight equal quarterly payments.

31 (d) For the fiscal biennium beginning July 1, 2003, and each
32 biennium thereafter, the state treasurer shall transfer twenty-five
33 percent of the amount reported in (b) of this subsection from the
34 general fund into the violence reduction and drug enforcement account,
35 divided into eight quarterly payments. The amounts transferred
36 pursuant to this section shall be used solely for providing drug and
37 alcohol treatment services to offenders receiving a reduced sentence as
38 a result of sections 2 and 3, chapter . . . , Laws of 2001 (sections 2
39 and 3 of this act) and who are assessed with an addiction or a

1 substance abuse problem that if not treated would result in addiction.
2 Any excess funds remaining after providing drug and alcohol treatment
3 services to offenders receiving a reduced sentence as a result of
4 sections 2 and 3, chapter . . ., Laws of 2001 (sections 2 and 3 of this
5 act), may be expended to provide treatment for sex or violent offenders
6 assessed with an addiction or a substance abuse problem that
7 contributed to the crime.

8 (e) In each odd-numbered year, the legislature shall appropriate
9 the amount transferred to the criminal justice treatment account in (c)
10 of this subsection to the division of alcohol and substance abuse for
11 the purposes of subsection (4) of this section.

12 (4) Moneys appropriated to the division of alcohol and substance
13 abuse from the criminal justice treatment account shall be distributed
14 as specified in this subsection. The department shall serve as the
15 fiscal agent for purposes of distribution.

16 (a) Seventy percent of amounts appropriated to the division from
17 the account shall be distributed to counties pursuant to the
18 distribution formula adopted under this section. The division of
19 alcohol and substance abuse, in consultation with the department of
20 corrections, the sentencing guidelines commission, the Washington state
21 association of counties, the Washington state association of drug court
22 professionals, the superior court judges' association, the Washington
23 association of prosecuting attorneys, representatives of the criminal
24 defense bar, and any other person deemed by the division to be
25 necessary, shall establish a fair and reasonable methodology for
26 distribution to counties of moneys in the criminal justice treatment
27 account. County plans submitted for the expenditure of formula funds
28 must be approved by the panel established in (b) of this subsection.

29 (b) Thirty percent of the amounts appropriated to the division from
30 the account shall be distributed as grants for purposes of treating
31 offenders against whom charges are filed by a county prosecuting
32 attorney. The division shall appoint a panel of representatives from
33 the Washington association of prosecuting attorneys, the Washington
34 association of sheriffs and police chiefs, the superior court judges'
35 association, the Washington state association of counties, the
36 Washington defender's association or the Washington association of
37 criminal defense lawyers, the department of corrections, and the
38 division. The panel shall award the grants to eligible counties that
39 have submitted plans pursuant to (a) of this subsection and shall

1 approve expenditure plans for grant funds. The panel shall attempt to
2 ensure that treatment as funded by the grants is available to offenders
3 statewide.

4 (5) The county chemical dependency specialist, county prosecutor,
5 county sheriff, county superior court, and a member of the criminal
6 defense bar shall jointly submit a plan for disposition of all the
7 funds provided from the criminal justice treatment account within that
8 county. The funds shall be used solely to provide approved alcohol and
9 substance abuse treatment pursuant to RCW 70.96A.090.

10 (6) Counties are encouraged to consider regional agreements for the
11 efficient delivery of treatment under this section.

12 (7) Moneys allocated under this section shall be used to
13 supplement, not supplant, other federal, state, and local funds used
14 for substance abuse treatment.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW
16 to read as follows:

17 The sentencing guidelines commission, as part of the comprehensive
18 review and evaluation of state sentencing policy, shall address the
19 appropriate sentencing and treatment of drug offenders and other
20 offenders with substance abuse problems, with specific reference to the
21 length of sentences, the needs and provision for inpatient and
22 outpatient treatment that is proven and economically feasible, and the
23 appropriate degree of offender supervision during substance abuse
24 treatment.

25 NEW SECTION. **Sec. 6.** The Washington state institute for public
26 policy shall evaluate the effectiveness and financial impact of this
27 act in meeting its stated purpose and intent. The evaluation shall
28 include, but is not limited to: (1) A comparison of the reoffense rate
29 of persons receiving a reduced sentence as a result of the sentencing
30 changes included in this act with that of persons sentenced under prior
31 law; and (2) a review of the effect on other outcome measures besides
32 recidivism, such as treatment completion, employment, and housing.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.135 RCW
34 to read as follows:

35 RCW 43.135.035(4) does not apply to the transfers established in
36 section 4 of this act.

1 NEW SECTION. Sec. 8. A new section is added to chapter 43.20A RCW
2 to read as follows:

3 The department of social and health services shall annually review
4 and monitor the expenditures made by any county which is funded, in
5 whole or in part, with funds provided by this act. Counties shall
6 repay any funds that are not spent in accordance with the requirements
7 of this act.

8 NEW SECTION. Sec. 9. If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. Sec. 10. This act applies to crimes committed on or
13 after July 1, 2001.

14 NEW SECTION. Sec. 11. This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 July 1, 2001."

18 **2SSB 5419** - S AMD 294

19 By Senators Hargrove, Long, Patterson, Kline and Brown

20 ADOPTED 04/12/01

21 On page 1, line 1 of the title, after "offenders;" strike the
22 remainder of the title and insert "amending RCW 9.94A.360; reenacting
23 and amending RCW 9.94A.320; adding a new section to chapter 70.96A RCW;
24 adding a new section to chapter 9.94A RCW; adding a new section to
25 chapter 43.135 RCW; adding a new section to chapter 43.20A RCW;
26 creating new sections; prescribing penalties; providing an effective
27 date; and declaring an emergency."

--- END ---