

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

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

4

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 m e t h a m p h e t a m i n e ( R C W  
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

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 ---