

FINAL BILL REPORT

SB 5104

C 81 L 15
Synopsis as Enacted

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

Sponsors: Senator Padden.

Senate Committee on Law & Justice
House Committee on Public Safety

Background: As part of any felony sentence, the court may impose 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.

In *State v. Warnock* (2013), 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. The Court of Appeals remanded the case to the trial court to impose only an alcohol evaluation and treatment.

Summary: Crime-related prohibitions are defined to include 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 impose a prohibition on the use or possession of alcohol, cannabis products, or controlled substances regardless of whether a chemical dependency evaluation is ordered.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: July 24, 2015

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.