

---

SENATE BILL 5178

---

State of Washington

64th Legislature

2015 Regular Session

By Senators O'Ban and Darneille; by request of Department of Social and Health Services

Read first time 01/15/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to the criminal justice treatment account;  
2 amending RCW 70.96A.080 and 70.96A.350; and providing an effective  
3 date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.96A.080 and 2014 c 225 s 25 are each amended to  
6 read as follows:

7 (1) In coordination with the health care authority, the  
8 department shall establish by appropriate means, a comprehensive and  
9 coordinated program for the treatment of persons with substance use  
10 disorders and their families, persons incapacitated by alcohol or  
11 other psychoactive chemicals, and intoxicated persons.

12 (2)(a) The program shall include, but not necessarily be limited  
13 to, a continuum of chemical dependency treatment services that  
14 includes:

15 (i) Withdrawal management;

16 (ii) Residential treatment; and

17 (iii) Outpatient treatment.

18 (b) The program may include peer support, supported housing,  
19 supported employment, crisis diversion, or recovery support services.

20 (3) All appropriate public and private resources shall be  
21 coordinated with and used in the program when possible.

1 (4) The department may contract for the use of an approved  
2 treatment program or other individual or organization if the  
3 secretary considers this to be an effective and economical course to  
4 follow.

5 (5) By April 1, 2016, treatment provided under this chapter must  
6 be purchased primarily through managed care contracts. Consistent  
7 with RCW 70.96A.350, services and funding provided through the  
8 criminal justice treatment account, except for the amount used to  
9 provide state matching funds for federal medicaid payments, are  
10 intended to be exempted from managed care contracting.

11 **Sec. 2.** RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each  
12 amended to read as follows:

13 (1) The criminal justice treatment account is created in the  
14 state treasury. Moneys in the account may be expended solely for: (a)  
15 Substance abuse treatment and treatment support services for  
16 offenders with an addiction or a substance abuse problem that, if not  
17 treated, would result in addiction, against whom charges are filed by  
18 a prosecuting attorney in Washington state; (b) the provision of drug  
19 and alcohol treatment services and treatment support services for  
20 nonviolent offenders within a drug court program; (c) the  
21 administrative and overhead costs associated with the operation of a  
22 drug court; and (d) during the 2011-2013 biennium, the legislature  
23 may appropriate up to three million dollars from the account in order  
24 to offset reductions in the state general fund for treatment services  
25 provided by counties. This amount is not subject to the requirements  
26 of subsections (5) through (9) of this section. During the 2013-2015  
27 fiscal biennium, the legislature may transfer from the criminal  
28 justice treatment account to the state general fund amounts as  
29 reflect the state savings associated with the implementation of the  
30 medicaid expansion of the federal affordable care act. Moneys in the  
31 account may be spent only after appropriation.

32 (2) For purposes of this section:

33 (a) "Treatment" means services that are critical to a  
34 participant's successful completion of his or her substance abuse  
35 treatment program, (~~but does not include the following services:~~  
36 ~~Housing other than that provided as part of an inpatient substance~~  
37 ~~abuse treatment program, vocational training, and mental health~~  
38 ~~counseling)) including the services outlined in RCW 70.96A.080(2)(b),~~

1 as amended by section 25, chapter 225, Laws of 2014, effective April  
2 1, 2016; and

3 (b) "Treatment support" means transportation to or from inpatient  
4 or outpatient treatment services when no viable alternative exists,  
5 and child care services that are necessary to ensure a participant's  
6 ability to attend outpatient treatment sessions.

7 (3) Revenues to the criminal justice treatment account consist  
8 of: (a) Funds transferred to the account pursuant to this section;  
9 and (b) any other revenues appropriated to or deposited in the  
10 account.

11 (4)(a) For the fiscal biennium beginning July 1, 2003, the state  
12 treasurer shall transfer eight million nine hundred fifty thousand  
13 dollars from the general fund into the criminal justice treatment  
14 account, divided into eight equal quarterly payments. For the fiscal  
15 year beginning July 1, 2005, and each subsequent fiscal year, the  
16 state treasurer shall transfer eight million two hundred fifty  
17 thousand dollars from the general fund to the criminal justice  
18 treatment account, divided into four equal quarterly payments. For  
19 the fiscal year beginning July 1, 2006, and each subsequent fiscal  
20 year, the amount transferred shall be increased on an annual basis by  
21 the implicit price deflator as published by the federal bureau of  
22 labor statistics.

23 (b) In each odd-numbered year, the legislature shall appropriate  
24 the amount transferred to the criminal justice treatment account in  
25 (a) of this subsection to the division of alcohol and substance abuse  
26 for the purposes of subsection (5) of this section.

27 (5) Moneys appropriated to the division of alcohol and substance  
28 abuse from the criminal justice treatment account shall be  
29 distributed as specified in this subsection. The department shall  
30 serve as the fiscal agent for purposes of distribution. Until July 1,  
31 2004, the department may not use moneys appropriated from the  
32 criminal justice treatment account for administrative expenses and  
33 shall distribute all amounts appropriated under subsection (4)(b) of  
34 this section in accordance with this subsection. Beginning in July 1,  
35 2004, the department may retain up to three percent of the amount  
36 appropriated under subsection (4)(b) of this section for its  
37 administrative costs.

38 (a) Seventy percent of amounts appropriated to the division from  
39 the account shall be distributed to counties pursuant to the  
40 distribution formula adopted under this section. The division of

1 alcohol and substance abuse, in consultation with the department of  
2 corrections, the Washington state association of counties, the  
3 Washington state association of drug court professionals, the  
4 superior court judges' association, the Washington association of  
5 prosecuting attorneys, representatives of the criminal defense bar,  
6 representatives of substance abuse treatment providers, and any other  
7 person deemed by the division to be necessary, shall establish a fair  
8 and reasonable methodology for distribution to counties of moneys in  
9 the criminal justice treatment account. County or regional plans  
10 submitted for the expenditure of formula funds must be approved by  
11 the panel established in (b) of this subsection.

12 (b) Thirty percent of the amounts appropriated to the division  
13 from the account shall be distributed as grants for purposes of  
14 treating offenders against whom charges are filed by a county  
15 prosecuting attorney. The division shall appoint a panel of  
16 representatives from the Washington association of prosecuting  
17 attorneys, the Washington association of sheriffs and police chiefs,  
18 the superior court judges' association, the Washington state  
19 association of counties, the Washington defender's association or the  
20 Washington association of criminal defense lawyers, the department of  
21 corrections, the Washington state association of drug court  
22 professionals, substance abuse treatment providers, and the division.  
23 The panel shall review county or regional plans for funding under (a)  
24 of this subsection and grants approved under this subsection. The  
25 panel shall attempt to ensure that treatment as funded by the grants  
26 is available to offenders statewide.

27 (6) The county alcohol and drug coordinator, county prosecutor,  
28 county sheriff, county superior court, a substance abuse treatment  
29 provider appointed by the county legislative authority, a member of  
30 the criminal defense bar appointed by the county legislative  
31 authority, and, in counties with a drug court, a representative of  
32 the drug court shall jointly submit a plan, approved by the county  
33 legislative authority or authorities, to the panel established in  
34 subsection (5)(b) of this section, for disposition of all the funds  
35 provided from the criminal justice treatment account within that  
36 county. The funds shall be used solely to provide approved alcohol  
37 and substance abuse treatment pursuant to RCW 70.96A.090, treatment  
38 support services, and for the administrative and overhead costs  
39 associated with the operation of a drug court.

1 (a) No more than ten percent of the total moneys received under  
2 subsections (4) and (5) of this section by a county or group of  
3 counties participating in a regional agreement shall be spent on the  
4 administrative and overhead costs associated with the operation of a  
5 drug court.

6 (b) No more than ten percent of the total moneys received under  
7 subsections (4) and (5) of this section by a county or group of  
8 counties participating in a regional agreement shall be spent for  
9 treatment support services.

10 (7) Counties are encouraged to consider regional agreements and  
11 submit regional plans for the efficient delivery of treatment under  
12 this section.

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

16 (9) Counties must meet the criteria established in RCW  
17 2.28.170(3)(b).

18 (10) The authority under this section to use funds from the  
19 criminal justice treatment account for the administrative and  
20 overhead costs associated with the operation of a drug court expires  
21 June 30, 2015.

22 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect April  
23 1, 2016.

--- END ---