

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1524

Chapter 205, Laws of 2018

65th Legislature
2018 Regular Session

THERAPEUTIC COURTS--CRIMINAL JUSTICE TREATMENT ACCOUNT

EFFECTIVE DATE: June 7, 2018

Passed by the House March 5, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2018
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Approved March 22, 2018 3:31 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1524** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2018

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1524

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By House Appropriations (originally sponsored by Representatives Kloba, Klippert, Goodman, Holy, Macri, Peterson, Haler, Doglio, Appleton, and Stanford)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to increasing success in therapeutic courts;
2 amending RCW 71.24.580; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Drug courts remove a defendant's or
5 respondent's case from the criminal and civil court traditional trial
6 track and allow those defendants or respondents the opportunity to
7 obtain treatment services to address particular issues that may have
8 contributed to the conduct that led to their arrest or other issues
9 before the court. Such courts, by focusing on specific individuals'
10 needs, provide treatment for the issues presented and ensure rapid
11 and appropriate accountability for program violations, which
12 decreases recidivism, improves the safety of the community, and
13 improves the life of the program participant and the lives of the
14 participant's family members by decreasing the severity and frequency
15 of the specific behavior addressed by the therapeutic court.
16 Therefore, the legislature finds compelling the research conducted by
17 the Washington state institute for public policy and the research and
18 data analysis division of the department of social and health
19 services showing that providing recovery support services to clients
20 in drug courts creates a benefit to the state of approximately seven
21 dollars and sixty cents in reduced public expenditures and reduced

1 costs of victimization for each dollar spent. Therefore, it is the
2 intent of the legislature to allow the use of a portion of the
3 criminal justice treatment account to provide such services to foster
4 increased success in drug courts.

5 **Sec. 2.** RCW 71.24.580 and 2017 3rd sp.s. c 1 s 981 are each
6 amended to read as follows:

7 (1) The criminal justice treatment account is created in the
8 state treasury. Moneys in the account may be expended solely for: (a)
9 Substance use disorder treatment and treatment support services for
10 offenders with a substance use disorder that, if not treated, would
11 result in addiction, against whom charges are filed by a prosecuting
12 attorney in Washington state; (b) the provision of substance use
13 disorder treatment services and treatment support services for
14 nonviolent offenders within a drug court program; and (c) the
15 administrative and overhead costs associated with the operation of a
16 drug court. Amounts provided in this subsection must be used for
17 treatment and recovery support services for criminally involved
18 offenders and authorization of these services shall not be subject to
19 determinations of medical necessity. During the 2015-2017 fiscal
20 biennium, the legislature may transfer from the criminal justice
21 treatment account to the state general fund amounts as reflect the
22 state savings associated with the implementation of the medicaid
23 expansion of the federal affordable care act and the excess fund
24 balance of the account. During the 2017-2019 fiscal biennium, the
25 legislature may direct the state treasurer to make transfers of
26 moneys in the criminal justice treatment account to the state general
27 fund. It is the intent of the legislature to continue(~~(, in future~~
28 ~~biennia,~~) in the 2019-2021 biennium the policy of transferring to
29 the state general fund such amounts as reflect the excess fund
30 balance of the account. Moneys in the account may be spent only after
31 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 use
35 disorder treatment program, (~~but does not include the following~~
36 ~~services: Housing other than that provided as part of an inpatient~~
37 ~~substance use disorder treatment program, vocational training, and~~
38 ~~mental health counseling~~) including but not limited to the recovery

1 support and other programmatic elements outlined in RCW 2.30.030
2 authorizing therapeutic courts; and

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

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

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

20 (b) In each odd-numbered year, the legislature shall appropriate
21 the amount transferred to the criminal justice treatment account in
22 (a) of this subsection to the department for the purposes of
23 subsection (5) of this section.

24 (5) Moneys appropriated to the department from the criminal
25 justice treatment account shall be distributed as specified in this
26 subsection. The department may retain up to three percent of the
27 amount appropriated under subsection (4)(b) of this section for its
28 administrative costs.

29 (a) Seventy percent of amounts appropriated to the department
30 from the account shall be distributed to counties pursuant to the
31 distribution formula adopted under this section. The division of
32 alcohol and substance abuse, in consultation with the department of
33 corrections, the Washington state association of counties, the
34 Washington state association of drug court professionals, the
35 superior court judges' association, the Washington association of
36 prosecuting attorneys, representatives of the criminal defense bar,
37 representatives of substance use disorder treatment providers, and
38 any other person deemed by the department to be necessary, shall
39 establish a fair and reasonable methodology for distribution to
40 counties of moneys in the criminal justice treatment account. County

1 or regional plans submitted for the expenditure of formula funds must
2 be approved by the panel established in (b) of this subsection.

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

18 (6) The county alcohol and drug coordinator, county prosecutor,
19 county sheriff, county superior court, a substance abuse treatment
20 provider appointed by the county legislative authority, a member of
21 the criminal defense bar appointed by the county legislative
22 authority, and, in counties with a drug court, a representative of
23 the drug court shall jointly submit a plan, approved by the county
24 legislative authority or authorities, to the panel established in
25 subsection (5)(b) of this section, for disposition of all the funds
26 provided from the criminal justice treatment account within that
27 county. The funds shall be used solely to provide approved alcohol
28 and substance abuse treatment pursuant to RCW 71.24.560((7)) and
29 ~~treatment support services((, and for the administrative and overhead~~
30 ~~costs associated with the operation of a drug court.~~

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

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

1 (7) Counties are encouraged to consider regional agreements and
2 submit regional plans for the efficient delivery of treatment under
3 this section.

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

7 (9) Counties must meet the criteria established in RCW
8 2.30.030(3).

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

Passed by the House March 5, 2018.

Passed by the Senate March 2, 2018.

Approved by the Governor March 22, 2018.

Filed in Office of Secretary of State March 26, 2018.

--- END ---