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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5419

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State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Long, Hargrove, Kline, Winsley and Kohl-Welles)

READ FIRST TIME 04/10/01.

1 AN ACT Relating to chemical dependency treatment for offenders;  
2 amending RCW 9.94A.360; reenacting and amending RCW 9.94A.320; adding  
3 a new section to chapter 70.96A RCW; adding a new section to chapter  
4 9.94A RCW; adding a new section to chapter 43.135 RCW; adding a new  
5 section to chapter 43.20A RCW; creating new sections; prescribing  
6 penalties; providing an effective date; and declaring an emergency.

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

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

15 The legislature intends to increase the capacity of the criminal  
16 justice system to provide access to appropriate substance abuse  
17 treatment, at the local level, for all types of offenders who are  
18 diagnosed with an addiction or a substance abuse problem that if not  
19 treated would result in addiction. The legislature intends to fund the

1 increased access by sentencing drug offenders commensurate to the  
2 seriousness of their offenses while continuing to punish offenders who  
3 manufacture methamphetamine or sell drugs for profit at current levels.

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

11 **Sec. 2.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and  
12 2000 c 66 s 2 are each reenacted and amended to read as follows:

13 TABLE 2

14 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

15	XVI	Aggravated Murder 1 (RCW 10.95.020)
16	XV	Homicide by abuse (RCW 9A.32.055)
17		Malicious explosion 1 (RCW 70.74.280(1))
18		Murder 1 (RCW 9A.32.030)
19	XIV	Murder 2 (RCW 9A.32.050)
20	XIII	Malicious explosion 2 (RCW 70.74.280(2))
21		Malicious placement of an explosive 1 (RCW
22		70.74.270(1))
23	XII	Assault 1 (RCW 9A.36.011)
24		Assault of a Child 1 (RCW 9A.36.120)
25		Malicious placement of an imitation device
26		1 (RCW 70.74.272(1)(a))
27		Rape 1 (RCW 9A.44.040)
28		Rape of a Child 1 (RCW 9A.44.073)
29	XI	Manslaughter 1 (RCW 9A.32.060)
30		Rape 2 (RCW 9A.44.050)
31		Rape of a Child 2 (RCW 9A.44.076)
32	X	Child Molestation 1 (RCW 9A.44.083)
33		Indecent Liberties (with forcible
34		compulsion) (RCW 9A.44.100(1)(a))

1 Kidnapping 1 (RCW 9A.40.020)  
2 Leading Organized Crime (RCW  
3 9A.82.060(1)(a))  
4 Malicious explosion 3 (RCW 70.74.280(3))  
5 Manufacture of methamphetamine (RCW  
6 69.50.401(a)(1)(ii))  
7 Over 18 and deliver heroin,  
8 methamphetamine, a narcotic from  
9 Schedule I or II, or flunitrazepam  
10 from Schedule IV to someone under 18  
11 (RCW 69.50.406)

12 IX Assault of a Child 2 (RCW 9A.36.130)  
13 Controlled Substance Homicide (RCW  
14 69.50.415)  
15 Explosive devices prohibited (RCW  
16 70.74.180)  
17 Homicide by Watercraft, by being under the  
18 influence of intoxicating liquor or  
19 any drug (RCW 79A.60.050)  
20 Inciting Criminal Profiteering (RCW  
21 9A.82.060(1)(b))  
22 Malicious placement of an explosive 2 (RCW  
23 70.74.270(2))  
24 Over 18 and deliver narcotic from Schedule  
25 III, IV, or V or a nonnarcotic, except  
26 flunitrazepam or methamphetamine, from  
27 Schedule I-V to someone under 18 and 3  
28 years junior (RCW 69.50.406)  
29 Robbery 1 (RCW 9A.56.200)  
30 Sexual Exploitation (RCW 9.68A.040)  
31 Vehicular Homicide, by being under the  
32 influence of intoxicating liquor or  
33 any drug (RCW 46.61.520)

34 VIII Arson 1 (RCW 9A.48.020)  
35 Deliver or possess with intent to deliver  
36 m e t h a m p h e t a m i n e ( R C W  
37 69.50.401(a)(1)(ii))  
38 Hit and Run--Death (RCW 46.52.020(4)(a))

1 Homicide by Watercraft, by the operation of  
2 any vessel in a reckless manner (RCW  
3 79A.60.050)  
4 Manslaughter 2 (RCW 9A.32.070)  
5 Manufacture, deliver, or possess with  
6 intent to deliver amphetamine (RCW  
7 69.50.401(a)(1)(ii))  
8 ~~((Manufacture, deliver, or possess with  
9 intent to deliver heroin or cocaine  
10 {RCW 69.50.401(a)(1)(i)}))~~  
11 Possession of Ephedrine, Pseudoephedrine,  
12 or Anhydrous Ammonia with intent to  
13 manufacture methamphetamine (RCW  
14 69.50.440)  
15 Promoting Prostitution 1 (RCW 9A.88.070)  
16 Selling for profit (controlled or  
17 counterfeit) any controlled substance  
18 (RCW 69.50.410)  
19 Theft of Anhydrous Ammonia (RCW 69.55.010)  
20 Vehicular Homicide, by the operation of any  
21 vehicle in a reckless manner (RCW  
22 46.61.520)

23 VII Burglary 1 (RCW 9A.52.020)  
24 Child Molestation 2 (RCW 9A.44.086)  
25 Dealing in depictions of minor engaged in  
26 sexually explicit conduct (RCW  
27 9.68A.050)  
28 Drive-by Shooting (RCW 9A.36.045)  
29 Homicide by Watercraft, by disregard for  
30 the safety of others (RCW 79A.60.050)  
31 Indecent Liberties (without forcible  
32 compulsion) (RCW 9A.44.100(1) (b) and  
33 (c))  
34 Introducing Contraband 1 (RCW 9A.76.140)  
35 Involving a minor in drug dealing (RCW  
36 69.50.401(f))  
37 Malicious placement of an explosive 3 (RCW  
38 70.74.270(3))

1           Manufacture, deliver, or possess with  
2           intent to deliver heroin or cocaine  
3           (RCW 69.50.401(a)(1)(i))  
4           Sending, bringing into state depictions of  
5           minor engaged in sexually explicit  
6           conduct (RCW 9.68A.060)  
7           Unlawful Possession of a Firearm in the  
8           first degree (RCW 9.41.040(1)(a))  
9           Use of a Machine Gun in Commission of a  
10          Felony (RCW 9.41.225)  
11          Vehicular Homicide, by disregard for the  
12          safety of others (RCW 46.61.520)

13    VI       Bail Jumping with Murder 1 (RCW  
14              9A.76.170(2)(a))  
15              Bribery (RCW 9A.68.010)  
16              Incest 1 (RCW 9A.64.020(1))  
17              Intimidating a Judge (RCW 9A.72.160)  
18              Intimidating a Juror/Witness (RCW  
19              9A.72.110, 9A.72.130)  
20              Malicious placement of an imitation device  
21              2 (RCW 70.74.272(1)(b))  
22              Manufacture, deliver, or possess with  
23              intent to deliver narcotics from  
24              Schedule I or II (except heroin or  
25              cocaine) or flunitrazepam from  
26              Schedule IV (RCW 69.50.401(a)(1)(i))  
27              Rape of a Child 3 (RCW 9A.44.079)  
28              Theft of a Firearm (RCW 9A.56.300)  
29              Unlawful Storage of Anhydrous Ammonia (RCW  
30              69.55.020)

31    V        Abandonment of dependent person 1 (RCW  
32              9A.42.060)  
33              Advancing money or property for  
34              extortionate extension of credit (RCW  
35              9A.82.030)  
36              Bail Jumping with class A Felony (RCW  
37              9A.76.170(2)(b))  
38              Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 1 (RCW 9A.42.020)  
2 Custodial Sexual Misconduct 1 (RCW  
3 9A.44.160)  
4 Delivery of imitation controlled substance  
5 by person eighteen or over to person  
6 under eighteen (RCW 69.52.030(2))  
7 Domestic Violence Court Order Violation  
8 (RCW 10.99.040, 10.99.050, 26.09.300,  
9 26.10.220, 26.26.138, 26.50.110,  
10 26.52.070, or 74.34.145)  
11 Extortion 1 (RCW 9A.56.120)  
12 Extortionate Extension of Credit (RCW  
13 9A.82.020)  
14 Extortionate Means to Collect Extensions of  
15 Credit (RCW 9A.82.040)  
16 Incest 2 (RCW 9A.64.020(2))  
17 Kidnapping 2 (RCW 9A.40.030)  
18 Perjury 1 (RCW 9A.72.020)  
19 Persistent prison misbehavior (RCW  
20 9.94.070)  
21 Possession of a Stolen Firearm (RCW  
22 9A.56.310)  
23 Rape 3 (RCW 9A.44.060)  
24 Rendering Criminal Assistance 1 (RCW  
25 9A.76.070)  
26 Sexual Misconduct with a Minor 1 (RCW  
27 9A.44.093)  
28 Sexually Violating Human Remains (RCW  
29 9A.44.105)  
30 Stalking (RCW 9A.46.110)  
  
31 IV Arson 2 (RCW 9A.48.030)  
32 Assault 2 (RCW 9A.36.021)  
33 Assault by Watercraft (RCW 79A.60.060)  
34 Bribing a Witness/Bribe Received by Witness  
35 (RCW 9A.72.090, 9A.72.100)  
36 Commercial Bribery (RCW 9A.68.060)  
37 Counterfeiting (RCW 9.16.035(4))  
38 Escape 1 (RCW 9A.76.110)  
39 Hit and Run--Injury (RCW 46.52.020(4)(b))

1 Hit and Run with Vessel--Injury Accident  
2 (RCW 79A.60.200(3))  
3 Indecent Exposure to Person Under Age  
4 Fourteen (subsequent sex offense) (RCW  
5 9A.88.010)  
6 Influencing Outcome of Sporting Event (RCW  
7 9A.82.070)  
8 Knowingly Trafficking in Stolen Property  
9 (RCW 9A.82.050(2))  
10 Malicious Harassment (RCW 9A.36.080)  
11 Manufacture, deliver, or possess with  
12 intent to deliver narcotics from  
13 Schedule III, IV, or V or nonnarcotics  
14 from Schedule I-V (except marijuana,  
15 amphetamine, methamphetamines, or  
16 flunitrazepam) (RCW 69.50.401(a)(1)  
17 (iii) through (v))  
18 Residential Burglary (RCW 9A.52.025)  
19 Robbery 2 (RCW 9A.56.210)  
20 Theft of Livestock 1 (RCW 9A.56.080)  
21 Threats to Bomb (RCW 9.61.160)  
22 Use of Proceeds of Criminal Profiteering  
23 (RCW 9A.82.080 (1) and (2))  
24 Vehicular Assault (RCW 46.61.522)  
25 Willful Failure to Return from Furlough  
26 (RCW 72.66.060)  
27 III Abandonment of dependent person 2 (RCW  
28 9A.42.070)  
29 Assault 3 (RCW 9A.36.031)  
30 Assault of a Child 3 (RCW 9A.36.140)  
31 Bail Jumping with class B or C Felony (RCW  
32 9A.76.170(2)(c))  
33 Burglary 2 (RCW 9A.52.030)  
34 Communication with a Minor for Immoral  
35 Purposes (RCW 9.68A.090)  
36 Criminal Gang Intimidation (RCW 9A.46.120)  
37 Criminal Mistreatment 2 (RCW 9A.42.030)  
38 Custodial Assault (RCW 9A.36.100)

1 Delivery of a material in lieu of a  
2 controlled substance (RCW  
3 69.50.401(c))  
4 Escape 2 (RCW 9A.76.120)  
5 Extortion 2 (RCW 9A.56.130)  
6 Harassment (RCW 9A.46.020)  
7 Intimidating a Public Servant (RCW  
8 9A.76.180)  
9 Introducing Contraband 2 (RCW 9A.76.150)  
10 Maintaining a Dwelling or Place for  
11 Controlled Substances (RCW  
12 69.50.402(a)(6))  
13 Malicious Injury to Railroad Property (RCW  
14 81.60.070)  
15 Manufacture, deliver, or possess with  
16 intent to deliver marijuana (RCW  
17 69.50.401(a)(1)(iii))  
18 Manufacture, distribute, or possess with  
19 intent to distribute an imitation  
20 controlled substance (RCW  
21 69.52.030(1))  
22 Patronizing a Juvenile Prostitute (RCW  
23 9.68A.100)  
24 Perjury 2 (RCW 9A.72.030)  
25 Possession of Incendiary Device (RCW  
26 9.40.120)  
27 Possession of Machine Gun or Short-Barreled  
28 Shotgun or Rifle (RCW 9.41.190)  
29 Promoting Prostitution 2 (RCW 9A.88.080)  
30 Recklessly Trafficking in Stolen Property  
31 (RCW 9A.82.050(1))  
32 Securities Act violation (RCW 21.20.400)  
33 Tampering with a Witness (RCW 9A.72.120)  
34 Telephone Harassment (subsequent conviction  
35 or threat of death) (RCW 9.61.230)  
36 Theft of Livestock 2 (RCW 9A.56.080)  
37 Unlawful Imprisonment (RCW 9A.40.040)  
38 Unlawful possession of firearm in the  
39 second degree (RCW 9.41.040(1)(b))



1 Unlawful Use of Building for Drug Purposes  
2 (RCW 69.53.010)  
3 Willful Failure to Return from Work Release  
4 (RCW 72.65.070)

5 II Computer Trespass 1 (RCW 9A.52.110)  
6 Counterfeiting (RCW 9.16.035(3))  
7 Create, deliver, or possess a counterfeit  
8 controlled substance (RCW  
9 69.50.401(b))

10 Escape from Community Custody (RCW  
11 72.09.310)

12 Health Care False Claims (RCW 48.80.030)

13 Malicious Mischief 1 (RCW 9A.48.070)

14 Possession of controlled substance that is  
15 either heroin or narcotics from  
16 Schedule I or II or flunitrazepam from  
17 Schedule IV (RCW 69.50.401(d))

18 Possession of phencyclidine (PCP) (RCW  
19 69.50.401(d))

20 Possession of Stolen Property 1 (RCW  
21 9A.56.150)

22 Theft 1 (RCW 9A.56.030)

23 Theft of Rental, Leased, or Lease-purchased  
24 Property (valued at one thousand five  
25 hundred dollars or more) (RCW  
26 9A.56.096(4))

27 Trafficking in Insurance Claims (RCW  
28 48.30A.015)

29 Unlawful Practice of Law (RCW 2.48.180)

30 Unlicensed Practice of a Profession or  
31 Business (RCW 18.130.190(7))

32 I Attempting to Elude a Pursuing Police  
33 Vehicle (RCW 46.61.024)

34 False Verification for Welfare (RCW  
35 74.08.055)

36 Forged Prescription (RCW 69.41.020)

37 Forged Prescription for a Controlled  
38 Substance (RCW 69.50.403)

1           Forgery (RCW 9A.60.020)  
2           Malicious Mischief 2 (RCW 9A.48.080)  
3           Possess Controlled Substance that is a  
4                 Narcotic from Schedule III, IV, or V  
5                 or Non-narcotic from Schedule I-V  
6                 (except phencyclidine or  
7                 flunitrazepam) (RCW 69.50.401(d))  
8           Possession of Stolen Property 2 (RCW  
9                 9A.56.160)  
10          Reckless Burning 1 (RCW 9A.48.040)  
11          Taking Motor Vehicle Without Permission  
12                 (RCW 9A.56.070)  
13          Theft 2 (RCW 9A.56.040)  
14          Theft of Rental, Leased, or Lease-purchased  
15                 Property (valued at two hundred fifty  
16                 dollars or more but less than one  
17                 thousand five hundred dollars) (RCW  
18                 9A.56.096(4))  
19          Unlawful Issuance of Checks or Drafts (RCW  
20                 9A.56.060)  
21          Unlawful Use of Food Stamps (RCW 9.91.140  
22                 (2) and (3))  
23          Vehicle Prowl 1 (RCW 9A.52.095)

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

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

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

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

35          (2) Class A and sex prior felony convictions shall always be  
36 included in the offender score. Class B prior felony convictions other  
37 than sex offenses shall not be included in the offender score, if since  
38 the last date of release from confinement (including full-time

1 residential treatment) pursuant to a felony conviction, if any, or  
2 entry of judgment and sentence, the offender had spent ten consecutive  
3 years in the community without committing any crime that subsequently  
4 results in a conviction. Class C prior felony convictions other than  
5 sex offenses shall not be included in the offender score if, since the  
6 last date of release from confinement (including full-time residential  
7 treatment) pursuant to a felony conviction, if any, or entry of  
8 judgment and sentence, the offender had spent five consecutive years in  
9 the community without committing any crime that subsequently results in  
10 a conviction. Serious traffic convictions shall not be included in the  
11 offender score if, since the last date of release from confinement  
12 (including full-time residential treatment) pursuant to a felony  
13 conviction, if any, or entry of judgment and sentence, the offender  
14 spent five years in the community without committing any crime that  
15 subsequently results in a conviction. This subsection applies to both  
16 adult and juvenile prior convictions.

17 (3) Out-of-state convictions for offenses shall be classified  
18 according to the comparable offense definitions and sentences provided  
19 by Washington law. Federal convictions for offenses shall be  
20 classified according to the comparable offense definitions and  
21 sentences provided by Washington law. If there is no clearly  
22 comparable offense under Washington law or the offense is one that is  
23 usually considered subject to exclusive federal jurisdiction, the  
24 offense shall be scored as a class C felony equivalent if it was a  
25 felony under the relevant federal statute.

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

29 (5)(a) In the case of multiple prior convictions, for the purpose  
30 of computing the offender score, count all convictions separately,  
31 except:

32 (i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to  
33 encompass the same criminal conduct, shall be counted as one offense,  
34 the offense that yields the highest offender score. The current  
35 sentencing court shall determine with respect to other prior adult  
36 offenses for which sentences were served concurrently or prior juvenile  
37 offenses for which sentences were served consecutively, whether those  
38 offenses shall be counted as one offense or as separate offenses using  
39 the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and

1 if the court finds that they shall be counted as one offense, then the  
2 offense that yields the highest offender score shall be used. The  
3 current sentencing court may presume that such other prior offenses  
4 were not the same criminal conduct from sentences imposed on separate  
5 dates, or in separate counties or jurisdictions, or in separate  
6 complaints, indictments, or informations;

7 (ii) In the case of multiple prior convictions for offenses  
8 committed before July 1, 1986, for the purpose of computing the  
9 offender score, count all adult convictions served concurrently as one  
10 offense, and count all juvenile convictions entered on the same date as  
11 one offense. Use the conviction for the offense that yields the  
12 highest offender score.

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

19 (6) If the present conviction is one of the anticipatory offenses  
20 of criminal attempt, solicitation, or conspiracy, count each prior  
21 conviction as if the present conviction were for a completed offense.  
22 When these convictions are used as criminal history, score them the  
23 same as a completed crime.

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

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

34 (9) If the present conviction is for a serious violent offense,  
35 count three points for prior adult and juvenile convictions for crimes  
36 in this category, two points for each prior adult and juvenile violent  
37 conviction (not already counted), one point for each prior adult  
38 nonviolent felony conviction, and 1/2 point for each prior juvenile  
39 nonviolent felony conviction.

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

6 (11) If the present conviction is for a felony traffic offense  
7 count two points for each adult or juvenile prior conviction for  
8 Vehicular Homicide or Vehicular Assault; for each felony offense count  
9 one point for each adult and 1/2 point for each juvenile prior  
10 conviction; for each serious traffic offense, other than those used for  
11 an enhancement pursuant to RCW 46.61.520(2), count one point for each  
12 adult and 1/2 point for each juvenile prior conviction.

13 (12) If the present conviction is for (~~(a drug offense)~~)  
14 manufacture of methamphetamine count three points for each adult prior  
15 (~~(felony drug offense)~~) manufacture of methamphetamine conviction and  
16 two points for each juvenile (~~(drug)~~) manufacture of methamphetamine  
17 offense. All other adult and juvenile felonies are scored as in  
18 subsection (8) of this section if the current drug offense is violent,  
19 or as in subsection (7) of this section if the current drug offense is  
20 nonviolent.

21 (13) If the present conviction is for Willful Failure to Return  
22 from Furlough, RCW 72.66.060, Willful Failure to Return from Work  
23 Release, RCW 72.65.070, or Escape from Community Custody, RCW  
24 72.09.310, count only prior escape convictions in the offender score.  
25 Count adult prior escape convictions as one point and juvenile prior  
26 escape convictions as 1/2 point.

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

30 (15) If the present conviction is for Burglary 2 or residential  
31 burglary, count priors as in subsection (7) of this section; however,  
32 count two points for each adult and juvenile prior Burglary 1  
33 conviction, two points for each adult prior Burglary 2 or residential  
34 burglary conviction, and one point for each juvenile prior Burglary 2  
35 or residential burglary conviction.

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

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

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

5 (1) The criminal justice treatment account is created in the state  
6 treasury. Moneys in the account may be expended solely for substance  
7 abuse treatment for offenders with an addiction or a substance abuse  
8 problem that if not treated would result in addiction, against whom  
9 charges are filed by a prosecuting attorney in Washington state as well  
10 as for the provision of drug and alcohol services for nonviolent  
11 offenders within a drug court program. Moneys in the account may be  
12 spent only after appropriation.

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

19 (3)(a) The department of corrections, the sentencing guidelines  
20 commission, the office of financial management, and the caseload  
21 forecast council shall develop a methodology for calculating the  
22 projected biennial savings under this section. Savings shall be  
23 projected for the fiscal biennium beginning on July 1, 2003, and for  
24 each biennium thereafter. By December 1, 2001, the proposed  
25 methodology shall be submitted to the governor and the appropriate  
26 committees of the legislature. The methodology is deemed approved  
27 unless the legislature enacts legislation during the 2002 session to  
28 modify or reject the methodology.

29 (b) When the department of corrections submits its biennial budget  
30 request to the governor in 2002, the department of corrections shall  
31 use the methodology approved in (a) of this subsection to calculate  
32 savings to the state general fund for the ensuing fiscal biennium  
33 resulting from reductions in drug offender sentencing as a result of  
34 sections 2 and 3, chapter . . . , Laws of 2001 (sections 2 and 3 this  
35 act). The department shall report the dollar amount of the savings to  
36 the state treasurer, the office of financial management, and the fiscal  
37 committees of the legislature.

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

6 (d) For the fiscal biennium beginning July 1, 2003, and each  
7 biennium thereafter, the state treasurer shall transfer twenty-five  
8 percent of the amount reported in (b) of this subsection from the  
9 general fund into the violence reduction and drug enforcement account,  
10 divided into eight quarterly payments. The amounts transferred  
11 pursuant to this section shall be used solely for providing drug and  
12 alcohol treatment services to offenders receiving a reduced sentence as  
13 a result of sections 2 and 3, chapter . . . , Laws of 2001 (sections 2  
14 and 3 of this act) and who are assessed with an addiction or a  
15 substance abuse problem that if not treated would result in addiction.  
16 Any excess funds remaining after providing drug and alcohol treatment  
17 services to offenders receiving a reduced sentence as a result of  
18 sections 2 and 3, chapter . . . , Laws of 2001 (sections 2 and 3 of this  
19 act), may be expended to provide treatment for sex or violent offenders  
20 assessed with an addiction or a substance abuse problem that  
21 contributed to the crime.

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

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

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

1 distribution to counties of moneys in the criminal justice treatment  
2 account. County plans submitted for the expenditure of formula funds  
3 must be approved by the panel established in (b) of this subsection.

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

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

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

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

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

31 The sentencing guidelines commission, as part of the comprehensive  
32 review and evaluation of state sentencing policy, shall address the  
33 appropriate sentencing and treatment of drug offenders and other  
34 offenders with substance abuse problems, with specific reference to the  
35 length of sentences, the needs and provision for inpatient and  
36 outpatient treatment that is proven and economically feasible, and the  
37 appropriate degree of offender supervision during substance abuse  
38 treatment.



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

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

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

13        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 43.20A RCW  
14 to read as follows:

15        The department of social and health services shall annually review  
16 and monitor the expenditures made by any county which is funded, in  
17 whole or in part, with funds provided by this act.    Counties shall  
18 repay any funds that are not spent in accordance with the requirements  
19 of this act.

20        NEW SECTION.    **Sec. 9.**    If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

24        NEW SECTION.    **Sec. 10.**    This act applies to crimes committed on or  
25 after July 1, 2001.

26        NEW SECTION.    **Sec. 11.**    This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 July 1, 2001.

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