

E2SSB 6239 - H COMM AMD

By Committee on Criminal Justice & Corrections

NOT CONSIDERED 03/03/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 SUBSTANCE ABUSE REDUCTION

5 NEW SECTION. **Sec. 101.** A new section is added to chapter 70.96A
6 RCW to read as follows:

7 (1) Any county that has imposed the sales and use tax authorized by
8 RCW 82.14.460 may seek a state appropriation of up to one hundred
9 thousand dollars annually beginning in fiscal year 2008 and ending in
10 fiscal year 2010. The funds shall be used to provide additional
11 support to counties for mental health or substance abuse treatment for
12 persons with methamphetamine addiction. Local governments receiving
13 funds under this section may not use the funds to supplant existing
14 funding.

15 (2) Counties receiving funding shall: (a) Provide a financial plan
16 for the expenditure of any potential funds prior to funds being
17 awarded; (b) report annually to the appropriate committees of the
18 legislature regarding the number of clients served, services provided,
19 and a statement of expenditures; and (c) expend no more than ten
20 percent for administrative costs or for information technology.

21 NEW SECTION. **Sec. 102.** A new section is added to chapter 72.09
22 RCW to read as follows:

23 (1) Through June 30, 2010, it is the intent of the legislature to
24 provide one hundred additional placements for therapeutic drug and
25 alcohol treatment in the state's correctional institutions, above the
26 level of placements provided on January 1, 2006.

27 (2) This section expires June 30, 2010.

1 NEW SECTION. **Sec. 103.** It is the intent of the legislature to
2 provide an annual combined level of state and federal funding for
3 multijurisdictional drug task forces and local government drug
4 prosecution assistance at a minimum of four million dollars.

5 NEW SECTION. **Sec. 104.** (1) It is the intent of the legislature to
6 provide assistance for jurisdictions enforcing illegal drug laws that
7 have historically been underserved by federally funded state narcotics
8 task forces and are considered to be major transport areas of narcotics
9 traffickers.

10 NEW SECTION. **Sec. 105.** Three pilot enforcement areas shall be
11 established for a period of four fiscal years, beginning July 1, 2006,
12 and ending June 30, 2010, with one in the southwestern region of the
13 state, comprising of Pacific, Wahkiakum, Lewis, Grays Harbor, and
14 Cowlitz counties; one in the southeastern region of the state,
15 comprising of Walla Walla, Columbia, Garfield, and Asotin counties; and
16 one in the northeastern part of the state, comprising of Stevens,
17 Ferry, Pend Oreille, and Lincoln counties. The counties comprising a
18 specific pilot area shall coordinate with each other to establish and
19 implement a regional strategy to enforce illegal drug laws.

20 NEW SECTION. **Sec. 106.** It is the intent of the legislature to
21 provide funding of no less than one million five hundred seventy-five
22 thousand dollars annually. The funding is to be divided equally among
23 the three pilot enforcement areas. This funding is intended to provide
24 a minimum of four additional sheriff deputies for each pilot area, two
25 deputy prosecutors who will support the counties that are included in
26 the pilot area, a court clerk, and clerical staff to serve the pilot
27 area. It is the intent of the legislature that those counties that
28 have not previously received significant federal narcotics task force
29 funding shall be allocated funding for at least one additional
30 sheriff's deputy. Counties are encouraged to utilize drug courts and
31 treatment programs, and to share resources that operate in the region
32 through the use of interlocal agreements. The funding appropriated for
33 this purpose must not be used to supplant existing funding and cannot
34 be used for any purpose other than the enforcement of illegal drug
35 laws.

1 The criminal justice training commission shall allocate funds to
2 the Washington association of prosecuting attorneys and the Washington
3 association of sheriffs and police chiefs. The Washington association
4 of prosecuting attorneys is responsible for administration of the
5 funding and programs for the prosecution of crimes and court
6 proceedings. The Washington association of sheriffs and police chiefs
7 shall administer the funds provided for law enforcement.

8 NEW SECTION. **Sec. 107.** The Washington association of sheriffs and
9 police chiefs, the Washington association of prosecuting attorneys, and
10 the Washington association of county officials shall jointly develop
11 measures to determine the efficacy of the programs in the pilot areas.
12 These measures shall include comparison of arrest rates before the
13 implementation of this act and after, reduction of recidivism, and any
14 other factors that are determined to be relevant to evaluation of the
15 programs. The organizations named in this section shall present their
16 findings to the legislature by December 1, 2008.

17 **Sec. 108.** RCW 2.28.170 and 2005 c 504 s 504 are each amended to
18 read as follows:

19 (1) Counties may establish and operate drug courts.

20 (2) For the purposes of this section, "drug court" means a court
21 that has special calendars or dockets designed to achieve a reduction
22 in recidivism and substance abuse among nonviolent, substance abusing
23 felony and nonfelony offenders, whether adult or juvenile, by
24 increasing their likelihood for successful rehabilitation through
25 early, continuous, and intense judicially supervised treatment;
26 mandatory periodic drug testing; and the use of appropriate sanctions
27 and other rehabilitation services.

28 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
29 drug court program must first:

30 (i) Exhaust all federal funding that is available to support the
31 operations of its drug court and associated services; and

32 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
33 for drug court programs with local cash or in-kind resources. Moneys
34 allocated by the state must be used to supplement, not supplant, other
35 federal, state, and local funds for drug court operations and
36 associated services.

1 (b) Any county that establishes a drug court pursuant to this
2 section shall establish minimum requirements for the participation of
3 offenders in the program. The drug court may adopt local requirements
4 that are more stringent than the minimum. The minimum requirements
5 are:

6 (i) The offender would benefit from substance abuse treatment;

7 (ii) The offender has not previously been convicted of a serious
8 violent offense or sex offense as defined in RCW 9.94A.030; and

9 (iii) Without regard to whether proof of any of these elements is
10 required to convict, the offender is not currently charged with or
11 convicted of an offense:

12 (A) That is a sex offense;

13 (B) That is a serious violent offense;

14 (C) During which the defendant used a firearm; or

15 (D) During which the defendant caused substantial or great bodily
16 harm or death to another person.

17 **Sec. 109.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Court" means the superior court of the state of Washington,
22 juvenile department.

23 (2) "Law enforcement agency" means the police department, the
24 prosecuting attorney, the state patrol, the director of public safety,
25 or the office of the sheriff.

26 (3) "Practitioner of the healing arts" or "practitioner" means a
27 person licensed by this state to practice podiatric medicine and
28 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
29 medicine and surgery, or medicine and surgery or to provide other
30 health services. The term "practitioner" includes a duly accredited
31 Christian Science practitioner: PROVIDED, HOWEVER, That a person who
32 is being furnished Christian Science treatment by a duly accredited
33 Christian Science practitioner will not be considered, for that reason
34 alone, a neglected person for the purposes of this chapter.

35 (4) "Institution" means a private or public hospital or any other
36 facility providing medical diagnosis, treatment or care.

1 (5) "Department" means the state department of social and health
2 services.

3 (6) "Child" or "children" means any person under the age of
4 eighteen years of age.

5 (7) "Professional school personnel" include, but are not limited
6 to, teachers, counselors, administrators, child care facility
7 personnel, and school nurses.

8 (8) "Social service counselor" means anyone engaged in a
9 professional capacity during the regular course of employment in
10 encouraging or promoting the health, welfare, support or education of
11 children, or providing social services to adults or families, including
12 mental health, drug and alcohol treatment, and domestic violence
13 programs, whether in an individual capacity, or as an employee or agent
14 of any public or private organization or institution.

15 (9) "Psychologist" means any person licensed to practice psychology
16 under chapter 18.83 RCW, whether acting in an individual capacity or as
17 an employee or agent of any public or private organization or
18 institution.

19 (10) "Pharmacist" means any registered pharmacist under chapter
20 18.64 RCW, whether acting in an individual capacity or as an employee
21 or agent of any public or private organization or institution.

22 (11) "Clergy" means any regularly licensed or ordained minister,
23 priest, or rabbi of any church or religious denomination, whether
24 acting in an individual capacity or as an employee or agent of any
25 public or private organization or institution.

26 (12) "Abuse or neglect" means the injury, sexual abuse, sexual
27 exploitation, negligent treatment, or maltreatment of a child by any
28 person under circumstances which indicate that the child's health,
29 welfare, and safety is harmed, excluding conduct permitted under RCW
30 9A.16.100. An abused child is a child who has been subjected to child
31 abuse or neglect as defined in this section.

32 (13) "Child protective services section" means the child protective
33 services section of the department.

34 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or
35 encouraging a child to engage in prostitution by any person; or (b)
36 allowing, permitting, encouraging, or engaging in the obscene or
37 pornographic photographing, filming, or depicting of a child by any
38 person.

1 (15) "Negligent treatment or maltreatment" means an act or omission
2 that evidences a serious disregard of consequences of such magnitude as
3 to constitute a clear and present danger to the child's health,
4 welfare, and safety, including but not limited to conduct prohibited
5 under RCW 9A.42.100. The fact that siblings share a bedroom is not, in
6 and of itself, negligent treatment or maltreatment.

7 (16) "Child protective services" means those services provided by
8 the department designed to protect children from child abuse and
9 neglect and safeguard such children from future abuse and neglect, and
10 conduct investigations of child abuse and neglect reports.
11 Investigations may be conducted regardless of the location of the
12 alleged abuse or neglect. Child protective services includes referral
13 to services to ameliorate conditions that endanger the welfare of
14 children, the coordination of necessary programs and services relevant
15 to the prevention, intervention, and treatment of child abuse and
16 neglect, and services to children to ensure that each child has a
17 permanent home. In determining whether protective services should be
18 provided, the department shall not decline to provide such services
19 solely because of the child's unwillingness or developmental inability
20 to describe the nature and severity of the abuse or neglect.

21 (17) "Malice" or "maliciously" means an evil intent, wish, or
22 design to vex, annoy, or injure another person. Such malice may be
23 inferred from an act done in willful disregard of the rights of
24 another, or an act wrongfully done without just cause or excuse, or an
25 act or omission of duty betraying a willful disregard of social duty.

26 (18) "Sexually aggressive youth" means a child who is defined in
27 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

28 (19) "Unfounded" means available information indicates that, more
29 likely than not, child abuse or neglect did not occur. No unfounded
30 allegation of child abuse or neglect may be disclosed to a child-
31 placing agency, private adoption agency, or any other provider licensed
32 under chapter 74.15 RCW.

33 **Sec. 110.** RCW 26.44.020 and 2005 c 512 s 5 are each amended to
34 read as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

- 1 (1) "Court" means the superior court of the state of Washington,
2 juvenile department.
- 3 (2) "Law enforcement agency" means the police department, the
4 prosecuting attorney, the state patrol, the director of public safety,
5 or the office of the sheriff.
- 6 (3) "Practitioner of the healing arts" or "practitioner" means a
7 person licensed by this state to practice podiatric medicine and
8 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
9 medicine and surgery, or medicine and surgery or to provide other
10 health services. The term "practitioner" includes a duly accredited
11 Christian Science practitioner: PROVIDED, HOWEVER, That a person who
12 is being furnished Christian Science treatment by a duly accredited
13 Christian Science practitioner will not be considered, for that reason
14 alone, a neglected person for the purposes of this chapter.
- 15 (4) "Institution" means a private or public hospital or any other
16 facility providing medical diagnosis, treatment or care.
- 17 (5) "Department" means the state department of social and health
18 services.
- 19 (6) "Child" or "children" means any person under the age of
20 eighteen years of age.
- 21 (7) "Professional school personnel" include, but are not limited
22 to, teachers, counselors, administrators, child care facility
23 personnel, and school nurses.
- 24 (8) "Social service counselor" means anyone engaged in a
25 professional capacity during the regular course of employment in
26 encouraging or promoting the health, welfare, support or education of
27 children, or providing social services to adults or families, including
28 mental health, drug and alcohol treatment, and domestic violence
29 programs, whether in an individual capacity, or as an employee or agent
30 of any public or private organization or institution.
- 31 (9) "Psychologist" means any person licensed to practice psychology
32 under chapter 18.83 RCW, whether acting in an individual capacity or as
33 an employee or agent of any public or private organization or
34 institution.
- 35 (10) "Pharmacist" means any registered pharmacist under chapter
36 18.64 RCW, whether acting in an individual capacity or as an employee
37 or agent of any public or private organization or institution.

1 (11) "Clergy" means any regularly licensed or ordained minister,
2 priest, or rabbi of any church or religious denomination, whether
3 acting in an individual capacity or as an employee or agent of any
4 public or private organization or institution.

5 (12) "Abuse or neglect" means sexual abuse, sexual exploitation, or
6 injury of a child by any person under circumstances which cause harm to
7 the child's health, welfare, or safety, excluding conduct permitted
8 under RCW 9A.16.100; or the negligent treatment or maltreatment of a
9 child by a person responsible for or providing care to the child. An
10 abused child is a child who has been subjected to child abuse or
11 neglect as defined in this section.

12 (13) "Child protective services section" means the child protective
13 services section of the department.

14 (14) "Sexual exploitation" includes: (a) Allowing, permitting, or
15 encouraging a child to engage in prostitution by any person; or (b)
16 allowing, permitting, encouraging, or engaging in the obscene or
17 pornographic photographing, filming, or depicting of a child by any
18 person.

19 (15) "Negligent treatment or maltreatment" means an act or a
20 failure to act, or the cumulative effects of a pattern of conduct,
21 behavior, or inaction, that evidences a serious disregard of
22 consequences of such magnitude as to constitute a clear and present
23 danger to a child's health, welfare, or safety, including but not
24 limited to conduct prohibited under RCW 9A.42.100. When considering
25 whether a clear and present danger exists, evidence of a parent's
26 substance abuse as a contributing factor to negligent treatment or
27 maltreatment shall be given great weight. The fact that siblings share
28 a bedroom is not, in and of itself, negligent treatment or
29 maltreatment. Poverty, homelessness, or exposure to domestic violence
30 as defined in RCW 26.50.010 that is perpetrated against someone other
31 than the child (~~(do- [does])~~) does not constitute negligent treatment or
32 maltreatment in and of (~~(themselves- [itself])~~) itself.

33 (16) "Child protective services" means those services provided by
34 the department designed to protect children from child abuse and
35 neglect and safeguard such children from future abuse and neglect, and
36 conduct investigations of child abuse and neglect reports.
37 Investigations may be conducted regardless of the location of the
38 alleged abuse or neglect. Child protective services includes referral

1 to services to ameliorate conditions that endanger the welfare of
2 children, the coordination of necessary programs and services relevant
3 to the prevention, intervention, and treatment of child abuse and
4 neglect, and services to children to ensure that each child has a
5 permanent home. In determining whether protective services should be
6 provided, the department shall not decline to provide such services
7 solely because of the child's unwillingness or developmental inability
8 to describe the nature and severity of the abuse or neglect.

9 (17) "Malice" or "maliciously" means an evil intent, wish, or
10 design to vex, annoy, or injure another person. Such malice may be
11 inferred from an act done in willful disregard of the rights of
12 another, or an act wrongfully done without just cause or excuse, or an
13 act or omission of duty betraying a willful disregard of social duty.

14 (18) "Sexually aggressive youth" means a child who is defined in
15 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

16 (19) "Unfounded" means available information indicates that, more
17 likely than not, child abuse or neglect did not occur. No unfounded
18 allegation of child abuse or neglect may be disclosed to a child-
19 placing agency, private adoption agency, or any other provider licensed
20 under chapter 74.15 RCW.

21 **Sec. 111.** RCW 26.44.195 and 2005 c 512 s 6 are each amended to
22 read as follows:

23 (1) If the department, upon investigation of a report that a child
24 has been abused or neglected as defined in this chapter, determines
25 that the child has been subject to negligent treatment or maltreatment,
26 the department may offer services to the child's parents, guardians, or
27 legal custodians to: (a) Ameliorate the conditions that endangered the
28 welfare of the child; or (b) address or treat the effects of
29 mistreatment or neglect upon the child.

30 (2) When evaluating whether the child has been subject to negligent
31 treatment or maltreatment, evidence of a parent's substance abuse as a
32 contributing factor to a parent's failure to provide for a child's
33 basic health, welfare, or safety shall be given great weight.

34 (3) If the child's parents, guardians, or legal custodians are
35 available and willing to participate on a voluntary basis in in-home
36 services, and the department determines that in-home services on a

1 voluntary basis are appropriate for the family, the department may
2 offer such services.

3 (4) In cases where the department has offered appropriate and
4 reasonable services under subsection (1) of this section, and the
5 parents, guardians, or legal custodians refuse to accept or fail to
6 obtain available and appropriate treatment or services, or are unable
7 or unwilling to participate in or successfully and substantially
8 complete the treatment or services identified by the department, the
9 department may initiate a dependency proceeding under chapter 13.34 RCW
10 on the basis that the negligent treatment or maltreatment by the
11 parent, guardian, or legal custodian constitutes neglect. When
12 evaluating whether to initiate a dependency proceeding on this basis,
13 the evidence of a parent's substance abuse as a contributing factor to
14 the negligent treatment or maltreatment shall be given great weight.

15 (5) Nothing in this section precludes the department from filing a
16 dependency petition as provided in chapter 13.34 RCW if it determines
17 that such action is necessary to protect the child from abuse or
18 neglect.

19 ~~((6) Nothing in this section shall be construed to create in any
20 person an entitlement to services or financial assistance in paying for
21 services or to create judicial authority to order the provision of
22 services to any person or family if the services are unavailable or
23 unsuitable or if the child or family is not eligible for such
24 services.))~~

25 **Sec. 112.** RCW 74.34.020 and 2003 c 230 s 1 are each amended to
26 read as follows:

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this chapter.

29 (1) "Abandonment" means action or inaction by a person or entity
30 with a duty of care for a vulnerable adult that leaves the vulnerable
31 person without the means or ability to obtain necessary food, clothing,
32 shelter, or health care.

33 (2) "Abuse" means the willful action or inaction that inflicts
34 injury, unreasonable confinement, intimidation, or punishment on a
35 vulnerable adult. In instances of abuse of a vulnerable adult who is
36 unable to express or demonstrate physical harm, pain, or mental
37 anguish, the abuse is presumed to cause physical harm, pain, or mental

1 anguish. Abuse includes sexual abuse, mental abuse, physical abuse,
2 and exploitation of a vulnerable adult, which have the following
3 meanings:

4 (a) "Sexual abuse" means any form of nonconsensual sexual contact,
5 including but not limited to unwanted or inappropriate touching, rape,
6 sodomy, sexual coercion, sexually explicit photographing, and sexual
7 harassment. Sexual abuse includes any sexual contact between a staff
8 person, who is not also a resident or client, of a facility or a staff
9 person of a program authorized under chapter 71A.12 RCW, and a
10 vulnerable adult living in that facility or receiving service from a
11 program authorized under chapter 71A.12 RCW, whether or not it is
12 consensual.

13 (b) "Physical abuse" means the willful action of inflicting bodily
14 injury or physical mistreatment. Physical abuse includes, but is not
15 limited to, striking with or without an object, slapping, pinching,
16 choking, kicking, shoving, prodding, or the use of chemical restraints
17 or physical restraints unless the restraints are consistent with
18 licensing requirements, and includes restraints that are otherwise
19 being used inappropriately.

20 (c) "Mental abuse" means any willful action or inaction of mental
21 or verbal abuse. Mental abuse includes, but is not limited to,
22 coercion, harassment, inappropriately isolating a vulnerable adult from
23 family, friends, or regular activity, and verbal assault that includes
24 ridiculing, intimidating, yelling, or swearing.

25 (d) "Exploitation" means an act of forcing, compelling, or exerting
26 undue influence over a vulnerable adult causing the vulnerable adult to
27 act in a way that is inconsistent with relevant past behavior, or
28 causing the vulnerable adult to perform services for the benefit of
29 another.

30 (3) "Consent" means express written consent granted after the
31 vulnerable adult or his or her legal representative has been fully
32 informed of the nature of the services to be offered and that the
33 receipt of services is voluntary.

34 (4) "Department" means the department of social and health
35 services.

36 (5) "Facility" means a residence licensed or required to be
37 licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW,

1 nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36
2 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation
3 centers; or any other facility licensed by the department.

4 (6) "Financial exploitation" means the illegal or improper use of
5 the property, income, resources, or trust funds of the vulnerable adult
6 by any person for any person's profit or advantage.

7 (7) "Individual provider" means a person under contract with the
8 department to provide services in the home under chapter 74.09 or
9 74.39A RCW.

10 (8) "Mandated reporter" is an employee of the department; law
11 enforcement officer; social worker; professional school personnel;
12 individual provider; an employee of a facility; an operator of a
13 facility; an employee of a social service, welfare, mental health,
14 adult day health, adult day care, home health, home care, or hospice
15 agency; county coroner or medical examiner; Christian Science
16 practitioner; or health care provider subject to chapter 18.130 RCW.

17 (9) "Neglect" means (a) a pattern of conduct or inaction by a
18 person or entity with a duty of care that fails to provide the goods
19 and services that maintain physical or mental health of a vulnerable
20 adult, or that fails to avoid or prevent physical or mental harm or
21 pain to a vulnerable adult; or (b) an act or omission that demonstrates
22 a serious disregard of consequences of such a magnitude as to
23 constitute a clear and present danger to the vulnerable adult's health,
24 welfare, or safety, including but not limited to conduct prohibited
25 under RCW 9A.42.100.

26 (10) "Permissive reporter" means any person, employee of a
27 financial institution, attorney, or volunteer in a facility or program
28 providing services for vulnerable adults.

29 (11) "Protective services" means any services provided by the
30 department to a vulnerable adult with the consent of the vulnerable
31 adult, or the legal representative of the vulnerable adult, who has
32 been abandoned, abused, financially exploited, neglected, or in a state
33 of self-neglect. These services may include, but are not limited to
34 case management, social casework, home care, placement, arranging for
35 medical evaluations, psychological evaluations, day care, or referral
36 for legal assistance.

37 (12) "Self-neglect" means the failure of a vulnerable adult, not
38 living in a facility, to provide for himself or herself the goods and

1 services necessary for the vulnerable adult's physical or mental
2 health, and the absence of which impairs or threatens the vulnerable
3 adult's well-being. This definition may include a vulnerable adult who
4 is receiving services through home health, hospice, or a home care
5 agency, or an individual provider when the neglect is not a result of
6 inaction by that agency or individual provider.

7 (13) "Vulnerable adult" includes a person:

8 (a) Sixty years of age or older who has the functional, mental, or
9 physical inability to care for himself or herself; or

10 (b) Found incapacitated under chapter 11.88 RCW; or

11 (c) Who has a developmental disability as defined under RCW
12 71A.10.020; or

13 (d) Admitted to any facility; or

14 (e) Receiving services from home health, hospice, or home care
15 agencies licensed or required to be licensed under chapter 70.127 RCW;
16 or

17 (f) Receiving services from an individual provider.

18 NEW SECTION. **Sec. 113.** The department of community, trade, and
19 economic development shall review federal, state, and local funding
20 sources and funding levels available to local meth action teams through
21 the Washington state methamphetamine initiative to determine whether
22 funding is adequate to accomplish the mission of the meth action teams.
23 The department shall also review the funding levels for drug task
24 forces in the state of Washington to determine whether they may require
25 additional resources to successfully interdict drug trafficking
26 organizations and clandestine labs statewide. The department shall
27 report findings and recommendations to the legislature by November 1,
28 2006.

29 NEW SECTION. **Sec. 114.** The department of social and health
30 services shall consult with faith-based organizations to discuss the
31 appropriate role that such organizations may have in filling support
32 service delivery needs for persons with chemical dependency disorders.
33 The department shall report findings and recommendations to the
34 legislature by November 1, 2006.

1 (4) "Hazardous chemicals" means the following substances ((used
2 in)) associated with the manufacture of illegal drugs: (a) Hazardous
3 substances as defined in RCW 70.105D.020(, and); (b) precursor
4 substances as defined in RCW 69.43.010 which the state board of health,
5 in consultation with the state board of pharmacy, has determined
6 present an immediate or long-term health hazard to humans; and (c) the
7 controlled substance or substances being manufactured, as defined in
8 RCW 69.50.101.

9 ~~((4))~~ (5) "Officer" means a local health officer authorized under
10 chapters 70.05, 70.08, and 70.46 RCW.

11 ~~((5))~~ (6) "Property" means any real or personal property, ((site,
12 structure, or part of a structure which)) or segregable part thereof,
13 that is involved in or affected by the unauthorized manufacture or
14 storage of hazardous chemicals. This includes but is not limited to
15 single-family residences, units of multiplexes, condominiums, apartment
16 buildings, boats, motor vehicles, trailers, manufactured housing,
17 ((or)) any shop, booth, ((or)) garden, or storage shed, and all
18 contents of the items referenced in this subsection. As used in this
19 chapter, "property" does not include any facility defined in RCW
20 70.62.210 that holds a current license under RCW 70.62.220.

21 **Sec. 202.** RCW 64.44.020 and 1999 c 292 s 3 are each amended to
22 read as follows:

23 Whenever a law enforcement agency becomes aware that property has
24 been contaminated by hazardous chemicals, that agency shall report the
25 contamination to the local health officer. The local health officer
26 shall ~~((post))~~ cause a posting of a written warning on the premises
27 within one working day of notification of the contamination and shall
28 inspect the property within fourteen days after receiving the notice of
29 contamination. The warning shall inform the potential occupants that
30 hazardous chemicals may exist on, or have been removed from, the
31 premises and that entry is unsafe. If a property owner believes that
32 a tenant has contaminated property that was being leased or rented, and
33 the property is vacated or abandoned, then the property owner shall
34 contact the local health officer about the possible contamination.
35 Local health officers or boards may charge property owners reasonable
36 fees for inspections of suspected contaminated property requested by
37 property owners.

1 A local health officer may enter, inspect, and survey at reasonable
2 times any properties for which there are reasonable grounds to believe
3 that the property has become contaminated. If the property is
4 contaminated, the local health officer shall post a written notice
5 declaring that the officer intends to issue an order prohibiting use of
6 the property as long as the property is contaminated.

7 If access to the property is denied, a local health officer in
8 consultation with law enforcement may seek a warrant for the purpose of
9 conducting administrative inspections and seizure of property as
10 defined in RCW 69.50.505. A superior, district, or municipal court
11 within the jurisdiction of the property may, based upon probable cause
12 that the property is contaminated, issue warrants for the purpose of
13 conducting administrative inspections and seizure of property as
14 defined in RCW 69.50.505.

15 Local health officers must report all cases of contaminated
16 property to the state department of health. The department may make
17 the list of contaminated properties available to health associations,
18 landlord and realtor organizations, prosecutors, and other interested
19 groups. The department shall promptly update the list of contaminated
20 properties to remove those which have been decontaminated according to
21 provisions of this chapter.

22 The local health officer may determine when the services of an
23 authorized contractor are necessary.

24 **Sec. 203.** RCW 64.44.070 and 1999 c 292 s 8 are each amended to
25 read as follows:

26 (1) The state board of health shall promulgate rules and standards
27 for carrying out the provisions in this chapter in accordance with
28 chapter 34.05 RCW, the administrative procedure act. The local board
29 of health and the local health officer are authorized to exercise such
30 powers as may be necessary to carry out this chapter. The department
31 shall provide technical assistance to local health boards and health
32 officers to carry out their duties under this chapter.

33 (2) The department shall adopt rules for decontamination of a
34 property used as an illegal drug laboratory and methods for the testing
35 of ground water, surface water, soil, and septic tanks for
36 contamination. The rules shall establish decontamination standards for
37 hazardous chemicals, including but not limited to methamphetamine,

1 lead, mercury, and total volatile organic compounds. The department
2 shall also adopt rules pertaining to independent third party sampling
3 to verify satisfactory decontamination of property deemed contaminated
4 and unfit for use. For the purposes of this section, an independent
5 third party sampler is a person who is not an employee, agent,
6 representative, partner, joint venturer, shareholder, or parent or
7 subsidiary company of the clandestine drug laboratory decontamination
8 contractor, the contractor's company, or property owner.

9 NEW SECTION. **Sec. 204.** The department of community, trade, and
10 economic development shall report to the legislature on the feasibility
11 of providing incentives and protections to landlords to encourage
12 housing rentals to recovering substance abusers or those convicted of
13 drug crimes. A final report must be submitted to the appropriate
14 committees of the legislature by January 1, 2007.

15 **PART III**
16 **CRIMINAL SANCTIONS AND PROCEDURE**

17 **Sec. 301.** RCW 9.94A.533 and 2003 c 53 s 58 are each amended to
18 read as follows:

19 (1) The provisions of this section apply to the standard sentence
20 ranges determined by RCW 9.94A.510 or 9.94A.517.

21 (2) For persons convicted of the anticipatory offenses of criminal
22 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
23 standard sentence range is determined by locating the sentencing grid
24 sentence range defined by the appropriate offender score and the
25 seriousness level of the completed crime, and multiplying the range by
26 seventy-five percent.

27 (3) The following additional times shall be added to the standard
28 sentence range for felony crimes committed after July 23, 1995, if the
29 offender or an accomplice was armed with a firearm as defined in RCW
30 9.41.010 and the offender is being sentenced for one of the crimes
31 listed in this subsection as eligible for any firearm enhancements
32 based on the classification of the completed felony crime. If the
33 offender is being sentenced for more than one offense, the firearm
34 enhancement or enhancements must be added to the total period of
35 confinement for all offenses, regardless of which underlying offense is

1 subject to a firearm enhancement. If the offender or an accomplice was
2 armed with a firearm as defined in RCW 9.41.010 and the offender is
3 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
4 commit one of the crimes listed in this subsection as eligible for any
5 firearm enhancements, the following additional times shall be added to
6 the standard sentence range determined under subsection (2) of this
7 section based on the felony crime of conviction as classified under RCW
8 9A.28.020:

9 (a) Five years for any felony defined under any law as a class A
10 felony or with a statutory maximum sentence of at least twenty years,
11 or both, and not covered under (f) of this subsection;

12 (b) Three years for any felony defined under any law as a class B
13 felony or with a statutory maximum sentence of ten years, or both, and
14 not covered under (f) of this subsection;

15 (c) Eighteen months for any felony defined under any law as a class
16 C felony or with a statutory maximum sentence of five years, or both,
17 and not covered under (f) of this subsection;

18 (d) If the offender is being sentenced for any firearm enhancements
19 under (a), (b), and/or (c) of this subsection and the offender has
20 previously been sentenced for any deadly weapon enhancements after July
21 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
22 (4)(a), (b), and/or (c) of this section, or both, all firearm
23 enhancements under this subsection shall be twice the amount of the
24 enhancement listed;

25 (e) Notwithstanding any other provision of law, all firearm
26 enhancements under this section are mandatory, shall be served in total
27 confinement, and shall run consecutively to all other sentencing
28 provisions, including other firearm or deadly weapon enhancements, for
29 all offenses sentenced under this chapter. However, whether or not a
30 mandatory minimum term has expired, an offender serving a sentence
31 under this subsection may be granted an extraordinary medical placement
32 when authorized under RCW 9.94A.728(4);

33 (f) The firearm enhancements in this section shall apply to all
34 felony crimes except the following: Possession of a machine gun,
35 possessing a stolen firearm, drive-by shooting, theft of a firearm,
36 unlawful possession of a firearm in the first and second degree, and
37 use of a machine gun in a felony;

1 (g) If the standard sentence range under this section exceeds the
2 statutory maximum sentence for the offense, the statutory maximum
3 sentence shall be the presumptive sentence unless the offender is a
4 persistent offender. If the addition of a firearm enhancement
5 increases the sentence so that it would exceed the statutory maximum
6 for the offense, the portion of the sentence representing the
7 enhancement may not be reduced.

8 (4) The following additional times shall be added to the standard
9 sentence range for felony crimes committed after July 23, 1995, if the
10 offender or an accomplice was armed with a deadly weapon other than a
11 firearm as defined in RCW 9.41.010 and the offender is being sentenced
12 for one of the crimes listed in this subsection as eligible for any
13 deadly weapon enhancements based on the classification of the completed
14 felony crime. If the offender is being sentenced for more than one
15 offense, the deadly weapon enhancement or enhancements must be added to
16 the total period of confinement for all offenses, regardless of which
17 underlying offense is subject to a deadly weapon enhancement. If the
18 offender or an accomplice was armed with a deadly weapon other than a
19 firearm as defined in RCW 9.41.010 and the offender is being sentenced
20 for an anticipatory offense under chapter 9A.28 RCW to commit one of
21 the crimes listed in this subsection as eligible for any deadly weapon
22 enhancements, the following additional times shall be added to the
23 standard sentence range determined under subsection (2) of this section
24 based on the felony crime of conviction as classified under RCW
25 9A.28.020:

26 (a) Two years for any felony defined under any law as a class A
27 felony or with a statutory maximum sentence of at least twenty years,
28 or both, and not covered under (f) of this subsection;

29 (b) One year for any felony defined under any law as a class B
30 felony or with a statutory maximum sentence of ten years, or both, and
31 not covered under (f) of this subsection;

32 (c) Six months for any felony defined under any law as a class C
33 felony or with a statutory maximum sentence of five years, or both, and
34 not covered under (f) of this subsection;

35 (d) If the offender is being sentenced under (a), (b), and/or (c)
36 of this subsection for any deadly weapon enhancements and the offender
37 has previously been sentenced for any deadly weapon enhancements after
38 July 23, 1995, under (a), (b), and/or (c) of this subsection or

1 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
2 weapon enhancements under this subsection shall be twice the amount of
3 the enhancement listed;

4 (e) Notwithstanding any other provision of law, all deadly weapon
5 enhancements under this section are mandatory, shall be served in total
6 confinement, and shall run consecutively to all other sentencing
7 provisions, including other firearm or deadly weapon enhancements, for
8 all offenses sentenced under this chapter. However, whether or not a
9 mandatory minimum term has expired, an offender serving a sentence
10 under this subsection may be granted an extraordinary medical placement
11 when authorized under RCW 9.94A.728(4);

12 (f) The deadly weapon enhancements in this section shall apply to
13 all felony crimes except the following: Possession of a machine gun,
14 possessing a stolen firearm, drive-by shooting, theft of a firearm,
15 unlawful possession of a firearm in the first and second degree, and
16 use of a machine gun in a felony;

17 (g) If the standard sentence range under this section exceeds the
18 statutory maximum sentence for the offense, the statutory maximum
19 sentence shall be the presumptive sentence unless the offender is a
20 persistent offender. If the addition of a deadly weapon enhancement
21 increases the sentence so that it would exceed the statutory maximum
22 for the offense, the portion of the sentence representing the
23 enhancement may not be reduced.

24 (5) The following additional times shall be added to the standard
25 sentence range if the offender or an accomplice committed the offense
26 while in a county jail or state correctional facility and the offender
27 is being sentenced for one of the crimes listed in this subsection. If
28 the offender or an accomplice committed one of the crimes listed in
29 this subsection while in a county jail or state correctional facility,
30 and the offender is being sentenced for an anticipatory offense under
31 chapter 9A.28 RCW to commit one of the crimes listed in this
32 subsection, the following additional times shall be added to the
33 standard sentence range determined under subsection (2) of this
34 section:

35 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
36 (a) or (b) or 69.50.410;

37 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
38 (c), (d), or (e);

1 (c) Twelve months for offenses committed under RCW 69.50.4013.

2 For the purposes of this subsection, all of the real property of a
3 state correctional facility or county jail shall be deemed to be part
4 of that facility or county jail.

5 (6) An additional twenty-four months shall be added to the standard
6 sentence range for any ranked offense involving a violation of chapter
7 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
8 9.94A.605. All enhancements under this subsection shall run
9 consecutively to all other sentencing provisions, for all offenses
10 sentenced under this chapter.

11 (7) An additional two years shall be added to the standard sentence
12 range for vehicular homicide committed while under the influence of
13 intoxicating liquor or any drug as defined by RCW 46.61.502 for each
14 prior offense as defined in RCW 46.61.5055.

15 **Sec. 302.** RCW 9.94A.660 and 2005 c 460 s 1 are each amended to
16 read as follows:

17 (1) An offender is eligible for the special drug offender
18 sentencing alternative if:

19 (a) The offender is convicted of a felony that is not a violent
20 offense or sex offense and the violation does not involve a sentence
21 enhancement under RCW 9.94A.533 (3) or (4);

22 (b) The offender has no current or prior convictions for a sex
23 offense at any time or violent offense within ten years before
24 conviction of the current offense, in this state, another state, or the
25 United States;

26 (c) For a violation of the Uniform Controlled Substances Act under
27 chapter 69.50 RCW or a criminal solicitation to commit such a violation
28 under chapter 9A.28 RCW, the offense involved only a small quantity of
29 the particular controlled substance as determined by the judge upon
30 consideration of such factors as the weight, purity, packaging, sale
31 price, and street value of the controlled substance;

32 (d) The offender has not been found by the United States attorney
33 general to be subject to a deportation detainer or order and does not
34 become subject to a deportation order during the period of the
35 sentence;

36 (e) The standard sentence range for the current offense is greater
37 than one year; and

1 (f) The offender has not received a drug offender sentencing
2 alternative more than once in the prior ten years before the current
3 offense.

4 (2) A motion for a sentence under this section may be made by the
5 court, the offender, or the state. If the sentencing court determines
6 that the offender is eligible for this alternative, the court may order
7 an examination of the offender. The examination shall, at a minimum,
8 address the following issues:

9 (a) Whether the offender suffers from drug addiction;

10 (b) Whether the addiction is such that there is a probability that
11 criminal behavior will occur in the future;

12 (c) Whether effective treatment for the offender's addiction is
13 available from a provider that has been licensed or certified by the
14 division of alcohol and substance abuse of the department of social and
15 health services; and

16 (d) Whether the offender and the community will benefit from the
17 use of the alternative.

18 (3) The examination report must contain:

19 (a) Information on the issues required to be addressed in
20 subsection (2) of this section; and

21 (b) A proposed treatment plan that must, at a minimum, contain:

22 (i) A proposed treatment provider that has been licensed or
23 certified by the division of alcohol and substance abuse of the
24 department of social and health services;

25 (ii) The recommended frequency and length of treatment, including
26 both residential chemical dependency treatment and treatment in the
27 community;

28 (iii) A proposed monitoring plan, including any requirements
29 regarding living conditions, lifestyle requirements, and monitoring by
30 family members and others; and

31 (iv) Recommended crime-related prohibitions and affirmative
32 conditions.

33 (4) After receipt of the examination report, if the court
34 determines that a sentence under this section is appropriate, the court
35 shall waive imposition of a sentence within the standard sentence range
36 and impose a sentence consisting of either a prison-based alternative
37 under subsection (5) of this section or a residential chemical
38 dependency treatment-based alternative under subsection (6) of this

1 section. The residential chemical dependency treatment-based
2 alternative is only available if the midpoint of the standard range is
3 twenty-four months or less.

4 (5) The prison-based alternative shall include:

5 (a) A period of total confinement in a state facility for one-half
6 of the midpoint of the standard sentence range or twelve months,
7 whichever is greater. During incarceration in the state facility,
8 offenders sentenced under this subsection shall undergo a comprehensive
9 substance abuse assessment and receive, within available resources,
10 treatment services appropriate for the offender. The treatment
11 services shall be designed by the division of alcohol and substance
12 abuse of the department of social and health services, in cooperation
13 with the department of corrections;

14 (b) The remainder of the midpoint of the standard range as a term
15 of community custody which must include appropriate substance abuse
16 treatment in a program that has been approved by the division of
17 alcohol and substance abuse of the department of social and health
18 services. If the department finds that conditions have been willfully
19 violated, the offender may be reclassified to serve the remaining
20 balance of the original sentence. An offender who fails to complete
21 the program or who is administratively terminated from the program
22 shall be reclassified to serve the unexpired term of his or her
23 sentence as ordered by the sentencing court;

24 (c) Crime-related prohibitions including a condition not to use
25 illegal controlled substances;

26 (d) A requirement to submit to urinalysis or other testing to
27 monitor that status; and

28 (e) A term of community custody pursuant to RCW 9.94A.715 to be
29 imposed upon failure to complete or administrative termination from the
30 special drug offender sentencing alternative program.

31 (6) The residential chemical dependency treatment-based alternative
32 shall include:

33 (a) A term of community custody equal to one-half of the midpoint
34 of the standard sentence range or two years, whichever is greater,
35 conditioned on the offender entering and remaining in residential
36 chemical dependency treatment certified under chapter 70.96A RCW for a
37 period set by the court between three and six months. If the court
38 imposes a term of community custody, the department shall, within

1 available resources, make chemical dependency assessment and treatment
2 services available to the offender during the term of community
3 custody. The court shall impose, as conditions of community custody,
4 treatment and other conditions as proposed in the plan under subsection
5 (3)(b) of this section. The department may impose conditions and
6 sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7),
7 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing
8 during the period of residential chemical dependency treatment, and
9 schedule a treatment termination hearing for three months before the
10 expiration of the term of community custody;

11 (b) Before the progress hearing and treatment termination hearing,
12 the treatment provider and the department shall submit written reports
13 to the court and parties regarding the offender's compliance with
14 treatment and monitoring requirements, and recommendations regarding
15 termination from treatment. At the hearing, the court may:

16 (i) Authorize the department to terminate the offender's community
17 custody status on the expiration date determined under (a) of this
18 subsection; or

19 (ii) Continue the hearing to a date before the expiration date of
20 community custody, with or without modifying the conditions of
21 community custody; or

22 (iii) Impose a term of total confinement equal to one-half the
23 midpoint of the standard sentence range, followed by a term of
24 community custody under RCW 9.94A.715;

25 (c) If the court imposes a term of total confinement under (b)(iii)
26 of this subsection, the department shall, within available resources,
27 make chemical dependency assessment and treatment services available to
28 the offender during the terms of total confinement and community
29 custody.

30 (7) If the court imposes a sentence under this section, the court
31 may prohibit the offender from using alcohol or controlled substances
32 and may require that the monitoring for controlled substances be
33 conducted by the department or by a treatment alternatives to street
34 crime program or a comparable court or agency-referred program. The
35 offender may be required to pay thirty dollars per month while on
36 community custody to offset the cost of monitoring. In addition, the
37 court may impose any of the following conditions:

38 (a) Devote time to a specific employment or training;

1 (b) Remain within prescribed geographical boundaries and notify the
2 court or the community corrections officer before any change in the
3 offender's address or employment;

4 (c) Report as directed to a community corrections officer;

5 (d) Pay all court-ordered legal financial obligations;

6 (e) Perform community restitution work;

7 (f) Stay out of areas designated by the sentencing court;

8 (g) Such other conditions as the court may require such as
9 affirmative conditions.

10 (8)(a) The court may bring any offender sentenced under this
11 section back into court at any time on its own initiative to evaluate
12 the offender's progress in treatment or to determine if any violations
13 of the conditions of the sentence have occurred.

14 (b) If the offender is brought back to court, the court may modify
15 the terms of the community custody or impose sanctions under (c) of
16 this subsection.

17 (c) The court may order the offender to serve a term of total
18 confinement within the standard range of the offender's current offense
19 at any time during the period of community custody if the offender
20 violates the conditions of the sentence or if the offender is failing
21 to make satisfactory progress in treatment.

22 (d) An offender ordered to serve a term of total confinement under
23 (c) of this subsection shall receive credit for any time previously
24 served under this section.

25 (9) If an offender sentenced to the prison-based alternative under
26 subsection (5) of this section is found by the United States attorney
27 general to be subject to a deportation order, a hearing shall be held
28 by the department unless waived by the offender, and, if the department
29 finds that the offender is subject to a valid deportation order, the
30 department may administratively terminate the offender from the program
31 and reclassify the offender to serve the remaining balance of the
32 original sentence.

33 (10) An offender sentenced under this section shall be subject to
34 all rules relating to earned release time with respect to any period
35 served in total confinement.

36 (11) Costs of examinations and preparing treatment plans under
37 subsections (2) and (3) of this section may be paid, at the option of

1 the county, from funds provided to the county from the criminal justice
2 treatment account under RCW 70.96A.350.

3 **Sec. 303.** RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read
4 as follows:

5 (1) Before imposing a sentence upon a defendant, the court shall
6 conduct a sentencing hearing. The sentencing hearing shall be held
7 within forty court days following conviction. Upon the motion of
8 either party for good cause shown, or on its own motion, the court may
9 extend the time period for conducting the sentencing hearing.

10 Except in cases where the defendant shall be sentenced to a term of
11 total confinement for life without the possibility of release or, when
12 authorized by RCW 10.95.030 for the crime of aggravated murder in the
13 first degree, sentenced to death, the court may order the department to
14 complete a risk assessment report. If available before sentencing, the
15 report shall be provided to the court.

16 Unless specifically waived by the court, the court shall order the
17 department to complete a chemical dependency screening report before
18 imposing a sentence upon a defendant who has been convicted of a
19 violation of the uniform controlled substances act under chapter 69.50
20 RCW (~~(09)~~), a criminal solicitation to commit such a violation under
21 chapter 9A.28 RCW, or any felony where the court finds that the
22 offender has a chemical dependency that has contributed to his or her
23 offense. In addition, the court shall, at the time of plea or
24 conviction, order the department to complete a presentence report
25 before imposing a sentence upon a defendant who has been convicted of
26 a felony sexual offense. The department of corrections shall give
27 priority to presentence investigations for sexual offenders. If the
28 court determines that the defendant may be a mentally ill person as
29 defined in RCW 71.24.025, although the defendant has not established
30 that at the time of the crime he or she lacked the capacity to commit
31 the crime, was incompetent to commit the crime, or was insane at the
32 time of the crime, the court shall order the department to complete a
33 presentence report before imposing a sentence.

34 The court shall consider the risk assessment report and presentence
35 reports, if any, including any victim impact statement and criminal
36 history, and allow arguments from the prosecutor, the defense counsel,

1 the offender, the victim, the survivor of the victim, or a
2 representative of the victim or survivor, and an investigative law
3 enforcement officer as to the sentence to be imposed.

4 If the court is satisfied by a preponderance of the evidence that
5 the defendant has a criminal history, the court shall specify the
6 convictions it has found to exist. All of this information shall be
7 part of the record. Copies of all risk assessment reports and
8 presentence reports presented to the sentencing court and all written
9 findings of facts and conclusions of law as to sentencing entered by
10 the court shall be sent to the department by the clerk of the court at
11 the conclusion of the sentencing and shall accompany the offender if
12 the offender is committed to the custody of the department. Court
13 clerks shall provide, without charge, certified copies of documents
14 relating to criminal convictions requested by prosecuting attorneys.

15 (2) To prevent wrongful disclosure of information related to mental
16 health services, as defined in RCW 71.05.445 and ((71.34.225))
17 71.34.345, a court may take only those steps necessary during a
18 sentencing hearing or any hearing in which the department presents
19 information related to mental health services to the court. The steps
20 may be taken on motion of the defendant, the prosecuting attorney, or
21 on the court's own motion. The court may seal the portion of the
22 record relating to information relating to mental health services,
23 exclude the public from the hearing during presentation or discussion
24 of information relating to mental health services, or grant other
25 relief to achieve the result intended by this subsection, but nothing
26 in this subsection shall be construed to prevent the subsequent release
27 of information related to mental health services as authorized by RCW
28 71.05.445, ((71.34.225)) 71.34.345, or 72.09.585. Any person who
29 otherwise is permitted to attend any hearing pursuant to chapter 7.69
30 or 7.69A RCW shall not be excluded from the hearing solely because the
31 department intends to disclose or discloses information related to
32 mental health services.

33 NEW SECTION. **Sec. 304.** The Washington institute for public policy
34 shall conduct a study of criminal sentencing provisions of neighboring
35 states for all crimes involving methamphetamine. The institute shall
36 report to the legislature on any criminal sentencing increases

1 necessary under Washington law to reduce or remove any incentives
2 methamphetamine traffickers and manufacturers may have to locate in
3 Washington. The report shall be completed by January 1, 2007.

4 NEW SECTION. **Sec. 305.** The Washington institute for public policy
5 shall conduct a study of the drug offender sentencing alternative. The
6 institute shall study recidivism rates for offenders who received
7 substance abuse treatment while in confinement as compared to offenders
8 who received treatment in the community or received no treatment. The
9 institute shall report to the legislature by January 1, 2007.

10 **PART IV**
11 **MISCELLANEOUS**

12 NEW SECTION. **Sec. 401.** Part headings used in this act are no part
13 of the law.

14 NEW SECTION. **Sec. 402.** If specific funding for the purposes of
15 section 113 of this act, referencing this act and section 113 of this
16 act by bill or chapter number and section number, is not provided by
17 June 30, 2006, in the omnibus appropriations act, section 113 of this
18 act is null and void.

19 NEW SECTION. **Sec. 403.** Section 109 of this act expires January 1,
20 2007.

21 NEW SECTION. **Sec. 404.** Sections 110 and 111 of this act take
22 effect January 1, 2007."

23 Correct the title.

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