

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1919

61st Legislature
2009 Regular Session

Passed by the House April 21, 2009
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 17, 2009
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1919** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1919

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Human Services (originally sponsored by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos, and Wood)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to drug court funding; and amending RCW 70.96A.350
2 and 2.28.170.

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

4 **Sec. 1.** RCW 70.96A.350 and 2008 c 329 s 918 are each amended to
5 read as follows:

6 (1) The criminal justice treatment account is created in the state
7 treasury. Moneys in the account may be expended solely for: (a)
8 Substance abuse treatment and treatment support services for offenders
9 with an addiction or a substance abuse problem that, if not treated,
10 would result in addiction, against whom charges are filed by a
11 prosecuting attorney in Washington state; (b) the provision of drug and
12 alcohol treatment services and treatment support services for
13 nonviolent offenders within a drug court program; ~~((and))~~ (c) the
14 administrative and overhead costs associated with the operation of a
15 drug court; and (d) during the 2007-2009 biennium, operation of the
16 integrated crisis response and intensive case management pilots
17 contracted with the department of social and health services division
18 of alcohol and substance abuse. Moneys in the account may be spent
19 only after appropriation.

1 (2) For purposes of this section:

2 (a) "Treatment" means services that are critical to a participant's
3 successful completion of his or her substance abuse treatment program,
4 but does not include the following services: Housing other than that
5 provided as part of an inpatient substance abuse treatment program,
6 vocational training, and mental health counseling; and

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

11 (3) Revenues to the criminal justice treatment account consist of:

12 (a) Funds transferred to the account pursuant to this section; and (b)
13 any other revenues appropriated to or deposited in the account.

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

26 (b) For the fiscal biennium beginning July 1, 2003, and each
27 biennium thereafter, the state treasurer shall transfer two million
28 nine hundred eighty-four thousand dollars from the general fund into
29 the violence reduction and drug enforcement account, divided into eight
30 quarterly payments. The amounts transferred pursuant to this
31 subsection (4)(b) shall be used solely for providing drug and alcohol
32 treatment services to offenders confined in a state correctional
33 facility who are assessed with an addiction or a substance abuse
34 problem that if not treated would result in addiction.

35 (c) In each odd-numbered year, the legislature shall appropriate
36 the amount transferred to the criminal justice treatment account in (a)
37 of this subsection to the division of alcohol and substance abuse for
38 the purposes of subsection (5) of this section.

1 (5) Moneys appropriated to the division of alcohol and substance
2 abuse from the criminal justice treatment account shall be distributed
3 as specified in this subsection. The department shall serve as the
4 fiscal agent for purposes of distribution. Until July 1, 2004, the
5 department may not use moneys appropriated from the criminal justice
6 treatment account for administrative expenses and shall distribute all
7 amounts appropriated under subsection (4)(c) of this section in
8 accordance with this subsection. Beginning in July 1, 2004, the
9 department may retain up to three percent of the amount appropriated
10 under subsection (4)(c) of this section for its administrative costs.

11 (a) Seventy percent of amounts appropriated to the division from
12 the account shall be distributed to counties pursuant to the
13 distribution formula adopted under this section. The division of
14 alcohol and substance abuse, in consultation with the department of
15 corrections, the sentencing guidelines commission, the Washington state
16 association of counties, the Washington state association of drug court
17 professionals, the superior court judges' association, the Washington
18 association of prosecuting attorneys, representatives of the criminal
19 defense bar, representatives of substance abuse treatment providers,
20 and any other person deemed by the division to be necessary, shall
21 establish a fair and reasonable methodology for distribution to
22 counties of moneys in the criminal justice treatment account. County
23 or regional plans submitted for the expenditure of formula funds must
24 be approved by the panel established in (b) of this subsection.

25 (b) Thirty percent of the amounts appropriated to the division from
26 the account shall be distributed as grants for purposes of treating
27 offenders against whom charges are filed by a county prosecuting
28 attorney. The division shall appoint a panel of representatives from
29 the Washington association of prosecuting attorneys, the Washington
30 association of sheriffs and police chiefs, the superior court judges'
31 association, the Washington state association of counties, the
32 Washington defender's association or the Washington association of
33 criminal defense lawyers, the department of corrections, the Washington
34 state association of drug court professionals, substance abuse
35 treatment providers, and the division. The panel shall review county
36 or regional plans for funding under (a) of this subsection and grants
37 approved under this subsection. The panel shall attempt to ensure that
38 treatment as funded by the grants is available to offenders statewide.

1 (6) The county alcohol and drug coordinator, county prosecutor,
2 county sheriff, county superior court, a substance abuse treatment
3 provider appointed by the county legislative authority, a member of the
4 criminal defense bar appointed by the county legislative authority,
5 and, in counties with a drug court, a representative of the drug court
6 shall jointly submit a plan, approved by the county legislative
7 authority or authorities, to the panel established in subsection (5)(b)
8 of this section, for disposition of all the funds provided from the
9 criminal justice treatment account within that county. The funds shall
10 be used solely to provide approved alcohol and substance abuse
11 treatment pursuant to RCW 70.96A.090 (~~and~~), treatment support
12 services, and for the administrative and overhead costs associated with
13 the operation of a drug court.

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

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

23 (7) Counties are encouraged to consider regional agreements and
24 submit regional plans for the efficient delivery of treatment under
25 this section.

26 (8) 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 (9) Counties must meet the criteria established in RCW
30 2.28.170(3)(b).

31 (10) The authority under this section to use funds from the
32 criminal justice treatment account for the administrative and overhead
33 costs associated with the operation of a drug court expires June 30,
34 2013.

35 **Sec. 2.** RCW 2.28.170 and 2006 c 339 s 106 are each amended to read
36 as follows:

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

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

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

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

13 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
14 for drug court programs with local cash or in-kind resources. Moneys
15 allocated by the state must be used to supplement, not supplant, other
16 federal, state, and local funds for drug court operations and
17 associated services. However, from the effective date of this act
18 until June 30, 2013, no match is required for state moneys expended for
19 the administrative and overhead costs associated with the operation of
20 a drug court pursuant to RCW 70.96A.350.

21 (b) Any county that establishes a drug court pursuant to this
22 section shall establish minimum requirements for the participation of
23 offenders in the program. The drug court may adopt local requirements
24 that are more stringent than the minimum. The minimum requirements
25 are:

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

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

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

32 (A) That is a sex offense;

33 (B) That is a serious violent offense;

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

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

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