

SHB 1524 - S COMM AMD

By Committee on Law & Justice

OUT OF ORDER 03/02/2018

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

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

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

27 (1) The criminal justice treatment account is created in the
28 state treasury. Moneys in the account may be expended solely for: (a)
29 Substance use disorder treatment and treatment support services for
30 offenders with a substance use disorder that, if not treated, would

1 result in addiction, against whom charges are filed by a prosecuting
2 attorney in Washington state; (b) the provision of substance use
3 disorder treatment services and treatment support services for
4 nonviolent offenders within a drug court program; and (c) the
5 administrative and overhead costs associated with the operation of a
6 drug court. During the 2015-2017 fiscal biennium, the legislature may
7 transfer from the criminal justice treatment account to the state
8 general fund amounts as reflect the state savings associated with the
9 implementation of the medicaid expansion of the federal affordable
10 care act and the excess fund balance of the account. During the
11 2017-2019 fiscal biennium, the legislature may direct the state
12 treasurer to make transfers of moneys in the criminal justice
13 treatment account to the state general fund. It is the intent of the
14 legislature to ~~((continue, in future biennia, the policy of~~
15 ~~transferring to the state general fund))~~ permit such amounts as
16 reflect the excess fund balance of the account to be used for other
17 therapeutic courts in the state including but not limited to mental
18 health courts, veterans treatment courts, and community courts. These
19 other therapeutic courts are eligible to apply for funding from the
20 account if the counties in which they operate have enacted the
21 one-tenth of one percent mental health and drug dependency sales tax
22 as provided in RCW 82.14.460. Moneys in the account may be spent only
23 after appropriation.

24 (2) For purposes of this section:

25 (a) "Treatment" means services that are critical to a
26 participant's successful completion of his or her substance use
27 disorder treatment program, ~~((but does not include the following~~
28 ~~services: Housing other than that provided as part of an inpatient~~
29 ~~substance use disorder treatment program, vocational training, and~~
30 ~~mental health counseling))~~ including but not limited to the recovery
31 support and other programmatic elements outlined in RCW 2.30.030
32 authorizing therapeutic courts; and

33 (b) "Treatment support" ~~((means))~~ includes transportation to or
34 from inpatient or outpatient treatment services when no viable
35 alternative exists, and child care services that are necessary to
36 ensure a participant's ability to attend outpatient treatment
37 sessions.

38 (3) Revenues to the criminal justice treatment account consist
39 of: (a) Funds transferred to the account pursuant to this section;

1 and (b) any other revenues appropriated to or deposited in the
2 account.

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

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

15 (5) Moneys appropriated to the department from the criminal
16 justice treatment account shall be distributed as specified in this
17 subsection. The department may retain up to three percent of the
18 amount appropriated under subsection (4)(b) of this section for its
19 administrative costs.

20 (a) Seventy percent of amounts appropriated to the department
21 from the account shall be distributed to counties pursuant to the
22 distribution formula adopted under this section. The division of
23 alcohol and substance abuse, in consultation with the department of
24 corrections, the Washington state association of counties, the
25 Washington state association of drug court professionals, the
26 superior court judges' association, the Washington association of
27 prosecuting attorneys, representatives of the criminal defense bar,
28 representatives of substance use disorder treatment providers, and
29 any other person deemed by the department to be necessary, shall
30 establish a fair and reasonable methodology for distribution to
31 counties of moneys in the criminal justice treatment account. County
32 or regional plans submitted for the expenditure of formula funds must
33 be approved by the panel established in (b) of this subsection.

34 (b) Thirty percent of the amounts appropriated to the department
35 from the account shall be distributed as grants for purposes of
36 treating offenders against whom charges are filed by a county
37 prosecuting attorney. The department shall appoint a panel of
38 representatives from the Washington association of prosecuting
39 attorneys, the Washington association of sheriffs and police chiefs,
40 the superior court judges' association, the Washington state

1 association of counties, the Washington defender's association or the
2 Washington association of criminal defense lawyers, the department of
3 corrections, the Washington state association of drug court
4 professionals, substance use disorder treatment providers, and the
5 division. The panel shall review county or regional plans for funding
6 under (a) of this subsection and grants approved under this
7 subsection. The panel shall attempt to ensure that treatment as
8 funded by the grants is available to offenders statewide.

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

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

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

31 (7) Counties are encouraged to consider regional agreements and
32 submit regional plans for the efficient delivery of treatment under
33 this section.

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

37 (9) Counties must meet the criteria established in RCW
38 2.30.030(3).

39 ~~((10) The authority under this section to use funds from the~~
40 ~~criminal justice treatment account for the administrative and~~

1 ~~overhead costs associated with the operation of a drug court expires~~
2 ~~June 30, 2015.))"~~

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3 On page 1, line 1 of the title, after "courts;" strike the
4 remainder of the title and insert "amending RCW 71.24.580; and
5 creating a new section."

EFFECT: Updates section 2 to include changes made to RCW 71.24.580 during the 2017 legislative session.

Permits the excess fund balance in the Criminal Justice Treatment Account to be used for other therapeutic courts.

Permits other therapeutic courts to apply for funds from the Account if they are operating in counties that have enacted the mental health and drug dependency sales tax authorized in RCW 82.14.460.

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