

SHB 1524 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 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. Amounts provided in this subsection must be used for  
7 treatment and recovery support services for criminally involved  
8 offenders and authorization of these services shall not be subject to  
9 determinations of medical necessity. During the 2015-2017 fiscal  
10 biennium, the legislature may transfer from the criminal justice  
11 treatment account to the state general fund amounts as reflect the  
12 state savings associated with the implementation of the medicaid  
13 expansion of the federal affordable care act and the excess fund  
14 balance of the account. During the 2017-2019 fiscal biennium, the  
15 legislature may direct the state treasurer to make transfers of  
16 moneys in the criminal justice treatment account to the state general  
17 fund. It is the intent of the legislature to continue(~~(, in future~~  
18 ~~biennia,)) in the 2019-2021 biennium the policy of transferring to~~  
19 the state general fund such amounts as reflect the excess fund  
20 balance of the account. Moneys in the account may be spent only after  
21 appropriation.

22 (2) For purposes of this section:

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

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

36 (3) Revenues to the criminal justice treatment account consist  
37 of: (a) Funds transferred to the account pursuant to this section;  
38 and (b) any other revenues appropriated to or deposited in the  
39 account.

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

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

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

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

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

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

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

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

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

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

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

35 (9) Counties must meet the criteria established in RCW  
36 2.30.030(3).

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

**ADOPTED 03/02/2018**

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

EFFECT: Clarifies that treatment and recovery support services are not subject to medical necessity authorizations.

Restores transfer authority of the excess fund balance in the Criminal Justice Treatment Account to the general fund in the 2019-2021 biennium.

Removes permissive authority to use excess funds for other therapeutic courts in counties enacting the mental health and drug dependency sales tax.

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