

5419-S2

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

Brief Description: Providing additional treatment for drug offenders.

SB 5419-S2.E - DIGEST

(AS OF SENATE 2ND READING 4/12/01)

Finds that community safety and health are promoted and tax dollars are saved when offenders who abuse drugs are provided with effective treatment programs.

Finds that appropriate substance abuse treatment is effective, but that adult offenders with substance abuse problems often do not have access to the treatment needed to help them live healthier, more stable, and productive lives.

Declares an intent to increase the capacity of the criminal justice system to provide access to appropriate substance abuse treatment, at the local level, for all types of offenders who are diagnosed with substance abuse problems.

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

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

Creates the criminal justice treatment account in the state treasury. Moneys in the account may be expended solely for substance abuse treatment for offenders against whom charges are filed by a prosecuting attorney in Washington state as well as to fund drug courts for the provision of drug and alcohol services for nonviolent offenders. Moneys in the account may be spent only after appropriation.

Requires the department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council to develop a methodology for calculating the projected biennial savings under this act. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By December 1, 2001, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation during the 2002 session to modify or reject the methodology.

Provides that, for the fiscal biennium beginning July 1, 2003, and each fiscal biennium thereafter, in consideration of the dollar

amount savings reported under this act, the legislature shall direct the state treasurer to transfer an amount from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments.

Provides that seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this act. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, representatives of the criminal defense bar, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account.

Provides that thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney.

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

Directs the Washington state institute for public policy to evaluate the effectiveness and financial impact of this act in meeting its stated purpose and intent.

Provides that RCW 43.135.035(4) does not apply to the transfers established in this act.

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