

SSB 5990 - S AMD 286

By Senators Hargrove, Stevens

ADOPTED 03/26/2003

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

3 "Sec. 1. RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are
4 each reenacted and amended to read as follows:

5 No person serving a sentence imposed pursuant to this chapter and
6 committed to the custody of the department shall leave the confines of
7 the correctional facility or be released prior to the expiration of the
8 sentence except as follows:

9 (1)(a) Except as otherwise provided for in subsection (~~((+2))~~) (4)
10 of this section, the term of the sentence of an offender committed to
11 a correctional facility operated by the department may be reduced by
12 earned release time in accordance with procedures that shall be
13 developed and promulgated by the correctional agency having
14 jurisdiction in which the offender is confined. The earned release
15 time shall be for good behavior and good performance, as determined by
16 the correctional agency having jurisdiction. The correctional agency
17 shall not credit the offender with earned release credits in advance of
18 the offender actually earning the credits. Any program established
19 pursuant to this section shall allow an offender to earn early release
20 credits for presentence incarceration. If an offender is transferred
21 from a county jail to the department, the administrator of a county
22 jail facility shall certify to the department the amount of time spent
23 in custody at the facility and the amount of earned release time. An
24 offender who has been convicted of a felony committed after July 23,
25 1995, that involves any applicable deadly weapon enhancements under RCW
26 9.94A.533 (3) or (4), or both, shall not receive any good time credits
27 or earned release time for that portion of his or her sentence that
28 results from any deadly weapon enhancements. In the case of an
29 offender convicted of a serious violent offense, or a sex offense that
30 is a class A felony, committed on or after July 1, 1990, and before

1 July 1, 2003, the aggregate earned release time may not exceed fifteen
2 percent of the sentence. In the case of an offender convicted of a
3 serious violent offense, or a sex offense that is a class A felony,
4 committed on or after July 1, 2003, the aggregate earned release time
5 may not exceed ten percent of the sentence.

6 (b) In the case of an offender who qualifies under subsection (2)
7 of this section, the aggregate earned release time may not exceed fifty
8 percent of the sentence.

9 (c) In no other case shall the aggregate earned release time exceed
10 one-third of the total sentence;

11 (2) An offender may earn up to fifty percent earned release time if
12 he or she is not confined pursuant to a sentence for an offense that is
13 a violent offense; a sex offense; a violation or attempt, solicitation,
14 or conspiracy to violate RCW 69.50.401 by manufacture or delivery or
15 possession with intent to deliver methamphetamine; a violation or
16 attempt, solicitation, or conspiracy to violate RCW 69.50.406 (delivery
17 of a controlled substance to a minor); or a crime against a person as
18 defined in RCW 9.94A.411 and he or she:

19 (a) Has no prior conviction for a sex offense; a serious violent
20 offense; a violation or attempt, solicitation, or conspiracy to violate
21 RCW 69.50.401 by manufacture or delivery or possession with intent to
22 deliver methamphetamine; or a violation or attempt, solicitation, or
23 conspiracy to violate RCW 69.50.406 (delivery of a controlled substance
24 to a minor);

25 (b) Is not subject to court-ordered chemical dependency treatment
26 under RCW 9.94A.660 or the provisions of chapter 290, Laws of 2002; and

27 (c) Has an offender score of less than seven.

28 (3)(a) The department shall recalculate the earned release time and
29 reschedule the expected release dates for each eligible offender under
30 subsections (1) and (2) of this section.

31 (b) Subsection (2) of this section applies retroactively to
32 eligible offenders serving terms of total confinement in a state
33 correctional facility as of the effective date of this section.

34 (c) Subsections (1)(b) and (2) of this section do not apply to
35 offenders convicted after July 1, 2010.

36 (4)(a) A person convicted of a sex offense or an offense
37 categorized as a serious violent offense, assault in the second degree,

1 vehicular homicide, vehicular assault, assault of a child in the second
2 degree, any crime against persons where it is determined in accordance
3 with RCW 9.94A.602 that the offender or an accomplice was armed with a
4 deadly weapon at the time of commission, or any felony offense under
5 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
6 eligible, in accordance with a program developed by the department, for
7 transfer to community custody status in lieu of earned release time
8 pursuant to subsection (1) of this section;

9 (b) A person convicted of a sex offense, a violent offense, any
10 crime against persons under RCW 9.94A.411(2), or a felony offense under
11 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
12 become eligible, in accordance with a program developed by the
13 department, for transfer to community custody status in lieu of earned
14 release time pursuant to subsection (1) of this section;

15 (c) The department shall, as a part of its program for release to
16 the community in lieu of earned release, require the offender to
17 propose a release plan that includes an approved residence and living
18 arrangement. All offenders with community placement or community
19 custody terms eligible for release to community custody status in lieu
20 of earned release shall provide an approved residence and living
21 arrangement prior to release to the community;

22 (d) The department may deny transfer to community custody status in
23 lieu of earned release time pursuant to subsection (1) of this section
24 if the department determines an offender's release plan, including
25 proposed residence location and living arrangements, may violate the
26 conditions of the sentence or conditions of supervision, place the
27 offender at risk to violate the conditions of the sentence, place the
28 offender at risk to reoffend, or present a risk to victim safety or
29 community safety. The department's authority under this section is
30 independent of any court-ordered condition of sentence or statutory
31 provision regarding conditions for community custody or community
32 placement;

33 ~~((3))~~ (5) An offender may leave a correctional facility pursuant
34 to an authorized furlough or leave of absence. In addition, offenders
35 may leave a correctional facility when in the custody of a corrections
36 officer or officers;

1 (~~(4)~~) (6)(a) The secretary may authorize an extraordinary medical
2 placement for an offender when all of the following conditions exist:

3 (i) The offender has a medical condition that is serious enough to
4 require costly care or treatment;

5 (ii) The offender poses a low risk to the community because he or
6 she is physically incapacitated due to age or the medical condition;
7 and

8 (iii) Granting the extraordinary medical placement will result in
9 a cost savings to the state.

10 (b) An offender sentenced to death or to life imprisonment without
11 the possibility of release or parole is not eligible for an
12 extraordinary medical placement.

13 (c) The secretary shall require electronic monitoring for all
14 offenders in extraordinary medical placement unless the electronic
15 monitoring equipment interferes with the function of the offender's
16 medical equipment or results in the loss of funding for the offender's
17 medical care. The secretary shall specify who shall provide the
18 monitoring services and the terms under which the monitoring shall be
19 performed.

20 (d) The secretary may revoke an extraordinary medical placement
21 under this subsection at any time.

22 (~~(5)~~) (7) The governor, upon recommendation from the clemency and
23 pardons board, may grant an extraordinary release for reasons of
24 serious health problems, senility, advanced age, extraordinary
25 meritorious acts, or other extraordinary circumstances;

26 (~~(6)~~) (8) No more than the final six months of the sentence may
27 be served in partial confinement designed to aid the offender in
28 finding work and reestablishing himself or herself in the community;

29 (~~(7)~~) (9) The governor may pardon any offender;

30 (~~(8)~~) (10) The department may release an offender from
31 confinement any time within ten days before a release date calculated
32 under this section; and

33 (~~(9)~~) (11) An offender may leave a correctional facility prior to
34 completion of his or her sentence if the sentence has been reduced as
35 provided in RCW 9.94A.870.

36 Notwithstanding any other provisions of this section, an offender
37 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a

1 mandatory minimum sentence of total confinement shall not be released
2 from total confinement before the completion of the listed mandatory
3 minimum sentence for that felony crime of conviction unless allowed
4 under RCW 9.94A.540, however persistent offenders are not eligible for
5 extraordinary medical placement.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
7 to read as follows:

8 The legislature declares that the changes to the maximum
9 percentages of earned release time in this act do not create any
10 expectation that the percentage of earned release time cannot be
11 revised and offenders have no reason to conclude that the maximum
12 percentage of earned release time is an entitlement or creates any
13 liberty interest. The legislature retains full control over the right
14 to revise the percentages of earned release time available to offenders
15 at any time. This section applies to persons convicted on or after the
16 effective date of this section.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
18 to read as follows:

19 (1) When the department performs a risk assessment pursuant to RCW
20 9.94A.500, or to determine a person's conditions of supervision, the
21 risk assessment shall classify the offender into one of at least four
22 risk categories. The department shall supervise every offender
23 sentenced to a term of community custody, community placement, or
24 community supervision whose risk assessment places that offender in one
25 of the two highest risk categories. The department is not authorized
26 to, and may not, supervise any offender sentenced to a term of
27 community custody, community placement, or community supervision whose
28 risk assessment places that offender in any risk category other than
29 the two highest unless the offender is one for whom supervision is
30 required under subsection (2) of this section.

31 (2) Notwithstanding an offender's classification in a risk category
32 other than the two highest risk categories, the department shall
33 supervise the offender if:

34 (a) He or she has a prior conviction for an offense that is a

1 serious violent offense, sex offense, manufacture or delivery or
2 possession with intent to deliver methamphetamine, or delivery of a
3 controlled substance to a minor;

4 (b) He or she is subject to court-ordered chemical dependency
5 treatment under RCW 9.94A.660 or the provisions of chapter 290, Laws of
6 2002, or he or she was sentenced under RCW 9.94A.670; or

7 (c) He or she is subject to supervision pursuant to RCW 9.94A.745.

8 (3) This section expires July 1, 2010.

9 **Sec. 4.** RCW 9.94A.700 and 2002 c 175 s 13 are each amended to read
10 as follows:

11 When a court sentences an offender to a term of total confinement
12 in the custody of the department for any of the offenses specified in
13 this section, the court shall also sentence the offender to a term of
14 community placement as provided in this section. Except as provided in
15 section 3 of this act, the department shall supervise any sentence of
16 community placement imposed under this section.

17 (1) The court shall order a one-year term of community placement
18 for the following:

19 (a) A sex offense or a serious violent offense committed after July
20 1, 1988, but before July 1, 1990; or

21 (b) An offense committed on or after July 1, 1988, but before July
22 25, 1999, that is:

23 (i) Assault in the second degree;

24 (ii) Assault of a child in the second degree;

25 (iii) A crime against persons where it is determined in accordance
26 with RCW 9.94A.602 that the offender or an accomplice was armed with a
27 deadly weapon at the time of commission; or

28 (iv) A felony offense under chapter 69.50 or 69.52 RCW not
29 sentenced under RCW 9.94A.660.

30 (2) The court shall sentence the offender to a term of community
31 placement of two years or up to the period of earned release awarded
32 pursuant to RCW 9.94A.728, whichever is longer, for:

33 (a) An offense categorized as a sex offense committed on or after
34 July 1, 1990, but before June 6, 1996, including those sex offenses
35 also included in other offense categories;

1 (b) A serious violent offense other than a sex offense committed on
2 or after July 1, 1990, but before July 1, 2000; or

3 (c) A vehicular homicide or vehicular assault committed on or after
4 July 1, 1990, but before July 1, 2000.

5 (3) The community placement ordered under this section shall begin
6 either upon completion of the term of confinement or at such time as
7 the offender is transferred to community custody in lieu of earned
8 release. When the court sentences an offender to the statutory maximum
9 sentence then the community placement portion of the sentence shall
10 consist entirely of the community custody to which the offender may
11 become eligible. Any period of community custody actually served shall
12 be credited against the community placement portion of the sentence.

13 (4) Unless a condition is waived by the court, the terms of any
14 community placement imposed under this section shall include the
15 following conditions:

16 (a) The offender shall report to and be available for contact with
17 the assigned community corrections officer as directed;

18 (b) The offender shall work at department-approved education,
19 employment, or community restitution, or any combination thereof;

20 (c) The offender shall not possess or consume controlled substances
21 except pursuant to lawfully issued prescriptions;

22 (d) The offender shall pay supervision fees as determined by the
23 department; and

24 (e) The residence location and living arrangements shall be subject
25 to the prior approval of the department during the period of community
26 placement.

27 (5) As a part of any terms of community placement imposed under
28 this section, the court may also order one or more of the following
29 special conditions:

30 (a) The offender shall remain within, or outside of, a specified
31 geographical boundary;

32 (b) The offender shall not have direct or indirect contact with the
33 victim of the crime or a specified class of individuals;

34 (c) The offender shall participate in crime-related treatment or
35 counseling services;

36 (d) The offender shall not consume alcohol; or

37 (e) The offender shall comply with any crime-related prohibitions.

1 (6) An offender convicted of a felony sex offense against a minor
2 victim after June 6, 1996, shall comply with any terms and conditions
3 of community placement imposed by the department relating to contact
4 between the sex offender and a minor victim or a child of similar age
5 or circumstance as a previous victim.

6 (7) Prior to or during community placement, upon recommendation of
7 the department, the sentencing court may remove or modify any
8 conditions of community placement so as not to be more restrictive.

9 **Sec. 5.** RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read
10 as follows:

11 Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710,
12 when a court sentences a person to a term of total confinement to the
13 custody of the department for a violent offense, any crime against
14 persons under RCW 9.94A.411(2), or any felony offense under chapter
15 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or
16 after July 25, 1999, but before July 1, 2000, the court shall in
17 addition to the other terms of the sentence, sentence the offender to
18 a one-year term of community placement beginning either upon completion
19 of the term of confinement or at such time as the offender is
20 transferred to community custody in lieu of earned release in
21 accordance with RCW 9.94A.728 (1) and (~~((2))~~) (4). When the court
22 sentences the offender under this section to the statutory maximum
23 period of confinement, then the community placement portion of the
24 sentence shall consist entirely of such community custody to which the
25 offender may become eligible, in accordance with RCW 9.94A.728 (1) and
26 (~~((2))~~) (4). Any period of community custody actually served shall be
27 credited against the community placement portion of the sentence.
28 Except as provided in section 3 of this act, the department shall
29 supervise any sentence of community placement or community custody
30 imposed under this section.

31 **Sec. 6.** RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each
32 amended to read as follows:

33 (1) When a court sentences a person to the custody of the
34 department for a sex offense not sentenced under RCW 9.94A.712, a
35 violent offense, any crime against persons under RCW 9.94A.411(2), or

1 a felony offense under chapter 69.50 or 69.52 RCW, committed on or
2 after July 1, 2000, the court shall in addition to the other terms of
3 the sentence, sentence the offender to community custody for the
4 community custody range established under RCW 9.94A.850 or up to the
5 period of earned release awarded pursuant to RCW 9.94A.728 (1) and
6 (~~(+2+)~~) (4), whichever is longer. The community custody shall begin:
7 (a) Upon completion of the term of confinement; (b) at such time as the
8 offender is transferred to community custody in lieu of earned release
9 in accordance with RCW 9.94A.728 (1) and (~~(+2+)~~) (4); or (c) with
10 regard to offenders sentenced under RCW 9.94A.660, upon failure to
11 complete or administrative termination from the special drug offender
12 sentencing alternative program. Except as provided in section 3 of
13 this act, the department shall supervise any sentence of community
14 custody imposed under this section.

15 (2)(a) Unless a condition is waived by the court, the conditions of
16 community custody shall include those provided for in RCW 9.94A.700(4).
17 The conditions may also include those provided for in RCW 9.94A.700(5).
18 The court may also order the offender to participate in rehabilitative
19 programs or otherwise perform affirmative conduct reasonably related to
20 the circumstances of the offense, the offender's risk of reoffending,
21 or the safety of the community, and the department shall enforce such
22 conditions pursuant to subsection (6) of this section.

23 (b) As part of any sentence that includes a term of community
24 custody imposed under this subsection, the court shall also require the
25 offender to comply with any conditions imposed by the department under
26 RCW 9.94A.720. The department shall assess the offender's risk of
27 reoffense and may establish and modify additional conditions of the
28 offender's community custody based upon the risk to community safety.
29 In addition, the department may require the offender to participate in
30 rehabilitative programs, or otherwise perform affirmative conduct, and
31 to obey all laws.

32 (c) The department may not impose conditions that are contrary to
33 those ordered by the court and may not contravene or decrease court
34 imposed conditions. The department shall notify the offender in
35 writing of any such conditions or modifications. In setting,
36 modifying, and enforcing conditions of community custody, the
37 department shall be deemed to be performing a quasi-judicial function.

1 (3) If an offender violates conditions imposed by the court or the
2 department pursuant to this section during community custody, the
3 department may transfer the offender to a more restrictive confinement
4 status and impose other available sanctions as provided in RCW
5 9.94A.737 and 9.94A.740.

6 (4) Except for terms of community custody under RCW 9.94A.670, the
7 department shall discharge the offender from community custody on a
8 date determined by the department, which the department may modify,
9 based on risk and performance of the offender, within the range or at
10 the end of the period of earned release, whichever is later.

11 (5) At any time prior to the completion or termination of a sex
12 offender's term of community custody, if the court finds that public
13 safety would be enhanced, the court may impose and enforce an order
14 extending any or all of the conditions imposed pursuant to this section
15 for a period up to the maximum allowable sentence for the crime as it
16 is classified in chapter 9A.20 RCW, regardless of the expiration of the
17 offender's term of community custody. If a violation of a condition
18 extended under this subsection occurs after the expiration of the
19 offender's term of community custody, it shall be deemed a violation of
20 the sentence for the purposes of RCW 9.94A.631 and may be punishable as
21 contempt of court as provided for in RCW 7.21.040. If the court
22 extends a condition beyond the expiration of the term of community
23 custody, the department is not responsible for supervision of the
24 offender's compliance with the condition.

25 (6) Within the funds available for community custody, the
26 department shall determine conditions and duration of community custody
27 on the basis of risk to community safety, and shall supervise offenders
28 during community custody on the basis of risk to community safety and
29 conditions imposed by the court. The secretary shall adopt rules to
30 implement the provisions of this subsection.

31 (7) By the close of the next business day after receiving notice of
32 a condition imposed or modified by the department, an offender may
33 request an administrative review under rules adopted by the department.
34 The condition shall remain in effect unless the reviewing officer finds
35 that it is not reasonably related to any of the following: (a) The
36 crime of conviction; (b) the offender's risk of reoffending; or (c) the
37 safety of the community.

1 **Sec. 7.** RCW 9.94A.720 and 2002 c 175 s 14 are each amended to read
2 as follows:

3 (1)(a) Except as provided in section 3 of this act, all offenders
4 sentenced to terms involving community supervision, community
5 restitution, community placement, or community custody(~~(, or legal~~
6 ~~financial obligation)~~) shall be under the supervision of the department
7 and shall follow explicitly the instructions and conditions of the
8 department. The department may require an offender to perform
9 affirmative acts it deems appropriate to monitor compliance with the
10 conditions of the sentence imposed. The department may only supervise
11 the offender's compliance with payment of the legal financial
12 obligations during any period in which the department is authorized to
13 supervise the offender in the community under section 3 of this act.

14 (b) The instructions shall include, at a minimum, reporting as
15 directed to a community corrections officer, remaining within
16 prescribed geographical boundaries, notifying the community corrections
17 officer of any change in the offender's address or employment, and
18 paying the supervision fee assessment.

19 (c) For offenders sentenced to terms involving community custody
20 for crimes committed on or after June 6, 1996, the department may
21 include, in addition to the instructions in (b) of this subsection, any
22 appropriate conditions of supervision, including but not limited to,
23 prohibiting the offender from having contact with any other specified
24 individuals or specific class of individuals.

25 (d) For offenders sentenced to terms of community custody for
26 crimes committed on or after July 1, 2000, the department may impose
27 conditions as specified in RCW 9.94A.715.

28 The conditions authorized under (c) of this subsection may be
29 imposed by the department prior to or during an offender's community
30 custody term. If a violation of conditions imposed by the court or the
31 department pursuant to RCW 9.94A.710 occurs during community custody,
32 it shall be deemed a violation of community placement for the purposes
33 of RCW 9.94A.740 and shall authorize the department to transfer an
34 offender to a more restrictive confinement status as provided in RCW
35 9.94A.737. At any time prior to the completion of an offender's term
36 of community custody, the department may recommend to the court that
37 any or all of the conditions imposed by the court or the department

1 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the
2 expiration of the offender's term of community custody as authorized in
3 RCW 9.94A.715 (3) or (5).

4 The department may require offenders to pay for special services
5 rendered on or after July 25, 1993, including electronic monitoring,
6 day reporting, and telephone reporting, dependent upon the offender's
7 ability to pay. The department may pay for these services for
8 offenders who are not able to pay.

9 (2) No offender sentenced to terms involving community supervision,
10 community restitution, community custody, or community placement under
11 the supervision of the department may own, use, or possess firearms or
12 ammunition. Offenders who own, use, or are found to be in actual or
13 constructive possession of firearms or ammunition shall be subject to
14 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and
15 9.94A.740. "Constructive possession" as used in this subsection means
16 the power and intent to control the firearm or ammunition. "Firearm"
17 as used in this subsection has the same definition as in RCW 9.41.010.

18 **Sec. 8.** RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read
19 as follows:

20 On all sentences of confinement for one year or less, in which the
21 offender is convicted of a sex offense, a violent offense, a crime
22 against a person under RCW 9.94A.411, or felony violation of chapter
23 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit
24 such a crime, the court may impose up to one year of community custody,
25 subject to conditions and sanctions as authorized in RCW 9.94A.715 and
26 9.94A.720. An offender shall be on community custody as of the date of
27 sentencing. However, during the time for which the offender is in
28 total or partial confinement pursuant to the sentence or a violation of
29 the sentence, the period of community custody shall toll.

30 **Sec. 9.** 2002 c 290 s 30 (uncodified) is amended to read as
31 follows:

32 Section 2 of this act expires (~~July 1, 2004~~) on the effective
33 date of section 9, chapter . . ., Laws of 2003 (section 9 of this act).

1 **Sec. 10.** 2002 c 290 s 31 (uncodified) is amended to read as
2 follows:

3 Sections 7 through 11 and 14 through 23 of this act take effect
4 (~~July 1, 2004, and apply to crimes committed on or after July 1,~~
5 ~~2004~~) on the effective date of section 9, chapter . . ., Laws of 2003
6 (section 9 of this act).

7 **Sec. 11.** RCW 70.96A.350 and 2002 c 290 s 4 are each amended to
8 read as follows:

9 (1) The criminal justice treatment account is created in the state
10 treasury. Moneys in the account may be expended solely for: (a)
11 Substance abuse treatment and treatment support services for offenders
12 with an addiction or a substance abuse problem that, if not treated,
13 would result in addiction, against whom charges are filed by a
14 prosecuting attorney in Washington state; and (b) the provision of drug
15 and alcohol treatment services and treatment support services for
16 nonviolent offenders within a drug court program. Moneys in the
17 account may be spent only after appropriation.

18 (2) For purposes of this section:

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

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

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

29 (a) (~~Savings to the state general fund resulting from implementation~~
30 ~~of chapter 290, Laws of 2002, as calculated~~) Funds transferred to the
31 account pursuant to this section; and (b) any other revenues
32 appropriated to or deposited in the account.

33 (4)(a) (~~The department of corrections, the sentencing guidelines~~
34 ~~commission, the office of financial management, and the caseload~~
35 ~~forecast council shall develop a methodology for calculating the~~
36 ~~projected biennial savings under this section. Savings shall be~~

1 projected for the fiscal biennium beginning on July 1, 2003, and for
2 each biennium thereafter. By September 1, 2002, the proposed
3 methodology shall be submitted to the governor and the appropriate
4 committees of the legislature. The methodology is deemed approved
5 unless the legislature enacts legislation to modify or reject the
6 methodology.

7 ~~(b)~~ When the department of corrections submits its biennial budget
8 request to the governor in 2002 and in each even-numbered year
9 thereafter, the department of corrections shall use the methodology
10 approved in (a) of this subsection to calculate savings to the state
11 general fund for the ensuing fiscal biennium resulting from reductions
12 in drug offender sentencing as a result of sections 2 and 3, chapter
13 290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002.
14 The department shall report the dollar amount of the savings to the
15 state treasurer, the office of financial management, and the fiscal
16 committees of the legislature.

17 ~~(c)~~) For the fiscal biennium beginning July 1, 2003, ~~((and each~~
18 ~~fiscal biennium thereafter,))~~ the state treasurer shall transfer
19 ~~((seventy five percent of the amount reported in (b) of this~~
20 ~~subsection))~~ eight million nine hundred fifty thousand dollars from the
21 general fund into the criminal justice treatment account, divided into
22 eight equal quarterly payments. ~~((However, the amount transferred to~~
23 ~~the criminal justice treatment account shall not exceed the limit of~~
24 ~~eight million two hundred fifty thousand dollars per fiscal year.~~
25 ~~After the first fiscal year in which the amount to be transferred~~
26 ~~equals or exceeds eight million two hundred fifty thousand dollars,~~
27 ~~this limit))~~ For the fiscal year beginning July 1, 2005, and each
28 subsequent fiscal year, the state treasurer shall transfer eight
29 million two hundred fifty thousand dollars from the general fund to the
30 criminal justice treatment account, divided into four equal quarterly
31 payments. For the fiscal year beginning July 1, 2006, and each
32 subsequent fiscal year, the amount transferred shall be increased on an
33 annual basis by the implicit price deflator as published by the federal
34 bureau of labor statistics.

35 ~~((d))~~ (b) For the fiscal biennium beginning July 1, 2003, and
36 each biennium thereafter, the state treasurer shall transfer ~~((twenty-~~
37 ~~five percent of the amount reported in (b) of this subsection))~~ two

1 million nine hundred eighty-four thousand dollars from the general fund
2 into the violence reduction and drug enforcement account, divided into
3 eight quarterly payments. The amounts transferred pursuant to this
4 subsection (4)~~((d))~~ (b) shall be used solely for providing drug and
5 alcohol treatment services to offenders confined in a state
6 correctional facility ~~((receiving a reduced sentence as a result of
7 implementation of chapter 290, Laws of 2002 and))~~ who are assessed with
8 an addiction or a substance abuse problem that if not treated would
9 result in addiction. ~~((Any excess funds remaining after providing drug
10 and alcohol treatment services to offenders receiving a reduced
11 sentence as a result of implementation of chapter 290, Laws of 2002 may
12 be expended to provide treatment for offenders confined in a state
13 correctional facility and who are assessed with an addiction or a
14 substance abuse problem that contributed to the crime.~~

15 ~~(e))~~ (c) In each odd-numbered year, the legislature shall
16 appropriate the amount transferred to the criminal justice treatment
17 account in ~~((e))~~ (a) of this subsection to the division of alcohol
18 and substance abuse for the purposes of subsection (5) of this section.

19 (5) Moneys appropriated to the division of alcohol and substance
20 abuse from the criminal justice treatment account shall be distributed
21 as specified in this subsection. The department shall serve as the
22 fiscal agent for purposes of distribution. Until July 1, 2004, the
23 department may not use moneys appropriated from the criminal justice
24 treatment account for administrative expenses and shall distribute all
25 amounts appropriated under subsection (4)~~((e))~~ (c) of this section in
26 accordance with this subsection. Beginning in July 1, 2004, the
27 department may retain up to three percent of the amount appropriated
28 under subsection (4)~~((e))~~ (c) of this section for its administrative
29 costs.

30 (a) Seventy percent of amounts appropriated to the division from
31 the account shall be distributed to counties pursuant to the
32 distribution formula adopted under this section. The division of
33 alcohol and substance abuse, in consultation with the department of
34 corrections, the sentencing guidelines commission, the Washington state
35 association of counties, the Washington state association of drug court
36 professionals, the superior court judges' association, the Washington
37 association of prosecuting attorneys, representatives of the criminal

1 defense bar, representatives of substance abuse treatment providers,
2 and any other person deemed by the division to be necessary, shall
3 establish a fair and reasonable methodology for distribution to
4 counties of moneys in the criminal justice treatment account. County
5 or regional plans submitted for the expenditure of formula funds must
6 be approved by the panel established in (b) of this subsection.

7 (b) Thirty percent of the amounts appropriated to the division from
8 the account shall be distributed as grants for purposes of treating
9 offenders against whom charges are filed by a county prosecuting
10 attorney. The division shall appoint a panel of representatives from
11 the Washington association of prosecuting attorneys, the Washington
12 association of sheriffs and police chiefs, the superior court judges'
13 association, the Washington state association of counties, the
14 Washington defender's association or the Washington association of
15 criminal defense lawyers, the department of corrections, the Washington
16 state association of drug court professionals, substance abuse
17 treatment providers, and the division. The panel shall review county
18 or regional plans for funding under (a) of this subsection and grants
19 approved under this subsection. The panel shall attempt to ensure that
20 treatment as funded by the grants is available to offenders statewide.

21 (6) The county alcohol and drug coordinator, county prosecutor,
22 county sheriff, county superior court, a substance abuse treatment
23 provider appointed by the county legislative authority, a member of the
24 criminal defense bar appointed by the county legislative authority,
25 and, in counties with a drug court, a representative of the drug court
26 shall jointly submit a plan, approved by the county legislative
27 authority or authorities, to the panel established in subsection (5)(b)
28 of this section, for disposition of all the funds provided from the
29 criminal justice treatment account within that county. The funds shall
30 be used solely to provide approved alcohol and substance abuse
31 treatment pursuant to RCW 70.96A.090 and treatment support services.
32 No more than ten percent of the total moneys received under subsections
33 (4) and (5) of this section by a county or group of counties
34 participating in a regional agreement shall be spent for treatment
35 support services.

36 (7) Counties are encouraged to consider regional agreements and

1 submit regional plans for the efficient delivery of treatment under
2 this section.

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

6 (9) Counties must meet the criteria established in RCW
7 2.28.170(3)(b).

8 NEW SECTION. **Sec. 12.** The Washington state institute for public
9 policy shall study the results of the changes in earned release under
10 section 1 of this act. The study shall determine whether the changes
11 in earned release affect the rate of recidivism or the type of offenses
12 committed by persons whose release dates were affected by the changes
13 in this act. The Washington state institute for public policy shall
14 report its findings to the governor and the appropriate committees of
15 the legislature no later than December 1, 2008.

16 NEW SECTION. **Sec. 13.** (1) The sum of three million five hundred
17 thousand dollars, or as much thereof as may be necessary, is
18 appropriated for the fiscal year ending June 30, 2004, from the general
19 fund to the department of corrections for enhanced supervision by
20 community corrections officers of offenders classified in risk
21 classifications RM-A and RM-B.

22 (2) The sum of three million five hundred thousand dollars, or as
23 much thereof as may be necessary, is appropriated for the fiscal year
24 ending June 30, 2005, from the general fund to the department of
25 corrections for enhanced supervision by community corrections officers
26 of offenders classified in risk classifications RM-A and RM-B.

27 NEW SECTION. **Sec. 14.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2003."

SSB 5990 - S AMD 286

By Senators Hargrove, Stevens

ADOPTED 03/26/2003

3 On page 1, line 2 of the title, after "offenders;" strike the
4 remainder of the title and insert "amending RCW 9.94A.700, 9.94A.705,
5 9.94A.715, 9.94A.720, 9.94A.545, and 70.96A.350; amending 2002 c 290 s
6 30 (uncodified); amending 2002 c 290 s 31 (uncodified); reenacting and
7 amending RCW 9.94A.728; adding new sections to chapter 9.94A RCW;
8 creating a new section; making appropriations; providing effective
9 dates; providing an expiration date; and declaring an emergency."

EFFECT: Adds provisions advancing the implementation of the Drug Sentencing Reform Act by one year. Adds provision requiring supervision of offenders subject to the Interstate Compact for adult offender supervision. Applies 7 million dollars of the savings of this bill as an appropriation to enhance supervision of offenders classified in the two highest risk categories.

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