
**Criminal Justice & Corrections
Committee**

HB 2790

Brief Description: Changing provisions relating to drug offenses.

Sponsors: Representatives Kagi, O'Brien, Darneille and Upthegrove.

Brief Summary of Bill

- Changes the Drug Offense Sentencing Grid for repeat offenders convicted of a seriousness level I drug offense.
- Redirects savings resulting from the sentencing changes back to local communities to fund treatment for drug offenders.
- Changes the required funding match for localities establishing drug court programs.

Hearing Date: 1/27/04

Staff: Yvonne Walker (786-7841).

Background:

In 2002, the Legislature passed 2SHB 2338, which changed the manner in which most drug crimes will be sentenced. The legislation accomplished a number of purposes including: 1) eliminating double and triple scoring for certain drug offenses; 2) instituting a new drug grid instead of the standard Sentencing Reform Act (SRA) grid for the purpose of sentencing offenders convicted of drug crimes committed on or after July 1, 2004; and 3) redirecting a portion of the savings resulting from the sentencing changes back to local communities to fund treatment for drug offenders. A year later, the Legislature passed legislation (ESSB 5990) which moved the effective date of the drug grid changes from July 1, 2004, to July 1, 2003.

Drug Sentence Reform. Violations of the Uniform Controlled Substance Act are ranked from a seriousness level I to a level III on the Drug Offense Sentencing Grid (instead of the standard SRA grid) depending upon the offense. Generally, the actual sentence a defendant receives is based upon the seriousness level of the current crime and the defendant's criminal history. In the example of an offender convicted of possessing marijuana, a seriousness level 1 offense, with an offender score of three to five (having three to five prior criminal convictions), a judge would generally sentence the offender to a sentence ranging between six months (plus one-day) to 18 months of incarceration.

Savings. Savings from the drug sentencing changes (\$8.95 million in the fiscal biennium beginning July 1, 2003, and \$8.25 million in the fiscal year beginning July 1, 2005, and each subsequent fiscal year thereafter) is transferred to the Criminal Justice Treatment Account to be redirected back to the community to fund drug courts, chemical dependency treatment, and support services for drug offenders.

Drug Courts. Drug courts, unlike traditional courts, divert non-violent drug criminals into court-ordered treatment programs rather than jail or prison. The term "drug court" is defined as a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among non-violent, substance-abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services. Drug court programs allow defendants arrested for drug possession to choose an intensive, heavily supervised rehabilitation program in lieu of incarceration and a criminal record.

Any county that requests a state appropriation to fund a drug court program must: 1) exhaust all federal funding received to support the operations of its drug court program and 2) match, on a dollar-for-dollar basis, any state funding allocated for its drug court program with local cash or in-kind resources.

There are approximately 12 county operated drug court programs throughout Washington, excluding the Yakama, Makah, and Spokane tribal courts.

Summary of Bill:

Drug Sentence Reform. The sentencing range for an offender convicted of a seriousness level I drug offense with an offender score of three to five is changed on the Drug Offense Sentencing Grid. The sentence range, based upon the seriousness level of the offense and the offender's prior criminal history, is six months (plus one-day) to 12 months (instead of 18 months) of incarceration.

Savings. Savings from the sentencing changes is increased. An additional \$445,000 (in addition to the \$8.95 million) in the fiscal biennium beginning July 1, 2003, is transferred from the general fund to the Criminal Justice Treatment account. In addition, in the fiscal year beginning July 1, 2005, and each subsequent fiscal year thereafter, a minimum of \$8,947,000 (an increase of \$697,000) is transferred from the general fund to the Criminal Justice Treatment account. The savings will continue to be used to fund drug courts, chemical dependency treatment, and support services for drug offenders.

Drug Courts. Counties that request a state appropriation to fund a drug court program must provide a 10 percent local cash match (instead of a 50 percent local cash or in-kind match) to any state funding allocated to its drug court program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.