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## Judiciary Committee

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### SB 6493

**Title:** An act relating to drug courts.

**Brief Description:** Revising the jurisdiction of drug courts.

**Sponsors:** Senators Kline, Weinstein, Brandland, Hargrove, Oke and Rasmussen.

Brief Summary of Bill
<ul style="list-style-type: none"><li>• Modifies the minimum restriction on drug court eligibility by allowing offenders convicted of a violent offense to participate, provided that the offense was not a "serious violent offense" and did not cause great bodily harm or death to a person.</li><li>• Requires the county court and prosecuting attorney to comply with federal drug court rules to the extent necessary to obtain or retain federal funds.</li></ul>



**Hearing Date:** 2/22/06

**Staff:** Lara Zarowsky (786-7119).

#### Background:

Drug courts, unlike traditional courts, divert non-violent drug offenders into court-ordered treatment programs rather than jail or prison. A "drug court" is 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 to choose an intensive, heavily supervised rehabilitation program in lieu of incarceration and a criminal record.

In order to qualify for a state appropriation to fund a drug court program, a county 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.

Minimum drug court eligibility requirements are established by statute. A county may impose requirements for admission into its local drug court program that are more stringent than the statutory minimum. To be eligible for drug court admission, it must be shown that a defendant: (1) would benefit from substance abuse treatment, (2) has not been previously convicted of a

serious violent offense or a sex offense, and (3) is not currently charged or convicted of a sex offense, a serious violent offense, an offense involving a firearm, or an offense during which the defendant caused substantial or great bodily harm or death to a person.

"Serious violent offense" is a subcategory of violent offense, and includes:

- murder in the first and second degrees;
- homicide by abuse;
- manslaughter in the first degree;
- assault in the first degree;
- kidnapping in the first degree;
- rape in the first degree;
- assault of a child in the first degree; or
- an attempt to commit one of these felonies; or
- any federal or out of state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense.

"Substantial bodily harm" is defined in the criminal code as bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

"Great bodily harm" is defined in the criminal code as bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the functions of any bodily part or organ.

**Summary of Bill:**

Access to drug court is no longer limited to "nonviolent" offenders, provided that the violent offense for which an offender is charged or convicted does not qualify as a "serious violent offense" and did not cause great bodily harm or death to another person. Defendants previously convicted of, currently charged with, or currently convicted of sex offenses or serious violent offenses remain ineligible for drug court. To the extent required to obtain or retain federal drug court funding, the prosecuting attorney and the court must comply with federal rules related to drug courts.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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