

# HOUSE BILL REPORT

## SHB 1919

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### As Amended by the Senate

**Title:** An act relating to drug court funding.

**Brief Description:** Operating and administering a drug court program.

**Sponsors:** House Committee on Human Services (originally sponsored by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos and Wood).

#### **Brief History:**

##### **Committee Activity:**

Human Services: 2/16/09, 2/19/09 [DPS];

Ways & Means: 2/24/09, 2/27/09 [DPS(HS)].

##### **Floor Activity**

Passed House: 3/11/09, 96-0.

Senate Amended.

Passed Senate: 4/17/09, 46-0.

#### **Brief Summary of Substitute Bill**

- Allows up to 10 percent of the funds provided to counties from the Criminal Justice Treatment Account (Account) to be used for the operation and administration of drug court programs, in addition to the use of such funds for treatment and support services for offenders.
- Provides that the authority to use moneys allocated from the Account for the operation and administration of drug court programs will expire on June 30, 2013.
- Removes the requirement of matching funds for state moneys provided to counties for drug court programs where the money is authorized for the administration and operation of the drug court programs.

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### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Linda Merelle (786-7092)

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## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick, Seaquist and Sullivan.

**Staff:** Erik Cornellier (786-7116)

### **Background:**

#### Drug Court.

In 1999 the Legislature enacted law which authorized counties to establish drug courts. Some counties, such as King County, started a drug court program as early as 1994. The court is a separate court with its own calendar. The criteria eligibility for drug court programs and their operation vary from county to county, but generally, an offender may not have any prior sex offender criminal history, prior violent offenses, and in some counties, there can be no indication that an offender had any intent to sell or distribute drugs.

Drug courts are pre-adjudication programs that provide eligible defendants with an opportunity to receive drug treatment in the community instead of incarceration. If a prosecutor determines that a felony case is eligible for drug court, the matter will be filed in the county drug court. The defendant enters into a "contract" with the court to abide by conditions. The defendant also waives the right to a trial and stipulates to the facts in the police report and that those facts are sufficient to find him or her guilty of the offenses charged. Upon completion of treatment, which normally takes one to two years, the charges are dismissed. If the defendant fails to complete the program requirements, he or she is sentenced on the charges.

In 2006 the Washington State Institute for Public Policy issued a preliminary and a final report summarizing their review of evidence-based programs for adult offenders. Participation by offenders in adult drug court programs reduced recidivism rates of the program participants by approximately 10 percent.

#### Criminal Justice Treatment Account.

In 2002 the Legislature created the Criminal Justice Treatment Account (Account) in the State Treasury. Moneys in the Account were to be expended solely for: (1) substance abuse treatment and treatment support services for offenders with an addiction, against whom charges are filed by a prosecuting attorney in Washington; (2) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; and (3) the operation of the Integrated Crisis Response and Intensive Case Management pilots during the 2007 - 2009 biennium.

**Summary of Substitute Bill:**

Funds in the Account may be used to support the operation and administration of the drug court programs, in addition to their use for the support and treatment services for offenders who participate in the drug court programs. Not more than 10 percent of the funds received by a county or group of counties participating in a regional agreement shall be spent to support the operation and administration of a drug court program.

**EFFECT OF SENATE AMENDMENT(S):**

Makes nonsubstantive grammatical changes to the bill language.

**Appropriation:** None

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony (Human Services):**

(In support) Many drug courts are in danger of going out of business. This bill takes a certain amount of money and makes that available to make up for the money that they are losing. Drug court works, and there has been nothing that has come close to the experience of being a drug court judge. Drug court takes persons who are committing crimes out of prisons and jails and turns them into tax-paying citizens. It saves the state and jails a substantial amount of money. Nineteen counties have drug courts. The bill would free up money to allow counties to use the money to administer the program. In order for a drug court to function, there needs to be an administrator in addition to the judges. Funds for operating and administering the drug court would protect them because it would protect the position of the administrator.

(In support with concerns) To date, money has been legislatively mandated for treatment of offenders. If some of the funds are transferred to the drug court, the number of offenders served will be reduced.

(Opposed) None.

**Staff Summary of Public Testimony (Ways & Means):**

None.

**Persons Testifying (Human Services):** (In support) Representative Kagi, prime sponsor; and Judge Richard McDermott, Superior Court Judges Association.

(In support with concerns) Victoria Roberts, Department of Social and Health Services.

**Persons Testifying (Ways & Means):** None.

**Persons Signed In To Testify But Not Testifying (Human Services):** None.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** None.