

ESB 5476 - H COMM AMD
By Committee on Appropriations

ADOPTED AS AMENDED 04/24/2021

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24
4 RCW to read as follows:

5 (1) The authority, in collaboration with the substance use
6 recovery services advisory committee established in subsection (2) of
7 this section, shall establish a substance use recovery services plan.
8 The purpose of the plan is to implement measures to assist persons
9 with substance use disorder in accessing outreach, treatment, and
10 recovery support services that are low-barrier, person-centered,
11 informed by people with lived experience, and culturally and
12 linguistically appropriate. The plan must articulate the manner in
13 which continual, rapid, and widespread access to a comprehensive
14 continuum of care will be provided to all persons with substance use
15 disorder.

16 (2)(a) The authority shall establish the substance use recovery
17 services advisory committee to collaborate with the authority in the
18 development and implementation of the substance use recovery services
19 plan under this section. The authority must, in consultation with the
20 University of Washington department of psychiatry and behavioral
21 sciences and an organization that represents the interests of people
22 who have been directly impacted by substance use and the criminal
23 legal system, appoint members to the advisory committee who have
24 relevant background related to the needs of persons with substance
25 use disorder.

26 (b) In its collaboration with the advisory committee to develop
27 the substance use recovery services plan, the authority must give due
28 consideration to the recommendations of the advisory committee. If
29 the authority determines that any of the advisory committee's
30 recommendations are not feasible to adopt and implement, the
31 authority must notify the advisory committee and request refinement
32 or modification of those recommendations.

1 (c) The advisory committee must convene as necessary for the
2 development of the substance use recovery services plan and to
3 provide consultation and advice related to the development and
4 adoption of rules to implement the plan. The advisory committee must
5 convene to monitor implementation of the plan and advise the
6 authority.

7 (3) The plan must consider:

8 (a) The manner in which persons with substance use disorder
9 currently access and interact with the behavioral health system;

10 (b) The points of intersection that persons with substance use
11 disorder have with the health care, criminal, civil legal, and child
12 welfare systems, including emergency departments, syringe service
13 programs, law enforcement, correctional facilities, and dependency
14 court;

15 (c) The various locations in which persons with untreated
16 substance use disorder congregate, including homeless encampments,
17 motels, and casinos;

18 (d) New community-based care access points, including the safe
19 station model in partnership with fire departments;

20 (e) Current regional capacity for existing public and private
21 programs providing substance use disorder assessments, each of the
22 American society of addiction medicine levels of care, and recovery
23 support services;

24 (f) Barriers to accessing the existing behavioral health system
25 for (i) indigent youth and adult populations in need of assessments,
26 services, treatment, and waivers of civil infraction penalties; and
27 (ii) populations chronically exposed to criminal legal system
28 responses relating to complex behavioral health conditions and the
29 consequences of trauma, and possible innovations that could reduce
30 those barriers and improve the quality and accessibility of care for
31 those populations;

32 (g) Evidence-based, research-based, and promising treatment and
33 recovery services appropriate for target populations;

34 (h) Workforce needs for the behavioral health services sector,
35 including addressing wage and retention challenges;

36 (i) Options for leveraging existing integrated managed care,
37 medicaid waiver, American Indian or Alaska Native fee-for-service
38 behavioral health benefits, and private insurance service capacity
39 for substance use disorders, including but not limited to
40 coordination with managed care organizations, behavioral health

1 administrative services organizations, the Washington health benefit
2 exchange, accountable communities of health, and the office of the
3 insurance commissioner;

4 (j) Framework and design assistance for jurisdictions to assist
5 in compliance with the requirements of RCW 10.31.110 for diversion of
6 individuals with complex behavioral health conditions to community-
7 based care whenever possible and appropriate, and identifying
8 resource gaps that impede jurisdictions in fully realizing the
9 potential impact of this approach;

10 (k) The design of recovery navigator programs in section 2 of
11 this act, including reporting requirements by behavioral health
12 administrative services organizations to monitor the effectiveness of
13 the programs and recommendations for program improvement;

14 (l) The design of ongoing qualitative and quantitative research
15 about the types of services desired by people with substance use
16 disorders and barriers they experience in accessing existing and
17 recommended services;

18 (m) The proposal of a funding framework in which, over time,
19 resources are shifted from punishment sectors to community-based care
20 interventions such that community-based care becomes the primary
21 strategy for addressing and resolving public order issues related to
22 behavioral health conditions;

23 (n) Strategic grant making to community organizations to promote
24 public understanding and eradicate stigma and prejudice against
25 persons with substance use disorder by promoting hope, empathy, and
26 recovery;

27 (o) Innovative mechanisms for real-time, peer-driven, noncoercive
28 outreach and engagement to individuals in active substance use
29 disorder across all settings and develop measures to enhance the
30 effectiveness of and opportunities for intervention across new and
31 existing points of contact with this population; and

32 (p) Diversion to community-based care for individuals with
33 substance use disorder across all points of the sequential intercept
34 model.

35 (4) The plan and related rules adopted by the authority must give
36 due consideration to the needs of youth and include the following
37 substance use outreach, treatment, and recovery services, which must
38 be available in or accessible by all jurisdictions: Field-based
39 outreach and engagement; intensive case management; all American
40 society of addiction medicine substance use disorder treatment levels

1 of care, including evidence-based treatment, promising practices, and
2 innovative approaches; access to all medications for opioid use
3 disorder; and recovery support services. These services must be
4 equitably distributed across urban and rural settings. If feasible
5 and appropriate, service initiation shall be made available on demand
6 through 24 hour, seven days a week peer recovery coach response,
7 behavioral health walk-in centers, or other innovative rapid response
8 models. These services must, at a minimum, incorporate the following
9 principles: Establish low barriers to entry and reentry; improve the
10 health and safety of the individual; reduce the harm of substance use
11 and related activity for the public; include integrated and
12 coordinated services; incorporate structural competency and
13 antiracism; use noncoercive methods of retaining people in treatment
14 and recovery services, including contingency management; consider the
15 unique needs of rural communities; and have a focus on services that
16 increase social determinants of health.

17 (5) In developing the plan, the authority shall:

18 (a) Align the components of the plan with previous and ongoing
19 studies, plans, and reports, including the Washington state opioid
20 overdose and response plan, published by the authority, the roadmap
21 to recovery planning grant strategy being developed by the authority,
22 and plans associated with federal block grants; and

23 (b) Coordinate its work with the efforts of the blue ribbon
24 commission on the intersection of the criminal justice and behavioral
25 health crisis systems established in the governor's executive order
26 21-03 and the crisis response improvement strategy committee
27 established in chapter . . ., Laws of 2021 (Engrossed Second
28 Substitute House Bill No. 1477).

29 (6) The authority must submit the substance use recovery services
30 plan to the governor and the legislature by December 1, 2021. After
31 submitting the plan, the authority shall adopt rules and enter into
32 contracts with providers to implement the plan by December 1, 2022.
33 In addition to seeking public comment under chapter 34.05 RCW, the
34 authority must adopt rules in accordance with the recommendations of
35 the substance use recovery services advisory committee as provided in
36 subsection (2) of this section.

37 (7) In consultation with the substance use recovery services
38 advisory committee, the authority must submit a report on the
39 implementation of the substance use recovery services plan to the
40 appropriate committees of the legislature and governor by December

1 1st of each year, beginning in 2022. This report shall include
2 progress on the substance use disorder continuum of care, including
3 availability of outreach, treatment, and recovery support services
4 statewide.

5 (8) For the purposes of this section, "recovery support services"
6 means a collection of nontreatment resources that sustain long-term
7 recovery from substance use disorder, including recovery housing,
8 employment and education supports, peer recovery coaching, family
9 education, technological recovery supports, transportation and child
10 care assistance to facilitate treatment participation and early
11 recovery, and social connectedness.

12 (9) This section expires December 31, 2026.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24
14 RCW to read as follows:

15 (1) Each behavioral health administrative services organization
16 shall establish a recovery navigator program. The program shall
17 provide community-based outreach, intake, assessment, and connection
18 to services and, as appropriate, long-term intensive case management
19 and recovery coaching services, to youth and adults with substance
20 use disorder who are referred to the program from diverse sources and
21 shall facilitate and coordinate connections to a broad range of
22 community resources for youth and adults with substance use disorder,
23 including treatment and recovery support services.

24 (2) The authority shall establish uniform program standards for
25 behavioral health administrative services organizations to follow in
26 the design of their recovery navigator programs. The uniform program
27 standards must be modeled upon the components of the law enforcement
28 assisted diversion program and address project management, field
29 engagement, biopsychosocial assessment, intensive case management and
30 care coordination, stabilization housing when available and
31 appropriate, and, as necessary, legal system coordination. The
32 authority must adopt the uniform program standards from the
33 components of the law enforcement assisted diversion program to
34 accommodate an expanded population of persons with substance use
35 disorder and allow for referrals from a broad range of sources. In
36 addition to accepting referrals from law enforcement, the uniform
37 program standards must provide guidance for accepting referrals on
38 behalf of an individual with substance use disorder from various
39 sources including, but not limited to, self-referral, family members

1 of the individual, emergency department personnel, persons engaged
2 with serving homeless encampments, fire department personnel,
3 emergency medical service personnel, community-based organizations,
4 members of the business community, harm reduction program personnel,
5 faith-based organization staff, and other sources within the criminal
6 legal system, as outlined within the sequential intercept model. In
7 developing response time requirements within the statewide program
8 standards, the authority shall require that responses to referrals
9 from law enforcement occur immediately for in-custody referrals and
10 shall strive for rapid response times to other appropriate settings
11 such as emergency departments.

12 (3) The authority shall provide funding to each behavioral health
13 administrative services organization for the development of its
14 recovery navigator program. Before receiving funding for
15 implementation and ongoing administration, each behavioral health
16 administrative services organization must submit a program plan that
17 demonstrates the ability to fully comply with statewide program
18 standards. The authority shall establish a schedule for the regular
19 review of behavioral health administrative services organizations'
20 programs. The authority shall arrange for technical assistance to be
21 provided by the LEAD national support bureau to all behavioral health
22 administrative services organizations.

23 (4) Each behavioral health administrative services organization
24 must have a substance use disorder regional administrator for its
25 recovery navigator program. The regional administrator shall be
26 responsible for assuring compliance with program standards, including
27 staffing standards. Each recovery navigator program must maintain a
28 sufficient number of appropriately trained personnel for providing
29 intake and referral services, conducting comprehensive
30 biopsychosocial assessments, providing intensive case management
31 services, and making warm handoffs to treatment and recovery support
32 services along the continuum of care. Program staff must include
33 people with lived experience with substance use disorder to the
34 extent possible. The substance use disorder regional administrator
35 must assure that staff who are conducting intake and referral
36 services and field assessments are paid a livable and competitive
37 wage and have appropriate initial training and receive continuing
38 education.

39 (5) Each recovery navigator program must submit quarterly reports
40 to the authority with information identified by the authority and the

1 substance use recovery services advisory committee. The reports must
2 be provided to the substance use recovery services advisory committee
3 for discussion at meetings following the submission of the reports.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24
5 RCW to read as follows:

6 (1) Subject to the availability of amounts appropriated for this
7 specific purpose, the authority shall establish a grant program to:

8 (a) Provide treatment services for low-income individuals with
9 substance use disorder who are not eligible for medical assistance
10 programs under chapter 74.09 RCW, with priority for the use of the
11 funds for very low-income individuals; and

12 (b) Provide treatment services that are not eligible for federal
13 matching funds to individuals who are enrolled in medical assistance
14 programs under chapter 74.09 RCW.

15 (2) In establishing the grant program, the authority shall
16 consult with the substance use recovery services advisory committee
17 established in section 1 of this act, behavioral health
18 administrative services organizations, managed care organizations,
19 and regional behavioral health providers to adopt regional standards
20 that are consistent with the substance use recovery services plan
21 developed under section 1 of this act to provide sufficient access
22 for youth and adults to meet each region's needs for:

23 (a) Opioid treatment programs;

24 (b) Low-barrier buprenorphine clinics;

25 (c) Outpatient substance use disorder treatment;

26 (d) Withdrawal management services, including both subacute and
27 medically managed withdrawal management;

28 (e) Secure withdrawal management and stabilization services;

29 (f) Inpatient substance use disorder treatment services;

30 (g) Inpatient co-occurring disorder treatment services; and

31 (h) Behavioral health crisis walk-in and drop-off services.

32 (3) Funds in the grant program must be used to reimburse
33 providers for the provision of services to individuals identified in
34 subsection (1) of this section. The authority may use the funds to
35 support evidence-based practices and promising practices that are not
36 reimbursed by medical assistance or private insurance, including
37 contingency management. In addition, funds may be used to provide
38 assistance to organizations to establish or expand services as
39 reasonably necessary and feasible to increase the availability of

1 services to achieve the regional access standards developed under
2 subsection (2) of this section, including such items as training and
3 recruitment of personnel, reasonable modifications to existing
4 facilities to accommodate additional clients, start-up funding, and
5 similar forms of assistance. Funds may not be used to support the
6 ongoing operational costs of a provider or organization, except in
7 relation to payments for specific service encounters with an
8 individual identified in subsection (1) of this section or for
9 noninsurance reimbursable services.

10 (4) The authority must establish regional access standards under
11 subsection (2) of this section by January 1, 2022, and begin
12 distributing grant funds by March 1, 2022.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24
14 RCW to read as follows:

15 (1) Subject to the availability of amounts appropriated for this
16 specific purpose, the authority shall establish the expanded recovery
17 support services program to increase access to recovery services for
18 individuals in recovery from substance use disorder.

19 (2) In establishing the program, the authority shall consult with
20 the substance use recovery services advisory committee established in
21 section 1 of this act, behavioral health administrative services
22 organizations, regional behavioral health providers, and regional
23 community organizations that support individuals in recovery from
24 substance use disorder to adopt regional expanded recovery plans that
25 are consistent with the substance use recovery services plan
26 developed under section 1 of this act to provide sufficient access
27 for youth and adults to meet each region's needs for:

- 28 (a) Recovery housing;
- 29 (b) Employment pathways, support, training, and job placement;
- 30 (c) Education pathways, including recovery high schools and
31 collegiate recovery programs;
- 32 (d) Recovery coaching and substance use disorder peer support;
- 33 (e) Social connectedness initiatives, including the recovery café
34 model;
- 35 (f) Family support services, including family reconciliation
36 services;
- 37 (g) Technology-based recovery support services;
- 38 (h) Transportation assistance; and
- 39 (i) Legal support services.

1 (3) Funds in the expanded recovery support services program must
2 be used to reimburse providers for the provision of services to
3 individuals in recovery from substance use disorder. In addition, the
4 funds may be used to provide assistance to organizations to establish
5 or expand recovery support services as reasonably necessary and
6 feasible to increase the availability of services to achieve the
7 regional access standards developed under subsection (2) of this
8 section, including such items as training and recruitment of
9 personnel, reasonable modifications to existing facilities to
10 accommodate additional clients, and similar forms of assistance.

11 (4) The authority must establish regional expanded recovery plans
12 under subsection (2) of this section by January 1, 2022, and begin
13 distributing grant funds by March 1, 2022.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24
15 RCW to read as follows:

16 (1) Subject to the availability of amounts appropriated for this
17 specific purpose, the authority shall establish a homeless outreach
18 stabilization transition program to expand access to modified
19 assertive community treatment services provided by multidisciplinary
20 behavioral health outreach teams to serve people who are living with
21 serious substance use disorders or co-occurring substance use
22 disorders and mental health conditions, are experiencing
23 homelessness, and whose severity of behavioral health symptom acuity
24 level creates a barrier to accessing and receiving conventional
25 behavioral health services and outreach models.

26 (a) In establishing the program, the authority shall consult with
27 behavioral health outreach organizations who have experience
28 delivering this service model in order to establish program
29 guidelines regarding multidisciplinary team staff types, service
30 intensity and quality fidelity standards, and criteria to ensure
31 programs are reaching the appropriate priority population.

32 (b) Funds for the homeless outreach stabilization transition
33 program must be used to reimburse organizations for the provision of
34 multidisciplinary outreach services to individuals who are living
35 with substance use disorders or co-occurring substance use and mental
36 health disorders and are experiencing homelessness or transitioning
37 from homelessness to housing. The funds may be used to provide
38 assistance to organizations to establish or expand services as
39 reasonably necessary to create a homeless outreach stabilization

1 transition program, including items such as training and recruitment
2 of personnel, outreach and engagement resources, client engagement
3 and health supplies, medications for people who do not have access to
4 insurance, and similar forms of assistance.

5 (c) The authority must establish one or more homeless outreach
6 stabilization transition programs by January 1, 2022, and begin
7 distributing grant funds by March 1, 2022.

8 (2) Subject to the availability of amounts appropriated for this
9 specific purpose, the authority shall establish a project for
10 psychiatric outreach to the homeless program to expand access to
11 behavioral health medical services for people who are experiencing
12 homelessness and living in permanent supportive housing.

13 (a) In establishing the program, the authority shall consult with
14 behavioral health medical providers, homeless service providers, and
15 permanent supportive housing providers that support people living
16 with substance use disorders, co-occurring substance use and mental
17 health conditions, and people who are currently or have formerly
18 experienced homelessness.

19 (b) Funds for the project for psychiatric outreach to the
20 homeless program must be used to reimburse organizations for the
21 provision of medical services to individuals who are living with or
22 in recovery from substance use disorders, co-occurring substance use
23 and mental health disorders, or other behavioral and physical health
24 conditions. Organizations must provide medical services to people who
25 are experiencing homelessness or are living in permanent supportive
26 housing and would be at risk of homelessness without access to
27 appropriate services. The funds may be used to provide assistance to
28 organizations to establish or expand behavioral health medical
29 services as reasonably necessary to create a project for psychiatric
30 outreach to the homeless program, including items such as training
31 and recruitment of personnel, outreach and engagement resources,
32 medical equipment and health supplies, medications for people who do
33 not have access to insurance, and similar forms of assistance.

34 (c) The authority must establish one or more projects for
35 psychiatric outreach to the homeless programs by January 1, 2022, and
36 begin distributing grant funds by March 1, 2022.

37 (3) Subject to the availability of amounts appropriated for this
38 specific purpose, the authority shall increase contingency management
39 resources for opioid treatment networks that are serving people
40 living with co-occurring stimulant use and opioid use disorder.

1 (4) Subject to the availability of amounts appropriated for this
2 specific purpose, the authority shall develop a plan for implementing
3 a comprehensive statewide substance misuse prevention effort. The
4 plan must be completed by January 1, 2022.

5 (5) Subject to the availability of amounts appropriated for this
6 specific purpose, the authority shall administer a competitive grant
7 process to broaden existing local community coalition efforts to
8 prevent substance misuse by increasing relevant protective factors
9 while decreasing risk factors. Coalitions are to be open to all
10 stakeholders interested in substance misuse prevention, including,
11 but not limited to, representatives from people in recovery, law
12 enforcement, education, behavioral health, parent organizations,
13 treatment organizations, organizations serving youth, prevention
14 professionals, and business.

15 **Sec. 6.** RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004
16 are each reenacted and amended to read as follows:

17 (1) When a police officer has reasonable cause to believe that
18 the individual has committed acts constituting a crime, and the
19 individual is known by history or consultation with the behavioral
20 health administrative services organization, managed care
21 organization, (~~behavioral health administrative services~~
22 ~~organization,~~) crisis hotline, (~~or~~) local crisis services
23 providers, or community health providers to suffer from a mental
24 disorder or substance use disorder, in addition to existing authority
25 under state law or local policy, as an alternative to arrest, the
26 arresting officer is authorized and encouraged to:

27 (a) Take the individual to a crisis stabilization unit as defined
28 in RCW 71.05.020. Individuals delivered to a crisis stabilization
29 unit pursuant to this section may be held by the facility for a
30 period of up to twelve hours. The individual must be examined by a
31 mental health professional or substance use disorder professional
32 within three hours of arrival;

33 (b) Take the individual to a triage facility as defined in RCW
34 71.05.020. An individual delivered to a triage facility which has
35 elected to operate as an involuntary facility may be held up to a
36 period of twelve hours. The individual must be examined by a mental
37 health professional or substance use disorder professional within
38 three hours of arrival;

1 (c) Refer the individual to a (~~mental health professional~~)
2 designated crisis responder for evaluation for initial detention and
3 proceeding under chapter 71.05 RCW; (~~or~~)

4 (d) Release the individual upon agreement to voluntary
5 participation in outpatient treatment;

6 (e) Refer the individual to youth, adult, or geriatric mobile
7 crisis response services, as appropriate; or

8 (f) Refer the individual to the regional entity responsible to
9 receive referrals in lieu of legal system involvement, including the
10 recovery navigator program described in section 2 of this act.

11 (2) If the individual is released to the community from the
12 facilities in subsection (1)(a) through (c) of this section, the
13 mental health provider or substance use disorder professional shall
14 make reasonable efforts to inform the arresting officer of the
15 planned release prior to release if the arresting officer has
16 specifically requested notification and provided contact information
17 to the provider.

18 (3) In deciding whether to refer the individual to treatment
19 under this section, the police officer must be guided by local law
20 enforcement diversion guidelines for behavioral health developed and
21 mutually agreed upon with the prosecuting authority with an
22 opportunity for consultation and comment by the defense bar and
23 disability community. These guidelines must address, at a minimum,
24 the length, seriousness, and recency of the known criminal history of
25 the individual, the mental health history of the individual, if
26 available, the substance use disorder history of the individual, if
27 available, the opinions of a mental health professional, if
28 available, the opinions of a substance use disorder professional, if
29 available, and the circumstances surrounding the commission of the
30 alleged offense. The guidelines must include a process for clearing
31 outstanding warrants or referring the individual for assistance in
32 clearing outstanding warrants, if any, and issuing a new court date,
33 if appropriate, without booking or incarcerating the individual or
34 disqualifying (~~him or her~~) the individual from referral to
35 treatment under this section, and define the circumstances under
36 which such action is permissible. Referrals to services, care, and
37 treatment for substance use disorder must be made in accordance with
38 protocols developed for the recovery navigator program described in
39 section 2 of this act.

1 (4) Any agreement to participate in treatment or services in lieu
2 of jail booking or referring a case for prosecution shall not require
3 individuals to stipulate to any of the alleged facts regarding the
4 criminal activity as a prerequisite to participation in ~~((a mental~~
5 ~~health treatment))~~ the alternative response described in this
6 section. ~~((The))~~ Any agreement is inadmissible in any criminal or
7 civil proceeding. ~~((The agreement does))~~ Such agreements do not
8 create immunity from prosecution for the alleged criminal activity.

9 (5) If ~~((an individual violates such agreement and the mental~~
10 ~~health treatment alternative is no longer appropriate))~~ there are
11 required terms of participation in the services or treatment to which
12 an individual was referred under this section, and if the individual
13 violates such terms and is therefore no longer participating in
14 services:

15 (a) The ~~((mental health))~~ behavioral health or service provider
16 shall inform the referring law enforcement agency of the violation,
17 if consistent with the terms of the program and applicable law; and

18 (b) The original charges may be filed or referred to the
19 prosecutor, as appropriate, and the matter may proceed accordingly,
20 unless filing or referring the charges is inconsistent with the terms
21 of a local diversion program or a recovery navigator program
22 described in section 2 of this act.

23 (6) The police officer is immune from liability for any good
24 faith conduct under this section.

25 NEW SECTION. Sec. 7. A new section is added to chapter 43.101
26 RCW to read as follows:

27 (1) Beginning July 1, 2022, all law enforcement personnel
28 required to complete basic law enforcement training under RCW
29 43.101.200 must receive training on law enforcement interaction with
30 persons with substance use disorders, including referral to treatment
31 and recovery services and the unique referral processes for youth, as
32 part of the basic law enforcement training. The training must be
33 developed by the University of Washington behavioral health institute
34 in collaboration with the commission and agencies that have expertise
35 in the area of working with persons with substance use disorders,
36 including law enforcement diversion of such individuals to community-
37 based care. In developing the training, the behavioral health
38 institute must also examine existing courses certified by the
39 commission that relate to persons with a substance use disorder, and

1 should draw on existing training partnerships with the Washington
2 association of sheriffs and police chiefs.

3 (2) The training must consist of classroom instruction or
4 internet instruction and shall replicate likely field situations to
5 the maximum extent possible. The training should include, at a
6 minimum, core instruction in all of the following:

7 (a) Proper procedures for referring persons to the recovery
8 navigator program in accordance with section 2 of this act;

9 (b) The etiology of substance use disorders, including the role
10 of trauma;

11 (c) Barriers to treatment engagement experienced by many with
12 such disorders who have contact with the legal system;

13 (d) How to identify indicators of substance use disorder and how
14 to respond appropriately in a variety of common situations;

15 (e) Conflict resolution and de-escalation techniques for
16 potentially dangerous situations involving persons with a substance
17 use disorder;

18 (f) Appropriate language usage when interacting with persons with
19 a substance use disorder;

20 (g) Alternatives to lethal force when interacting with
21 potentially dangerous persons with a substance use disorder;

22 (h) The principles of recovery and the multiple pathways to
23 recovery; and

24 (i) Community and state resources available to serve persons with
25 substance use disorders and how these resources can be best used by
26 law enforcement to support persons with a substance use disorder in
27 their communities.

28 (3) In addition to incorporation into the basic law enforcement
29 training under RCW 43.101.200, training must be made available to law
30 enforcement agencies, through electronic means, for use at their
31 convenience and determined by the internal training needs and
32 resources of each agency.

33 **Sec. 8.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
34 read as follows:

35 (1) Except as authorized by this chapter, it is unlawful for
36 ~~((any))~~:

37 (a) Any person to create((~~r~~)) or deliver((~~r~~—~~or~~—~~possess~~)) a
38 counterfeit substance; or

39 (b) Any person to knowingly possess a counterfeit substance.

1 (2) Any person who violates subsection (1)(a) of this section
2 with respect to:

3 (a) A counterfeit substance classified in Schedule I or II which
4 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
5 guilty of a class B felony and upon conviction may be imprisoned for
6 not more than ten years, fined not more than twenty-five thousand
7 dollars, or both;

8 (b) A counterfeit substance which is methamphetamine, is guilty
9 of a class B felony and upon conviction may be imprisoned for not
10 more than ten years, fined not more than twenty-five thousand
11 dollars, or both;

12 (c) Any other counterfeit substance classified in Schedule I, II,
13 or III, is guilty of a class C felony punishable according to chapter
14 9A.20 RCW;

15 (d) A counterfeit substance classified in Schedule IV, except
16 flunitrazepam, is guilty of a class C felony punishable according to
17 chapter 9A.20 RCW;

18 (e) A counterfeit substance classified in Schedule V, is guilty
19 of a class C felony punishable according to chapter 9A.20 RCW.

20 (3) A violation of subsection (1)(b) of this section is a
21 misdemeanor. Where a case is legally sufficient, the prosecutor shall
22 divert the case for treatment if the alleged violation involving
23 possession is the person's first or second violation. On a person's
24 third and subsequent violation involving possession, the prosecutor
25 is encouraged to divert the case for treatment.

26 **Sec. 9.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
27 read as follows:

28 (1) It is unlawful for any person to knowingly possess a
29 controlled substance unless the substance was obtained directly from,
30 or pursuant to, a valid prescription or order of a practitioner while
31 acting in the course of his or her professional practice, or except
32 as otherwise authorized by this chapter.

33 (2) (~~Except as provided in RCW 69.50.4014, any~~) A person who
34 violates this section is guilty of a (~~class C felony punishable~~
35 ~~under chapter 9A.20 RCW~~) misdemeanor.

36 (3) Where a case is legally sufficient, the prosecutor shall
37 divert the case for treatment if the alleged violation is the
38 person's first or second violation of this section. On a person's

1 third and subsequent violation of this section, the prosecutor is
2 encouraged to divert the case for treatment.

3 (4)(a) The possession, by a person twenty-one years of age or
4 older, of useable marijuana, marijuana concentrates, or marijuana-
5 infused products in amounts that do not exceed those set forth in RCW
6 69.50.360(3) is not a violation of this section, this chapter, or any
7 other provision of Washington state law.

8 (b) The possession of marijuana, useable marijuana, marijuana
9 concentrates, and marijuana-infused products being physically
10 transported or delivered within the state, in amounts not exceeding
11 those that may be established under RCW 69.50.385(3), by a licensed
12 employee of a common carrier when performing the duties authorized in
13 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
14 this section, this chapter, or any other provision of Washington
15 state law.

16 ~~((4))~~ (5)(a) The delivery by a person twenty-one years of age
17 or older to one or more persons twenty-one years of age or older,
18 during a single twenty-four hour period, for noncommercial purposes
19 and not conditioned upon or done in connection with the provision or
20 receipt of financial consideration, of any of the following marijuana
21 products, is not a violation of this section, this chapter, or any
22 other provisions of Washington state law:

23 (i) One-half ounce of useable marijuana;

24 (ii) Eight ounces of marijuana-infused product in solid form;

25 (iii) Thirty-six ounces of marijuana-infused product in liquid
26 form; or

27 (iv) Three and one-half grams of marijuana concentrates.

28 (b) The act of delivering marijuana or a marijuana product as
29 authorized under this subsection ~~((4))~~ (5) must meet one of the
30 following requirements:

31 (i) The delivery must be done in a location outside of the view
32 of general public and in a nonpublic place; or

33 (ii) The marijuana or marijuana product must be in the original
34 packaging as purchased from the marijuana retailer.

35 ~~((5))~~ (6) No person under twenty-one years of age may possess,
36 manufacture, sell, or distribute marijuana, marijuana-infused
37 products, or marijuana concentrates, regardless of THC concentration.
38 This does not include qualifying patients with a valid authorization.

39 ~~((6))~~ (7) The possession by a qualifying patient or designated
40 provider of marijuana concentrates, useable marijuana, marijuana-

1 infused products, or plants in accordance with chapter 69.51A RCW is
2 not a violation of this section, this chapter, or any other provision
3 of Washington state law.

4 **Sec. 10.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to
5 read as follows:

6 (1) It shall be unlawful for any person to sell, deliver, or
7 knowingly possess any legend drug except upon the order or
8 prescription of a physician under chapter 18.71 RCW, an osteopathic
9 physician and surgeon under chapter 18.57 RCW, an optometrist
10 licensed under chapter 18.53 RCW who is certified by the optometry
11 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
12 podiatric physician and surgeon under chapter 18.22 RCW, a
13 veterinarian under chapter 18.92 RCW, a commissioned medical or
14 dental officer in the United States armed forces or public health
15 service in the discharge of his or her official duties, a duly
16 licensed physician or dentist employed by the veterans administration
17 in the discharge of his or her official duties, a registered nurse or
18 advanced registered nurse practitioner under chapter 18.79 RCW when
19 authorized by the nursing care quality assurance commission, a
20 pharmacist licensed under chapter 18.64 RCW to the extent permitted
21 by drug therapy guidelines or protocols established under RCW
22 18.64.011 and authorized by the commission and approved by a
23 practitioner authorized to prescribe drugs, an osteopathic physician
24 assistant under chapter 18.57A RCW when authorized by the board of
25 osteopathic medicine and surgery, a physician assistant under chapter
26 18.71A RCW when authorized by the Washington medical commission, or
27 any of the following professionals in any province of Canada that
28 shares a common border with the state of Washington or in any state
29 of the United States: A physician licensed to practice medicine and
30 surgery or a physician licensed to practice osteopathic medicine and
31 surgery, a dentist licensed to practice dentistry, a podiatric
32 physician and surgeon licensed to practice podiatric medicine and
33 surgery, a licensed advanced registered nurse practitioner, a
34 licensed physician assistant, a licensed osteopathic physician
35 assistant, or a veterinarian licensed to practice veterinary
36 medicine: PROVIDED, HOWEVER, That the above provisions shall not
37 apply to sale, delivery, or possession by drug wholesalers or drug
38 manufacturers, or their agents or employees, or to any practitioner
39 acting within the scope of his or her license, or to a common or

1 contract carrier or warehouse operator, or any employee thereof,
2 whose possession of any legend drug is in the usual course of
3 business or employment: PROVIDED FURTHER, That nothing in this
4 chapter or chapter 18.64 RCW shall prevent a family planning clinic
5 that is under contract with the health care authority from selling,
6 delivering, possessing, and dispensing commercially prepackaged oral
7 contraceptives prescribed by authorized, licensed health care
8 practitioners: PROVIDED FURTHER, That nothing in this chapter
9 prohibits possession or delivery of legend drugs by an authorized
10 collector or other person participating in the operation of a drug
11 take-back program authorized in chapter 69.48 RCW.

12 (2) (a) A violation of this section involving the sale, delivery,
13 or possession with intent to sell or deliver is a class B felony
14 punishable according to chapter 9A.20 RCW.

15 (b) A violation of this section involving possession is a
16 misdemeanor. Where a case is legally sufficient, the prosecutor shall
17 divert the case for treatment if the alleged violation involving
18 possession is the person's first or second violation. On a person's
19 third and subsequent violation involving possession, the prosecutor
20 is encouraged to divert the case for treatment.

21 **Sec. 11.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
22 read as follows:

23 (1) It shall be unlawful for any person to sell, deliver, or
24 knowingly possess any legend drug except upon the order or
25 prescription of a physician under chapter 18.71 RCW, an osteopathic
26 physician and surgeon under chapter 18.57 RCW, an optometrist
27 licensed under chapter 18.53 RCW who is certified by the optometry
28 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
29 podiatric physician and surgeon under chapter 18.22 RCW, a
30 veterinarian under chapter 18.92 RCW, a commissioned medical or
31 dental officer in the United States armed forces or public health
32 service in the discharge of his or her official duties, a duly
33 licensed physician or dentist employed by the veterans administration
34 in the discharge of his or her official duties, a registered nurse or
35 advanced registered nurse practitioner under chapter 18.79 RCW when
36 authorized by the nursing care quality assurance commission, a
37 pharmacist licensed under chapter 18.64 RCW to the extent permitted
38 by drug therapy guidelines or protocols established under RCW
39 18.64.011 and authorized by the commission and approved by a

1 practitioner authorized to prescribe drugs, a physician assistant
2 under chapter 18.71A RCW when authorized by the Washington medical
3 commission, or any of the following professionals in any province of
4 Canada that shares a common border with the state of Washington or in
5 any state of the United States: A physician licensed to practice
6 medicine and surgery or a physician licensed to practice osteopathic
7 medicine and surgery, a dentist licensed to practice dentistry, a
8 podiatric physician and surgeon licensed to practice podiatric
9 medicine and surgery, a licensed advanced registered nurse
10 practitioner, a licensed physician assistant, or a veterinarian
11 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
12 above provisions shall not apply to sale, delivery, or possession by
13 drug wholesalers or drug manufacturers, or their agents or employees,
14 or to any practitioner acting within the scope of his or her license,
15 or to a common or contract carrier or warehouse operator, or any
16 employee thereof, whose possession of any legend drug is in the usual
17 course of business or employment: PROVIDED FURTHER, That nothing in
18 this chapter or chapter 18.64 RCW shall prevent a family planning
19 clinic that is under contract with the health care authority from
20 selling, delivering, possessing, and dispensing commercially
21 prepackaged oral contraceptives prescribed by authorized, licensed
22 health care practitioners: PROVIDED FURTHER, That nothing in this
23 chapter prohibits possession or delivery of legend drugs by an
24 authorized collector or other person participating in the operation
25 of a drug take-back program authorized in chapter 69.48 RCW.

26 (2) (a) A violation of this section involving the sale, delivery,
27 or possession with intent to sell or deliver is a class B felony
28 punishable according to chapter 9A.20 RCW.

29 (b) A violation of this section involving possession is a
30 misdemeanor. Where a case is legally sufficient, the prosecutor shall
31 divert the case for treatment if the alleged violation involving
32 possession is the person's first or second violation. On a person's
33 third and subsequent violation involving possession, the prosecutor
34 is encouraged to divert the case for treatment.

35 **Sec. 12.** RCW 69.50.412 and 2019 c 64 s 22 are each amended to
36 read as follows:

37 (1) It is unlawful for any person to use drug paraphernalia to
38 plant, propagate, cultivate, grow, harvest, manufacture, compound,
39 convert, produce, process, or prepare (~~(, test, analyze, pack, repack,~~

1 ~~store, contain, conceal, inject, ingest, inhale, or otherwise~~
2 ~~introduce into the human body~~) a controlled substance other than
3 marijuana. Any person who violates this subsection is guilty of a
4 misdemeanor.

5 (2) It is unlawful for any person to deliver, possess with intent
6 to deliver, or manufacture with intent to deliver drug paraphernalia,
7 knowing, or under circumstances where one reasonably should know,
8 that it will be used to plant, propagate, cultivate, grow, harvest,
9 manufacture, compound, convert, produce, process, or prepare(~~(, test,~~
10 ~~analyze, pack, repack, store, contain, conceal, inject, ingest,~~
11 ~~inhale, or otherwise introduce into the human body~~) a controlled
12 substance other than marijuana. Any person who violates this
13 subsection is guilty of a misdemeanor.

14 (3) Any person eighteen years of age or over who violates
15 subsection (2) of this section by delivering drug paraphernalia to a
16 person under eighteen years of age who is at least three years his or
17 her junior is guilty of a gross misdemeanor.

18 (4) It is unlawful for any person to place in any newspaper,
19 magazine, handbill, or other publication any advertisement, knowing,
20 or under circumstances where one reasonably should know, that the
21 purpose of the advertisement, in whole or in part, is to promote the
22 sale of objects designed or intended for use as drug paraphernalia.
23 Any person who violates this subsection is guilty of a misdemeanor.

24 (5) It is lawful for any person over the age of eighteen to
25 possess sterile hypodermic syringes and needles for the purpose of
26 reducing blood-borne diseases.

27 **Sec. 13.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
28 read as follows:

29 (1) Except as authorized by this chapter, it is unlawful for
30 ~~((any))~~:

31 (a) Any person to create(~~(,)~~) or deliver(~~(, or possess)~~) a
32 counterfeit substance; or

33 (b) Any person to knowingly possess a counterfeit substance.

34 (2) Any person who violates subsection (1)(a) of this section
35 with respect to:

36 (a) A counterfeit substance classified in Schedule I or II which
37 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
38 guilty of a class B felony and upon conviction may be imprisoned for

1 not more than ten years, fined not more than twenty-five thousand
2 dollars, or both;

3 (b) A counterfeit substance which is methamphetamine, is guilty
4 of a class B felony and upon conviction may be imprisoned for not
5 more than ten years, fined not more than twenty-five thousand
6 dollars, or both;

7 (c) Any other counterfeit substance classified in Schedule I, II,
8 or III, is guilty of a class C felony punishable according to chapter
9 9A.20 RCW;

10 (d) A counterfeit substance classified in Schedule IV, except
11 flunitrazepam, is guilty of a class C felony punishable according to
12 chapter 9A.20 RCW;

13 (e) A counterfeit substance classified in Schedule V, is guilty
14 of a class C felony punishable according to chapter 9A.20 RCW.

15 (3) A violation of subsection (1)(b) of this section is a class 2
16 civil infraction under chapter 7.80 RCW. The law enforcement officer
17 issuing the infraction shall refer the person to the program
18 established in section 2 of this act for evaluation and services, and
19 must notify the program of the infraction. The monetary penalty for
20 the civil infraction must be waived upon verification that the person
21 has received an assessment by the program within 30 days of receiving
22 the infraction. Proceeds from the infraction must be deposited in the
23 State v. Blake reimbursement account created in section 25 of this
24 act.

25 **Sec. 14.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
26 read as follows:

27 (1) It is unlawful for any person to knowingly possess a
28 controlled substance unless the substance was obtained directly from,
29 or pursuant to, a valid prescription or order of a practitioner while
30 acting in the course of his or her professional practice, or except
31 as otherwise authorized by this chapter.

32 ~~((Except as provided in RCW 69.50.4014, any person who~~
33 ~~violates this section is guilty of a class C felony punishable under~~
34 ~~chapter 9A.20 RCW)) A violation of this section is a class 2 civil
35 infraction under chapter 7.80 RCW. The law enforcement officer
36 issuing the infraction shall refer the person to the program
37 established in section 2 of this act for evaluation and services, and
38 must notify the program of the infraction. The monetary penalty for
39 the civil infraction must be waived upon verification that the person~~

1 has received an assessment by the program within 30 days of receiving
2 the infraction. Proceeds from the infraction must be deposited in the
3 State v. Blake reimbursement account created in section 25 of this
4 act.

5 (3) (a) The possession, by a person twenty-one years of age or
6 older, of useable marijuana, marijuana concentrates, or marijuana-
7 infused products in amounts that do not exceed those set forth in RCW
8 69.50.360(3) is not a violation of this section, this chapter, or any
9 other provision of Washington state law.

10 (b) The possession of marijuana, useable marijuana, marijuana
11 concentrates, and marijuana-infused products being physically
12 transported or delivered within the state, in amounts not exceeding
13 those that may be established under RCW 69.50.385(3), by a licensed
14 employee of a common carrier when performing the duties authorized in
15 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
16 this section, this chapter, or any other provision of Washington
17 state law.

18 (4) (a) The delivery by a person twenty-one years of age or older
19 to one or more persons twenty-one years of age or older, during a
20 single twenty-four hour period, for noncommercial purposes and not
21 conditioned upon or done in connection with the provision or receipt
22 of financial consideration, of any of the following marijuana
23 products, is not a violation of this section, this chapter, or any
24 other provisions of Washington state law:

- 25 (i) One-half ounce of useable marijuana;
- 26 (ii) Eight ounces of marijuana-infused product in solid form;
- 27 (iii) Thirty-six ounces of marijuana-infused product in liquid
28 form; or
- 29 (iv) Three and one-half grams of marijuana concentrates.

30 (b) The act of delivering marijuana or a marijuana product as
31 authorized under this subsection (4) must meet one of the following
32 requirements:

- 33 (i) The delivery must be done in a location outside of the view
34 of general public and in a nonpublic place; or
- 35 (ii) The marijuana or marijuana product must be in the original
36 packaging as purchased from the marijuana retailer.

37 (5) No person under twenty-one years of age may possess,
38 manufacture, sell, or distribute marijuana, marijuana-infused
39 products, or marijuana concentrates, regardless of THC concentration.
40 This does not include qualifying patients with a valid authorization.

1 (6) The possession by a qualifying patient or designated provider
2 of marijuana concentrates, useable marijuana, marijuana-infused
3 products, or plants in accordance with chapter 69.51A RCW is not a
4 violation of this section, this chapter, or any other provision of
5 Washington state law.

6 **Sec. 15.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
7 read as follows:

8 (1) It shall be unlawful for any person to sell, deliver, or
9 knowingly possess any legend drug except upon the order or
10 prescription of a physician under chapter 18.71 RCW, an osteopathic
11 physician and surgeon under chapter 18.57 RCW, an optometrist
12 licensed under chapter 18.53 RCW who is certified by the optometry
13 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
14 podiatric physician and surgeon under chapter 18.22 RCW, a
15 veterinarian under chapter 18.92 RCW, a commissioned medical or
16 dental officer in the United States armed forces or public health
17 service in the discharge of his or her official duties, a duly
18 licensed physician or dentist employed by the veterans administration
19 in the discharge of his or her official duties, a registered nurse or
20 advanced registered nurse practitioner under chapter 18.79 RCW when
21 authorized by the nursing care quality assurance commission, a
22 pharmacist licensed under chapter 18.64 RCW to the extent permitted
23 by drug therapy guidelines or protocols established under RCW
24 18.64.011 and authorized by the commission and approved by a
25 practitioner authorized to prescribe drugs, a physician assistant
26 under chapter 18.71A RCW when authorized by the Washington medical
27 commission, or any of the following professionals in any province of
28 Canada that shares a common border with the state of Washington or in
29 any state of the United States: A physician licensed to practice
30 medicine and surgery or a physician licensed to practice osteopathic
31 medicine and surgery, a dentist licensed to practice dentistry, a
32 podiatric physician and surgeon licensed to practice podiatric
33 medicine and surgery, a licensed advanced registered nurse
34 practitioner, a licensed physician assistant, or a veterinarian
35 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
36 above provisions shall not apply to sale, delivery, or possession by
37 drug wholesalers or drug manufacturers, or their agents or employees,
38 or to any practitioner acting within the scope of his or her license,
39 or to a common or contract carrier or warehouse operator, or any

1 employee thereof, whose possession of any legend drug is in the usual
2 course of business or employment: PROVIDED FURTHER, That nothing in
3 this chapter or chapter 18.64 RCW shall prevent a family planning
4 clinic that is under contract with the health care authority from
5 selling, delivering, possessing, and dispensing commercially
6 prepackaged oral contraceptives prescribed by authorized, licensed
7 health care practitioners: PROVIDED FURTHER, That nothing in this
8 chapter prohibits possession or delivery of legend drugs by an
9 authorized collector or other person participating in the operation
10 of a drug take-back program authorized in chapter 69.48 RCW.

11 (2) (a) A violation of this section involving the sale, delivery,
12 or possession with intent to sell or deliver is a class B felony
13 punishable according to chapter 9A.20 RCW.

14 (b) A violation of this section involving possession is a
15 (~~misdemeanor~~) class 2 civil infraction under chapter 7.80 RCW. The
16 law enforcement officer issuing the infraction shall refer the person
17 to the program established in section 2 of this act for evaluation
18 and services, and must notify the program of the infraction. The
19 monetary penalty for the civil infraction must be waived upon
20 verification that the person has received an assessment by the
21 program within 30 days of receiving the infraction. Proceeds from the
22 infraction must be deposited in the State v. Blake reimbursement
23 account created in section 25 of this act.

24 **Sec. 16.** RCW 7.80.070 and 2006 c 270 s 5 are each amended to
25 read as follows:

26 (1) A notice of civil infraction represents a determination that
27 a civil infraction has been committed. The determination is final
28 unless contested as provided in this chapter.

29 (2) The form for the notice of civil infraction shall be
30 prescribed by rule of the supreme court and shall include the
31 following:

32 (a) A statement that the notice represents a determination that a
33 civil infraction has been committed by the person named in the notice
34 and that the determination is final unless contested as provided in
35 this chapter;

36 (b) A statement that a civil infraction is a noncriminal offense
37 for which imprisonment may not be imposed as a sanction;

38 (c) A statement of the specific civil infraction for which the
39 notice was issued;

1 (d) A statement of the monetary penalty established for the civil
2 infraction;

3 (e) A statement of the options provided in this chapter for
4 responding to the notice and the procedures necessary to exercise
5 these options;

6 (f) A statement that at any hearing to contest the determination
7 the state has the burden of proving, by a preponderance of the
8 evidence, that the civil infraction was committed and that the person
9 may subpoena witnesses including the enforcement officer who issued
10 the notice of civil infraction;

11 (g) A statement that at any hearing requested for the purpose of
12 explaining mitigating circumstances surrounding the commission of the
13 civil infraction, the person will be deemed to have committed the
14 civil infraction and may not subpoena witnesses;

15 (h) A statement that the person must respond to the notice as
16 provided in this chapter within (~~fifteen days~~) the time specified
17 in RCW 7.80.080(1);

18 (i) A statement that failure to respond to the notice or a
19 failure to appear at a hearing requested for the purpose of
20 contesting the determination or for the purpose of explaining
21 mitigating circumstances will result in a default judgment against
22 the person in the amount of the penalty and that this failure may be
23 referred to the prosecuting attorney for criminal prosecution for
24 failure to respond or appear;

25 (j) A statement that failure to respond to a notice of civil
26 infraction or to appear at a requested hearing is a misdemeanor and
27 may be punished by a fine or imprisonment in jail.

28 **Sec. 17.** RCW 7.80.080 and 1987 c 456 s 16 are each amended to
29 read as follows:

30 (1) (~~Any~~) (a) Except as provided in (b) of this subsection, any
31 person who receives a notice of civil infraction shall respond to
32 such notice as provided in this section within fifteen days of the
33 date of the notice.

34 (b) A person who receives a notice of civil infraction under RCW
35 69.50.4011, 69.50.4013, or 69.41.030 shall respond to such notice as
36 provided in this section within 30 days of the date of the notice.

37 (2) If the person determined to have committed the civil
38 infraction does not contest the determination, the person shall
39 respond by completing the appropriate portion of the notice of civil

1 infraction and submitting it, either by mail or in person, to the
2 court specified on the notice. A check or money order in the amount
3 of the penalty prescribed for the civil infraction must be submitted
4 with the response. The clerk of a court may accept cash in payment
5 for an infraction. When a response which does not contest the
6 determination is received, an appropriate order shall be entered in
7 the court's records.

8 (3) If the person determined to have committed the civil
9 infraction wishes to contest the determination, the person shall
10 respond by completing the portion of the notice of civil infraction
11 requesting a hearing and submitting it, either by mail or in person,
12 to the court specified on the notice. The court shall notify the
13 person in writing of the time, place, and date of the hearing, and
14 that date shall not be earlier than seven days nor more than ninety
15 days from the date of the notice of hearing, except by agreement.

16 (4) If the person determined to have committed the civil
17 infraction does not contest the determination but wishes to explain
18 mitigating circumstances surrounding the infraction, the person shall
19 respond by completing the portion of the notice of civil infraction
20 requesting a hearing for that purpose and submitting it, either by
21 mail or in person, to the court specified on the notice. The court
22 shall notify the person in writing of the time, place, and date of
23 the hearing, and that date shall not be earlier than seven days nor
24 more than ninety days from the date of the notice of hearing, except
25 by agreement.

26 (5) The court shall enter a default judgment assessing the
27 monetary penalty prescribed for the civil infraction and may notify
28 the prosecuting attorney of the failure to respond to the notice of
29 civil infraction or to appear at a requested hearing if any person
30 issued a notice of civil infraction:

31 (a) Fails to respond to the notice of civil infraction as
32 provided in subsection (2) of this section; or

33 (b) Fails to appear at a hearing requested pursuant to subsection
34 (3) or (4) of this section.

35 **Sec. 18.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
36 read as follows:

37 TABLE 4

1 DRUG OFFENSES
2 INCLUDED WITHIN EACH
3 SERIOUSNESS LEVEL

- 4 III Any felony offense under chapter
5 69.50 RCW with a deadly weapon
6 special verdict under RCW
7 (~~9.94A.602~~) 9.94A.825
8 Controlled Substance Homicide (RCW
9 69.50.415)
10 Delivery of imitation controlled
11 substance by person eighteen or
12 over to person under eighteen
13 (RCW 69.52.030(2))
14 Involving a minor in drug dealing
15 (RCW 69.50.4015)
16 Manufacture of methamphetamine
17 (RCW 69.50.401(2)(b))
18 Over 18 and deliver heroin,
19 methamphetamine, a narcotic from
20 Schedule I or II, or flunitrazepam
21 from Schedule IV to someone
22 under 18 (RCW 69.50.406)
23 Over 18 and deliver narcotic from
24 Schedule III, IV, or V or a
25 nonnarcotic, except flunitrazepam
26 or methamphetamine, from
27 Schedule I-V to someone under 18
28 and 3 years junior (RCW
29 69.50.406)
30 Possession of Ephedrine,
31 Pseudoephedrine, or Anhydrous
32 Ammonia with intent to
33 manufacture methamphetamine
34 (RCW 69.50.440)
35 Selling for profit (controlled or
36 counterfeit) any controlled
37 substance (RCW 69.50.410)

- 1 II Create(~~(s)~~) or deliver(~~(s or possess)~~) a
2 counterfeit controlled substance
3 (RCW 69.50.4011(1)(a))
4 Deliver or possess with intent to
5 deliver methamphetamine (RCW
6 69.50.401(2)(b))
7 Delivery of a material in lieu of a
8 controlled substance (RCW
9 69.50.4012)
10 Maintaining a Dwelling or Place for
11 Controlled Substances (RCW
12 69.50.402(1)(f))
13 Manufacture, deliver, or possess with
14 intent to deliver amphetamine
15 (RCW 69.50.401(2)(b))
16 Manufacture, deliver, or possess with
17 intent to deliver narcotics from
18 Schedule I or II or flunitrazepam
19 from Schedule IV (RCW
20 69.50.401(2)(a))
21 Manufacture, deliver, or possess with
22 intent to deliver narcotics from
23 Schedule III, IV, or V or
24 nonnarcotics from Schedule I-V
25 (except marijuana, amphetamine,
26 methamphetamines, or
27 flunitrazepam) (RCW
28 69.50.401(2) (c) through (e))
29 Manufacture, distribute, or possess
30 with intent to distribute an
31 imitation controlled substance
32 (RCW 69.52.030(1))
33 I Forged Prescription (RCW 69.41.020)
34 Forged Prescription for a Controlled
35 Substance (RCW 69.50.403)

1 Manufacture, deliver, or possess with
 2 intent to deliver marijuana (RCW
 3 69.50.401(2)(c))
 4 ~~((Possess Controlled Substance that is
 5 a Narcotic from Schedule III, IV,
 6 or V or Nonnarcotic from
 7 Schedule I-V (RCW 69.50.4013))~~
 8 Possession of Controlled Substance
 9 that is either heroin or narcotics
 10 from Schedule I or II (RCW
 11 69.50.4013)))
 12 Unlawful Use of Building for Drug
 13 Purposes (RCW 69.53.010)

14 **Sec. 19.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
 15 read as follows:

16 **DESCRIPTION AND OFFENSE CATEGORY**

| | | JUVENILE DISPOSITION | |
|-------------------------------------|---|----------------------|--|
| JUVENILE | | CATEGORY FOR | |
| DISPOSITION | | ATTEMPT, BAILJUMP, | |
| OFFENSE | | CONSPIRACY, OR | |
| CATEGORY | DESCRIPTION (RCW CITATION) | SOLICITATION | |
| Arson and Malicious Mischief | | | |
| A | Arson 1 (9A.48.020) | B+ | |
| B | Arson 2 (9A.48.030) | C | |
| C | Reckless Burning 1 (9A.48.040) | D | |
| D | Reckless Burning 2 (9A.48.050) | E | |
| B | Malicious Mischief 1 (9A.48.070) | C | |
| C | Malicious Mischief 2 (9A.48.080) | D | |
| D | Malicious Mischief 3 (9A.48.090) | E | |
| E | Tampering with Fire Alarm Apparatus (9.40.100) | E | |
| E | Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105) | E | |
| A | Possession of Incendiary Device (9.40.120) | B+ | |

| | | | |
|----|-----|--|----|
| 1 | | Assault and Other Crimes Involving | |
| 2 | | Physical Harm | |
| 3 | A | Assault 1 (9A.36.011) | B+ |
| 4 | B+ | Assault 2 (9A.36.021) | C+ |
| 5 | C+ | Assault 3 (9A.36.031) | D+ |
| 6 | D+ | Assault 4 (9A.36.041) | E |
| 7 | B+ | Drive-By Shooting (9A.36.045) | C+ |
| 8 | | committed at age 15 or under | |
| 9 | A++ | Drive-By Shooting (9A.36.045) | A |
| 10 | | committed at age 16 or 17 | |
| 11 | D+ | Reckless Endangerment (9A.36.050) | E |
| 12 | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| 13 | D+ | Coercion (9A.36.070) | E |
| 14 | C+ | Custodial Assault (9A.36.100) | D+ |
| 15 | | Burglary and Trespass | |
| 16 | B+ | Burglary 1 (9A.52.020) committed at | C+ |
| 17 | | age 15 or under | |
| 18 | A- | Burglary 1 (9A.52.020) committed at | B+ |
| 19 | | age 16 or 17 | |
| 20 | B | Residential Burglary (9A.52.025) | C |
| 21 | B | Burglary 2 (9A.52.030) | C |
| 22 | D | Burglary Tools (Possession of) | E |
| 23 | | (9A.52.060) | |
| 24 | D | Criminal Trespass 1 (9A.52.070) | E |
| 25 | E | Criminal Trespass 2 (9A.52.080) | E |
| 26 | C | Mineral Trespass (78.44.330) | C |
| 27 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 28 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 29 | | Drugs | |
| 30 | E | Possession/Consumption of Alcohol | E |
| 31 | | (66.44.270) | |
| 32 | C | Illegally Obtaining Legend Drug | D |
| 33 | | (69.41.020) | |
| 34 | C+ | Sale, Delivery, Possession of Legend | D+ |
| 35 | | Drug with Intent to Sell (69.41.030(2)(a)) | |

| | | | |
|----|---------------------------|---|---------------------------|
| 1 | E | Possession of Legend | E |
| 2 | | Drug (69.41.030(2)(b)) | |
| 3 | B+ | Violation of Uniform Controlled | B+ |
| 4 | | Substances Act - Narcotic, | |
| 5 | | Methamphetamine, or Flunitrazepam | |
| 6 | | Sale (69.50.401(2) (a) or (b)) | |
| 7 | C | Violation of Uniform Controlled | C |
| 8 | | Substances Act - Nonnarcotic Sale | |
| 9 | | (69.50.401(2)(c)) | |
| 10 | ((E)) | Possession of Marijuana <40 grams | (E)) |
| 11 | | (69.50.4014) | |
| 12 | C | Fraudulently Obtaining Controlled | C |
| 13 | | Substance (69.50.403) | |
| 14 | C+ | Sale of Controlled Substance for Profit | C+ |
| 15 | | (69.50.410) | |
| 16 | E | Unlawful Inhalation (9.47A.020) | E |
| 17 | B | Violation of Uniform Controlled | B |
| 18 | | Substances Act - Narcotic, | |
| 19 | | Methamphetamine, or Flunitrazepam | |
| 20 | | Counterfeit Substances (69.50.4011(2) | |
| 21 | | (a) or (b)) | |
| 22 | C | Violation of Uniform Controlled | C |
| 23 | | Substances Act - Nonnarcotic Counterfeit | |
| 24 | | Substances (69.50.4011(2) (c), (d), or (e)) | |
| 25 | ((E)) <u>E</u> | Violation of Uniform Controlled | ((E)) <u>E</u> |
| 26 | | Substances Act - Possession of a | |
| 27 | | Controlled Substance (69.50.4013) | |
| 28 | C | Violation of Uniform Controlled | C |
| 29 | | Substances Act - Possession of a | |
| 30 | | Controlled Substance (69.50.4012) | |
| 31 | | Firearms and Weapons | |
| 32 | B | Theft of Firearm (9A.56.300) | C |
| 33 | B | Possession of Stolen Firearm | C |
| 34 | | (9A.56.310) | |
| 35 | E | Carrying Loaded Pistol Without Permit | E |
| 36 | | (9.41.050) | |
| 37 | C | Possession of Firearms by Minor (<18) | C |
| 38 | | (9.41.040(2)(a) (vi)) | |

| | | | |
|----|-----|---|----|
| 1 | D+ | Possession of Dangerous Weapon | E |
| 2 | | (9.41.250) | |
| 3 | D | Intimidating Another Person by use of | E |
| 4 | | Weapon (9.41.270) | |
| 5 | | Homicide | |
| 6 | A+ | Murder 1 (9A.32.030) | A |
| 7 | A+ | Murder 2 (9A.32.050) | B+ |
| 8 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 9 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 10 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 11 | | Kidnapping | |
| 12 | A | Kidnap 1 (9A.40.020) | B+ |
| 13 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 14 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 15 | | Obstructing Governmental Operation | |
| 16 | D | Obstructing a Law Enforcement Officer | E |
| 17 | | (9A.76.020) | |
| 18 | E | Resisting Arrest (9A.76.040) | E |
| 19 | B | Introducing Contraband 1 (9A.76.140) | C |
| 20 | C | Introducing Contraband 2 (9A.76.150) | D |
| 21 | E | Introducing Contraband 3 (9A.76.160) | E |
| 22 | B+ | Intimidating a Public Servant | C+ |
| 23 | | (9A.76.180) | |
| 24 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 25 | | Public Disturbance | |
| 26 | C+ | Criminal Mischief with Weapon | D+ |
| 27 | | (9A.84.010(2)(b)) | |
| 28 | D+ | Criminal Mischief Without Weapon | E |
| 29 | | (9A.84.010(2)(a)) | |
| 30 | E | Failure to Disperse (9A.84.020) | E |
| 31 | E | Disorderly Conduct (9A.84.030) | E |
| 32 | | Sex Crimes | |
| 33 | A | Rape 1 (9A.44.040) | B+ |
| 34 | B++ | Rape 2 (9A.44.050) committed at age 14 | B+ |
| 35 | | or under | |

| | | | |
|----|-----|--|----|
| 1 | A- | Rape 2 (9A.44.050) committed at age 15 | B+ |
| 2 | | through age 17 | |
| 3 | C+ | Rape 3 (9A.44.060) | D+ |
| 4 | B++ | Rape of a Child 1 (9A.44.073) | B+ |
| 5 | | committed at age 14 or under | |
| 6 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 7 | | committed at age 15 | |
| 8 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 9 | B | Incest 1 (9A.64.020(1)) | C |
| 10 | C | Incest 2 (9A.64.020(2)) | D |
| 11 | D+ | Indecent Exposure (Victim <14) | E |
| 12 | | (9A.88.010) | |
| 13 | E | Indecent Exposure (Victim 14 or over) | E |
| 14 | | (9A.88.010) | |
| 15 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 16 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 17 | E | O & A (Prostitution) (9A.88.030) | E |
| 18 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 19 | B++ | Child Molestation 1 (9A.44.083) | B+ |
| 20 | | committed at age 14 or under | |
| 21 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 22 | | committed at age 15 through age 17 | |
| 23 | B | Child Molestation 2 (9A.44.086) | C+ |
| 24 | C | Failure to Register as a Sex Offender | D |
| 25 | | (9A.44.132) | |
| 26 | | Theft, Robbery, Extortion, and | |
| 27 | | Forgery | |
| 28 | B | Theft 1 (9A.56.030) | C |
| 29 | C | Theft 2 (9A.56.040) | D |
| 30 | D | Theft 3 (9A.56.050) | E |
| 31 | B | Theft of Livestock 1 and 2 (9A.56.080 | C |
| 32 | | and 9A.56.083) | |
| 33 | C | Forgery (9A.60.020) | D |
| 34 | A | Robbery 1 (9A.56.200) committed at | B+ |
| 35 | | age 15 or under | |
| 36 | A++ | Robbery 1 (9A.56.200) committed at | A |
| 37 | | age 16 or 17 | |

| | | | |
|----|----|--|----|
| 1 | B+ | Robbery 2 (9A.56.210) | C+ |
| 2 | B+ | Extortion 1 (9A.56.120) | C+ |
| 3 | C+ | Extortion 2 (9A.56.130) | D+ |
| 4 | C | Identity Theft 1 (9.35.020(2)) | D |
| 5 | D | Identity Theft 2 (9.35.020(3)) | E |
| 6 | D | Improperly Obtaining Financial | E |
| 7 | | Information (9.35.010) | |
| 8 | B | Possession of a Stolen Vehicle | C |
| 9 | | (9A.56.068) | |
| 10 | B | Possession of Stolen Property 1 | C |
| 11 | | (9A.56.150) | |
| 12 | C | Possession of Stolen Property 2 | D |
| 13 | | (9A.56.160) | |
| 14 | D | Possession of Stolen Property 3 | E |
| 15 | | (9A.56.170) | |
| 16 | B | Taking Motor Vehicle Without | C |
| 17 | | Permission 1 (9A.56.070) | |
| 18 | C | Taking Motor Vehicle Without | D |
| 19 | | Permission 2 (9A.56.075) | |
| 20 | B | Theft of a Motor Vehicle (9A.56.065) | C |
| 21 | | Motor Vehicle Related Crimes | |
| 22 | E | Driving Without a License (46.20.005) | E |
| 23 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 24 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 25 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 26 | E | Hit and Run-Unattended (46.52.010) | E |
| 27 | C | Vehicular Assault (46.61.522) | D |
| 28 | C | Attempting to Elude Pursuing Police | D |
| 29 | | Vehicle (46.61.024) | |
| 30 | E | Reckless Driving (46.61.500) | E |
| 31 | D | Driving While Under the Influence | E |
| 32 | | (46.61.502 and 46.61.504) | |
| 33 | B+ | Felony Driving While Under the | B |
| 34 | | Influence (46.61.502(6)) | |
| 35 | B+ | Felony Physical Control of a Vehicle | B |
| 36 | | While Under the Influence (46.61.504(6)) | |

| | | | |
|----|---|---------------------------------------|----|
| 1 | | Other | |
| 2 | B | Animal Cruelty 1 (16.52.205) | C |
| 3 | B | Bomb Threat (9.61.160) | C |
| 4 | C | Escape 1 ¹ (9A.76.110) | C |
| 5 | C | Escape 2 ¹ (9A.76.120) | C |
| 6 | D | Escape 3 (9A.76.130) | E |
| 7 | E | Obscene, Harassing, Etc., Phone Calls | E |
| 8 | | (9.61.230) | |
| 9 | A | Other Offense Equivalent to an Adult | B+ |
| 10 | | Class A Felony | |
| 11 | B | Other Offense Equivalent to an Adult | C |
| 12 | | Class B Felony | |
| 13 | C | Other Offense Equivalent to an Adult | D |
| 14 | | Class C Felony | |
| 15 | D | Other Offense Equivalent to an Adult | E |
| 16 | | Gross Misdemeanor | |
| 17 | E | Other Offense Equivalent to an Adult | E |
| 18 | | Misdemeanor | |
| 19 | V | Violation of Order of Restitution, | V |
| 20 | | Community Supervision, or Confinement | |
| 21 | | (13.40.200) ² | |

22 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
23 and the standard range is established as follows:

24 1st escape or attempted escape during 12-month period - 28 days
25 confinement

26 2nd escape or attempted escape during 12-month period - 8 weeks
27 confinement

28 3rd and subsequent escape or attempted escape during 12-month
29 period - 12 weeks confinement

30 ²If the court finds that a respondent has violated terms of an order,
31 it may impose a penalty of up to 30 days of confinement.

32 **JUVENILE SENTENCING STANDARDS**

33 This schedule must be used for juvenile offenders. The court may
34 select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

| | | | | | | | |
|----|---------------|--|-------------|--------------|---------------|---------------|---------------|
| 4 | A++ | 129 to 260 weeks for all category A++ offenses | | | | | |
| 5 | A+ | 180 weeks to age 21 for all category A+ offenses | | | | | |
| 6 | A | 103-129 weeks for all category A offenses | | | | | |
| 7 | A- | 30-40 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 8 | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 9 | CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| 10 | OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |
| 11 | CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
| 12 | | C | LS | LS | LS | LS | 15-36 weeks |
| 13 | | D+ | LS | LS | LS | LS | LS |
| 14 | | D | LS | LS | LS | LS | LS |
| 15 | | E | LS | LS | LS | LS | LS |
| 16 | PRIOR | | 0 | 1 | 2 | 3 | 4 or more |
| 17 | ADJUDICATIONS | | | | | | |

18 NOTE: References in the grid to days or weeks mean periods of
 19 confinement. "LS" means "local sanctions" as defined in RCW
 20 13.40.020.

21 (1) The vertical axis of the grid is the current offense
 22 category. The current offense category is determined by the offense
 23 of adjudication.

24 (2) The horizontal axis of the grid is the number of prior
 25 adjudications included in the juvenile's criminal history. Each prior
 26 felony adjudication shall count as one point. Each prior violation,
 27 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
 28 point. Fractional points shall be rounded down.

29 (3) The standard range disposition for each offense is determined
 30 by the intersection of the column defined by the prior adjudications
 31 and the row defined by the current offense category.

32 (4) RCW 13.40.180 applies if the offender is being sentenced for
 33 more than one offense.

1 (5) A current offense that is a violation is equivalent to an
2 offense category of E. However, a disposition for a violation shall
3 not include confinement.

4 OR

5 **OPTION B**

6 **SUSPENDED DISPOSITION ALTERNATIVE**

7 (1) If the offender is subject to a standard range disposition
8 involving confinement by the department, the court may impose the
9 standard range and suspend the disposition on condition that the
10 offender comply with one or more local sanctions and any educational
11 or treatment requirement. The treatment programs provided to the
12 offender must be either research-based best practice programs as
13 identified by the Washington state institute for public policy or the
14 joint legislative audit and review committee, or for chemical
15 dependency treatment programs or services, they must be evidence-
16 based or research-based best practice programs. For the purposes of
17 this subsection:

18 (a) "Evidence-based" means a program or practice that has had
19 multiple site random controlled trials across heterogeneous
20 populations demonstrating that the program or practice is effective
21 for the population; and

22 (b) "Research-based" means a program or practice that has some
23 research demonstrating effectiveness, but that does not yet meet the
24 standard of evidence-based practices.

25 (2) If the offender fails to comply with the suspended
26 disposition, the court may impose sanctions pursuant to RCW 13.40.200
27 or may revoke the suspended disposition and order the disposition's
28 execution.

29 (3) An offender is ineligible for the suspended disposition
30 option under this section if the offender:

31 (a) Is adjudicated of an A+ or A++ offense;

32 (b) Is fourteen years of age or older and is adjudicated of one
33 or more of the following offenses:

34 (i) A class A offense, or an attempt, conspiracy, or solicitation
35 to commit a class A offense;

36 (ii) Manslaughter in the first degree (RCW 9A.32.060);

37 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
38 the first degree (RCW 9A.56.120), kidnapping in the second degree
39 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular

1 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
 2 manslaughter 2 (RCW 9A.32.070); or
 3 (iv) Violation of the uniform controlled substances act (RCW
 4 69.50.401(2) (a) and (b)), when the offense includes infliction of
 5 bodily harm upon another or when during the commission or immediate
 6 withdrawal from the offense the respondent was armed with a deadly
 7 weapon;
 8 (c) Is ordered to serve a disposition for a firearm violation
 9 under RCW 13.40.193;
 10 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
 11 or
 12 (e) Has a prior option B disposition.

13 **OR**

14 **OPTION C**

15 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

16 If the juvenile offender is subject to a standard range
 17 disposition of local sanctions or 15 to 36 weeks of confinement and
 18 has not committed a B++ or B+ offense, the court may impose a
 19 disposition under RCW 13.40.160(4) and 13.40.165.

20 **OR**

21 **OPTION D**

22 **MANIFEST INJUSTICE**

23 If the court determines that a disposition under option A, B, or C
 24 would effectuate a manifest injustice, the court shall impose a
 25 disposition outside the standard range under RCW 13.40.160(2).

26 **Sec. 20.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
 27 read as follows:

28 **DESCRIPTION AND OFFENSE CATEGORY**

| | | JUVENILE DISPOSITION |
|-------------|----------------------------|----------------------|
| JUVENILE | | CATEGORY FOR |
| DISPOSITION | | ATTEMPT, BAILJUMP, |
| OFFENSE | | CONSPIRACY, OR |
| CATEGORY | DESCRIPTION (RCW CITATION) | SOLICITATION |

34 **Arson and Malicious Mischief**

| | | | |
|----|---|---------------------|----|
| 35 | A | Arson 1 (9A.48.020) | B+ |
| 36 | B | Arson 2 (9A.48.030) | C |

| | | | |
|----|-----|---|----|
| 1 | C | Reckless Burning 1 (9A.48.040) | D |
| 2 | D | Reckless Burning 2 (9A.48.050) | E |
| 3 | B | Malicious Mischief 1 (9A.48.070) | C |
| 4 | C | Malicious Mischief 2 (9A.48.080) | D |
| 5 | D | Malicious Mischief 3 (9A.48.090) | E |
| 6 | E | Tampering with Fire Alarm Apparatus | E |
| 7 | | (9.40.100) | |
| 8 | E | Tampering with Fire Alarm Apparatus | E |
| 9 | | with Intent to Commit Arson (9.40.105) | |
| 10 | A | Possession of Incendiary Device | B+ |
| 11 | | (9.40.120) | |
| 12 | | Assault and Other Crimes Involving | |
| 13 | | Physical Harm | |
| 14 | A | Assault 1 (9A.36.011) | B+ |
| 15 | B+ | Assault 2 (9A.36.021) | C+ |
| 16 | C+ | Assault 3 (9A.36.031) | D+ |
| 17 | D+ | Assault 4 (9A.36.041) | E |
| 18 | B+ | Drive-By Shooting (9A.36.045) | C+ |
| 19 | | committed at age 15 or under | |
| 20 | A++ | Drive-By Shooting (9A.36.045) | A |
| 21 | | committed at age 16 or 17 | |
| 22 | D+ | Reckless Endangerment (9A.36.050) | E |
| 23 | C+ | Promoting Suicide Attempt (9A.36.060) | D+ |
| 24 | D+ | Coercion (9A.36.070) | E |
| 25 | C+ | Custodial Assault (9A.36.100) | D+ |
| 26 | | Burglary and Trespass | |
| 27 | B+ | Burglary 1 (9A.52.020) committed at | C+ |
| 28 | | age 15 or under | |
| 29 | A- | Burglary 1 (9A.52.020) committed at | B+ |
| 30 | | age 16 or 17 | |
| 31 | B | Residential Burglary (9A.52.025) | C |
| 32 | B | Burglary 2 (9A.52.030) | C |
| 33 | D | Burglary Tools (Possession of) | E |
| 34 | | (9A.52.060) | |
| 35 | D | Criminal Trespass 1 (9A.52.070) | E |
| 36 | E | Criminal Trespass 2 (9A.52.080) | E |

| | | | |
|----|----------------|---|----------------|
| 1 | C | Mineral Trespass (78.44.330) | C |
| 2 | C | Vehicle Prowling 1 (9A.52.095) | D |
| 3 | D | Vehicle Prowling 2 (9A.52.100) | E |
| 4 | | Drugs | |
| 5 | E | Possession/Consumption of Alcohol | E |
| 6 | | (66.44.270) | |
| 7 | C | Illegally Obtaining Legend Drug | D |
| 8 | | (69.41.020) | |
| 9 | C+ | Sale, Delivery, Possession of Legend | D+ |
| 10 | | Drug with Intent to Sell (69.41.030(2)(a)) | |
| 11 | (E) | Possession of Legend | E)) |
| 12 | | Drug (69.41.030(2)(b)) | |
| 13 | B+ | Violation of Uniform Controlled | B+ |
| 14 | | Substances Act - Narcotic, | |
| 15 | | Methamphetamine, or Flunitrazepam | |
| 16 | | Sale (69.50.401(2) (a) or (b)) | |
| 17 | C | Violation of Uniform Controlled | C |
| 18 | | Substances Act - Nonnarcotic Sale | |
| 19 | | (69.50.401(2)(c)) | |
| 20 | (E) | Possession of Marihuana <40 grams | E)) |
| 21 | | (69.50.4014) | |
| 22 | C | Fraudulently Obtaining Controlled | C |
| 23 | | Substance (69.50.403) | |
| 24 | C+ | Sale of Controlled Substance for Profit | C+ |
| 25 | | (69.50.410) | |
| 26 | E | Unlawful Inhalation (9.47A.020) | E |
| 27 | B | Violation of Uniform Controlled | B |
| 28 | | Substances Act - Narcotic, | |
| 29 | | Methamphetamine, or Flunitrazepam | |
| 30 | | Counterfeit Substances (69.50.4011(2) | |
| 31 | | (a) or (b)) | |
| 32 | C | Violation of Uniform Controlled | C |
| 33 | | Substances Act - Nonnarcotic Counterfeit | |
| 34 | | Substances (69.50.4011(2) (c), (d), or (e)) | |
| 35 | (C) | Violation of Uniform Controlled | E)) |
| 36 | | Substances Act - Possession of a | |
| 37 | | Controlled Substance (69.50.4013) | |

| | | | |
|----|----|---|----|
| 1 | C | Violation of Uniform Controlled | C |
| 2 | | Substances Act - Possession of a | |
| 3 | | Controlled Substance (69.50.4012) | |
| 4 | | Firearms and Weapons | |
| 5 | B | Theft of Firearm (9A.56.300) | C |
| 6 | B | Possession of Stolen Firearm | C |
| 7 | | (9A.56.310) | |
| 8 | E | Carrying Loaded Pistol Without Permit | E |
| 9 | | (9.41.050) | |
| 10 | C | Possession of Firearms by Minor (<18) | C |
| 11 | | (9.41.040(2)(a) (vi)) | |
| 12 | D+ | Possession of Dangerous Weapon | E |
| 13 | | (9.41.250) | |
| 14 | D | Intimidating Another Person by use of | E |
| 15 | | Weapon (9.41.270) | |
| 16 | | Homicide | |
| 17 | A+ | Murder 1 (9A.32.030) | A |
| 18 | A+ | Murder 2 (9A.32.050) | B+ |
| 19 | B+ | Manslaughter 1 (9A.32.060) | C+ |
| 20 | C+ | Manslaughter 2 (9A.32.070) | D+ |
| 21 | B+ | Vehicular Homicide (46.61.520) | C+ |
| 22 | | Kidnapping | |
| 23 | A | Kidnap 1 (9A.40.020) | B+ |
| 24 | B+ | Kidnap 2 (9A.40.030) | C+ |
| 25 | C+ | Unlawful Imprisonment (9A.40.040) | D+ |
| 26 | | Obstructing Governmental Operation | |
| 27 | D | Obstructing a Law Enforcement Officer | E |
| 28 | | (9A.76.020) | |
| 29 | E | Resisting Arrest (9A.76.040) | E |
| 30 | B | Introducing Contraband 1 (9A.76.140) | C |
| 31 | C | Introducing Contraband 2 (9A.76.150) | D |
| 32 | E | Introducing Contraband 3 (9A.76.160) | E |
| 33 | B+ | Intimidating a Public Servant | C+ |
| 34 | | (9A.76.180) | |
| 35 | B+ | Intimidating a Witness (9A.72.110) | C+ |
| 36 | | Public Disturbance | |

| | | | |
|----|-----|--|----|
| 1 | C+ | Criminal Mischief with Weapon | D+ |
| 2 | | (9A.84.010(2)(b)) | |
| 3 | D+ | Criminal Mischief Without Weapon | E |
| 4 | | (9A.84.010(2)(a)) | |
| 5 | E | Failure to Disperse (9A.84.020) | E |
| 6 | E | Disorderly Conduct (9A.84.030) | E |
| 7 | | Sex Crimes | |
| 8 | A | Rape 1 (9A.44.040) | B+ |
| 9 | B++ | Rape 2 (9A.44.050) committed at age 14 | B+ |
| 10 | | or under | |
| 11 | A- | Rape 2 (9A.44.050) committed at age 15 | B+ |
| 12 | | through age 17 | |
| 13 | C+ | Rape 3 (9A.44.060) | D+ |
| 14 | B++ | Rape of a Child 1 (9A.44.073) | B+ |
| 15 | | committed at age 14 or under | |
| 16 | A- | Rape of a Child 1 (9A.44.073) | B+ |
| 17 | | committed at age 15 | |
| 18 | B+ | Rape of a Child 2 (9A.44.076) | C+ |
| 19 | B | Incest 1 (9A.64.020(1)) | C |
| 20 | C | Incest 2 (9A.64.020(2)) | D |
| 21 | D+ | Indecent Exposure (Victim <14) | E |
| 22 | | (9A.88.010) | |
| 23 | E | Indecent Exposure (Victim 14 or over) | E |
| 24 | | (9A.88.010) | |
| 25 | B+ | Promoting Prostitution 1 (9A.88.070) | C+ |
| 26 | C+ | Promoting Prostitution 2 (9A.88.080) | D+ |
| 27 | E | O & A (Prostitution) (9A.88.030) | E |
| 28 | B+ | Indecent Liberties (9A.44.100) | C+ |
| 29 | B++ | Child Molestation 1 (9A.44.083) | B+ |
| 30 | | committed at age 14 or under | |
| 31 | A- | Child Molestation 1 (9A.44.083) | B+ |
| 32 | | committed at age 15 through age 17 | |
| 33 | B | Child Molestation 2 (9A.44.086) | C+ |
| 34 | C | Failure to Register as a Sex Offender | D |
| 35 | | (9A.44.132) | |
| 36 | | Theft, Robbery, Extortion, and | |
| 37 | | Forgery | |

| | | | |
|----|-----|--|----|
| 1 | B | Theft 1 (9A.56.030) | C |
| 2 | C | Theft 2 (9A.56.040) | D |
| 3 | D | Theft 3 (9A.56.050) | E |
| 4 | B | Theft of Livestock 1 and 2 (9A.56.080 | C |
| 5 | | and 9A.56.083) | |
| 6 | C | Forgery (9A.60.020) | D |
| 7 | A | Robbery 1 (9A.56.200) committed at | B+ |
| 8 | | age 15 or under | |
| 9 | A++ | Robbery 1 (9A.56.200) committed at | A |
| 10 | | age 16 or 17 | |
| 11 | B+ | Robbery 2 (9A.56.210) | C+ |
| 12 | B+ | Extortion 1 (9A.56.120) | C+ |
| 13 | C+ | Extortion 2 (9A.56.130) | D+ |
| 14 | C | Identity Theft 1 (9.35.020(2)) | D |
| 15 | D | Identity Theft 2 (9.35.020(3)) | E |
| 16 | D | Improperly Obtaining Financial | E |
| 17 | | Information (9.35.010) | |
| 18 | B | Possession of a Stolen Vehicle | C |
| 19 | | (9A.56.068) | |
| 20 | B | Possession of Stolen Property 1 | C |
| 21 | | (9A.56.150) | |
| 22 | C | Possession of Stolen Property 2 | D |
| 23 | | (9A.56.160) | |
| 24 | D | Possession of Stolen Property 3 | E |
| 25 | | (9A.56.170) | |
| 26 | B | Taking Motor Vehicle Without | C |
| 27 | | Permission 1 (9A.56.070) | |
| 28 | C | Taking Motor Vehicle Without | D |
| 29 | | Permission 2 (9A.56.075) | |
| 30 | B | Theft of a Motor Vehicle (9A.56.065) | C |
| 31 | | Motor Vehicle Related Crimes | |
| 32 | E | Driving Without a License (46.20.005) | E |
| 33 | B+ | Hit and Run - Death (46.52.020(4)(a)) | C+ |
| 34 | C | Hit and Run - Injury (46.52.020(4)(b)) | D |
| 35 | D | Hit and Run-Attended (46.52.020(5)) | E |
| 36 | E | Hit and Run-Unattended (46.52.010) | E |

| | | | |
|----|----|--|----|
| 1 | C | Vehicular Assault (46.61.522) | D |
| 2 | C | Attempting to Elude Pursuing Police | D |
| 3 | | Vehicle (46.61.024) | |
| 4 | E | Reckless Driving (46.61.500) | E |
| 5 | D | Driving While Under the Influence | E |
| 6 | | (46.61.502 and 46.61.504) | |
| 7 | B+ | Felony Driving While Under the | B |
| 8 | | Influence (46.61.502(6)) | |
| 9 | B+ | Felony Physical Control of a Vehicle | B |
| 10 | | While Under the Influence (46.61.504(6)) | |
| 11 | | Other | |
| 12 | B | Animal Cruelty 1 (16.52.205) | C |
| 13 | B | Bomb Threat (9.61.160) | C |
| 14 | C | Escape 1 ¹ (9A.76.110) | C |
| 15 | C | Escape 2 ¹ (9A.76.120) | C |
| 16 | D | Escape 3 (9A.76.130) | E |
| 17 | E | Obscene, Harassing, Etc., Phone Calls | E |
| 18 | | (9.61.230) | |
| 19 | A | Other Offense Equivalent to an Adult | B+ |
| 20 | | Class A Felony | |
| 21 | B | Other Offense Equivalent to an Adult | C |
| 22 | | Class B Felony | |
| 23 | C | Other Offense Equivalent to an Adult | D |
| 24 | | Class C Felony | |
| 25 | D | Other Offense Equivalent to an Adult | E |
| 26 | | Gross Misdemeanor | |
| 27 | E | Other Offense Equivalent to an Adult | E |
| 28 | | Misdemeanor | |
| 29 | V | Violation of Order of Restitution, | V |
| 30 | | Community Supervision, or Confinement | |
| 31 | | (13.40.200) ² | |

32 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
33 and the standard range is established as follows:

34 1st escape or attempted escape during 12-month period - 28 days
35 confinement

1 2nd escape or attempted escape during 12-month period - 8 weeks
2 confinement

3 3rd and subsequent escape or attempted escape during 12-month
4 period - 12 weeks confinement

5 ²If the court finds that a respondent has violated terms of an order,
6 it may impose a penalty of up to 30 days of confinement.

7 **JUVENILE SENTENCING STANDARDS**

8 This schedule must be used for juvenile offenders. The court may
9 select sentencing option A, B, C, or D.

10 **OPTION A**
11 **JUVENILE OFFENDER SENTENCING GRID**
12 **STANDARD RANGE**

| | | | | | | | |
|----|---------------|--|-------------|--------------|---------------|---------------|---------------|
| 13 | A++ | 129 to 260 weeks for all category A++ offenses | | | | | |
| 14 | A+ | 180 weeks to age 21 for all category A+ offenses | | | | | |
| 15 | A | 103-129 weeks for all category A offenses | | | | | |
| 16 | A- | 30-40 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 17 | B++ | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks | 103-129 weeks | |
| 18 | CURRENT | B+ | 15-36 weeks | 15-36 weeks | 52-65 weeks | 80-100 weeks | 103-129 weeks |
| 19 | OFFENSE | B | LS | LS | 15-36 weeks | 15-36 weeks | 52-65 weeks |
| 20 | CATEGORY | C+ | LS | LS | LS | 15-36 weeks | 15-36 weeks |
| 21 | | C | LS | LS | LS | LS | 15-36 weeks |
| 22 | | D+ | LS | LS | LS | LS | LS |
| 23 | | D | LS | LS | LS | LS | LS |
| 24 | | E | LS | LS | LS | LS | LS |
| 25 | PRIOR | | 0 | 1 | 2 | 3 | 4 or more |
| 26 | ADJUDICATIONS | | | | | | |

27 NOTE: References in the grid to days or weeks mean periods of
28 confinement. "LS" means "local sanctions" as defined in RCW
29 13.40.020.

30 (1) The vertical axis of the grid is the current offense
31 category. The current offense category is determined by the offense
32 of adjudication.

1 (2) The horizontal axis of the grid is the number of prior
2 adjudications included in the juvenile's criminal history. Each prior
3 felony adjudication shall count as one point. Each prior violation,
4 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
5 point. Fractional points shall be rounded down.

6 (3) The standard range disposition for each offense is determined
7 by the intersection of the column defined by the prior adjudications
8 and the row defined by the current offense category.

9 (4) RCW 13.40.180 applies if the offender is being sentenced for
10 more than one offense.

11 (5) A current offense that is a violation is equivalent to an
12 offense category of E. However, a disposition for a violation shall
13 not include confinement.

14 **OR**

15 **OPTION B**

16 **SUSPENDED DISPOSITION ALTERNATIVE**

17 (1) If the offender is subject to a standard range disposition
18 involving confinement by the department, the court may impose the
19 standard range and suspend the disposition on condition that the
20 offender comply with one or more local sanctions and any educational
21 or treatment requirement. The treatment programs provided to the
22 offender must be either research-based best practice programs as
23 identified by the Washington state institute for public policy or the
24 joint legislative audit and review committee, or for chemical
25 dependency treatment programs or services, they must be evidence-
26 based or research-based best practice programs. For the purposes of
27 this subsection:

28 (a) "Evidence-based" means a program or practice that has had
29 multiple site random controlled trials across heterogeneous
30 populations demonstrating that the program or practice is effective
31 for the population; and

32 (b) "Research-based" means a program or practice that has some
33 research demonstrating effectiveness, but that does not yet meet the
34 standard of evidence-based practices.

35 (2) If the offender fails to comply with the suspended
36 disposition, the court may impose sanctions pursuant to RCW 13.40.200
37 or may revoke the suspended disposition and order the disposition's
38 execution.

1 (3) An offender is ineligible for the suspended disposition
2 option under this section if the offender:

3 (a) Is adjudicated of an A+ or A++ offense;

4 (b) Is fourteen years of age or older and is adjudicated of one
5 or more of the following offenses:

6 (i) A class A offense, or an attempt, conspiracy, or solicitation
7 to commit a class A offense;

8 (ii) Manslaughter in the first degree (RCW 9A.32.060);

9 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
10 the first degree (RCW 9A.56.120), kidnapping in the second degree
11 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
12 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
13 manslaughter 2 (RCW 9A.32.070); or

14 (iv) Violation of the uniform controlled substances act (RCW
15 69.50.401(2) (a) and (b)), when the offense includes infliction of
16 bodily harm upon another or when during the commission or immediate
17 withdrawal from the offense the respondent was armed with a deadly
18 weapon;

19 (c) Is ordered to serve a disposition for a firearm violation
20 under RCW 13.40.193;

21 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
22 or

23 (e) Has a prior option B disposition.

24 **OR**

25 **OPTION C**

26 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

27 If the juvenile offender is subject to a standard range
28 disposition of local sanctions or 15 to 36 weeks of confinement and
29 has not committed a B++ or B+ offense, the court may impose a
30 disposition under RCW 13.40.160(4) and 13.40.165.

31 **OR**

32 **OPTION D**

33 **MANIFEST INJUSTICE**

34 If the court determines that a disposition under option A, B, or C
35 would effectuate a manifest injustice, the court shall impose a
36 disposition outside the standard range under RCW 13.40.160(2).

1 **Sec. 21.** RCW 2.24.010 and 2013 c 27 s 3 are each amended to read
2 as follows:

3 (1) There may be appointed in each county or judicial district,
4 by the judges of the superior court having jurisdiction therein, one
5 or more court commissioners for said county or judicial district.
6 Each such commissioner shall be a citizen of the United States and
7 shall hold the office during the pleasure of the judges making the
8 appointment.

9 (2) (a) There may be appointed in counties with a population of
10 more than four hundred thousand, by the presiding judge of the
11 superior court having jurisdiction therein, one or more attorneys to
12 act as criminal commissioners to assist the superior court in
13 disposing of adult criminal cases. Such criminal commissioners shall
14 have power, authority, and jurisdiction, concurrent with the superior
15 court and the judges thereof, in adult criminal cases, to preside
16 over arraignments, preliminary appearances, initial extradition
17 hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or
18 9.94B.040; accept pleas if authorized by local court rules; appoint
19 counsel; make determinations of probable cause; set, amend, and
20 review conditions of pretrial release; set bail; set trial and
21 hearing dates; authorize continuances; accept waivers of the right to
22 speedy trial; and authorize and issue search warrants and orders to
23 intercept, monitor, or record wired or wireless telecommunications or
24 for the installation of electronic taps or other devices to include,
25 but not be limited to, vehicle global positioning system or other
26 mobile tracking devices with all the powers conferred upon the judge
27 of the superior court in such matters.

28 (b) Criminal commissioners shall also have the authority to
29 conduct resentencing hearings and to vacate convictions related to
30 State v. Blake, No. 96873-0 (Feb. 25, 2021). Criminal commissioners
31 may be appointed for this purpose regardless of the population of the
32 county served by the appointing court.

33 (c) The county legislative authority must approve the creation of
34 criminal commissioner positions.

35 **Sec. 22.** RCW 2.24.040 and 2009 c 28 s 1 are each amended to read
36 as follows:

37 Such court commissioner shall have power, authority, and
38 jurisdiction, concurrent with the superior court and the judge
39 thereof, in the following particulars:

1 (1) To hear and determine all matters in probate, to make and
2 issue all proper orders therein, and to issue citations in all cases
3 where same are authorized by the probate statutes of this state.

4 (2) To grant and enter defaults and enter judgment thereon.

5 (3) To issue temporary restraining orders and temporary
6 injunctions, and to fix and approve bonds thereon.

7 (4) To act as referee in all matters and actions referred to him
8 or her by the superior court as such, with all the powers now
9 conferred upon referees by law.

10 (5) To hear and determine all proceedings supplemental to
11 execution, with all the powers conferred upon the judge of the
12 superior court in such matters.

13 (6) To hear and determine all petitions for the adoption of
14 children and for the dissolution of incorporations.

15 (7) To hear and determine all applications for the commitment of
16 any person to the hospital for the insane, with all the powers of the
17 superior court in such matters: PROVIDED, That in cases where a jury
18 is demanded, same shall be referred to the superior court for trial.

19 (8) To hear and determine all complaints for the commitments of
20 minors with all powers conferred upon the superior court in such
21 matters.

22 (9) To hear and determine ex parte and uncontested civil matters
23 of any nature.

24 (10) To grant adjournments, administer oaths, preserve order,
25 compel attendance of witnesses, and to punish for contempts in the
26 refusal to obey or the neglect of the court commissioner's lawful
27 orders made in any matter before the court commissioner as fully as
28 the judge of the superior court.

29 (11) To take acknowledgments and proofs of deeds, mortgages and
30 all other instruments requiring acknowledgment under the laws of this
31 state, and to take affidavits and depositions in all cases.

32 (12) To provide an official seal, upon which shall be engraved
33 the words "Court Commissioner," and the name of the county for which
34 he or she may be appointed, and to authenticate his official acts
35 therewith in all cases where same is necessary.

36 (13) To charge and collect, for his or her own use, the same fees
37 for the official performance of official acts mentioned in
38 subsections (4) and (11) of this section as are provided by law for
39 referees and notaries public.

1 (14) To hear and determine small claims appeals as provided in
2 chapter 12.36 RCW.

3 (15) In adult criminal cases, to preside over arraignments,
4 preliminary appearances, initial extradition hearings, and
5 noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040;
6 accept pleas if authorized by local court rules; appoint counsel;
7 make determinations of probable cause; set, amend, and review
8 conditions of pretrial release; set bail; set trial and hearing
9 dates; authorize continuances; ~~((and))~~ accept waivers of the right to
10 speedy trial; and conduct resentencing hearings and hearings to
11 vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25,
12 2021).

13 **Sec. 23.** RCW 9.94A.728 and 2018 c 166 s 2 are each amended to
14 read as follows:

15 (1) No person serving a sentence imposed pursuant to this chapter
16 and committed to the custody of the department shall leave the
17 confines of the correctional facility or be released prior to the
18 expiration of the sentence except as follows:

19 (a) An offender may earn early release time as authorized by RCW
20 9.94A.729;

21 (b) An offender may leave a correctional facility pursuant to an
22 authorized furlough or leave of absence. In addition, offenders may
23 leave a correctional facility when in the custody of a corrections
24 officer or officers;

25 (c)(i) The secretary may authorize an extraordinary medical
26 placement for an offender when all of the following conditions exist:

27 (A) The offender has a medical condition that is serious and is
28 expected to require costly care or treatment;

29 (B) The offender poses a low risk to the community because he or
30 she is currently physically incapacitated due to age or the medical
31 condition or is expected to be so at the time of release; and

32 (C) It is expected that granting the extraordinary medical
33 placement will result in a cost savings to the state.

34 (ii) An offender sentenced to death or to life imprisonment
35 without the possibility of release or parole is not eligible for an
36 extraordinary medical placement.

37 (iii) The secretary shall require electronic monitoring for all
38 offenders in extraordinary medical placement unless the electronic
39 monitoring equipment interferes with the function of the offender's

1 medical equipment or results in the loss of funding for the
2 offender's medical care, in which case, an alternative type of
3 monitoring shall be utilized. The secretary shall specify who shall
4 provide the monitoring services and the terms under which the
5 monitoring shall be performed.

6 (iv) The secretary may revoke an extraordinary medical placement
7 under this subsection (1)(c) at any time.

8 (v) Persistent offenders are not eligible for extraordinary
9 medical placement;

10 (d) The governor, upon recommendation from the clemency and
11 pardons board, may grant an extraordinary release for reasons of
12 serious health problems, senility, advanced age, extraordinary
13 meritorious acts, or other extraordinary circumstances;

14 (e) No more than the final twelve months of the offender's term
15 of confinement may be served in partial confinement for aiding the
16 offender with: Finding work as part of the work release program under
17 chapter 72.65 RCW; or reestablishing himself or herself in the
18 community as part of the parenting program in RCW 9.94A.6551. This is
19 in addition to that period of earned early release time that may be
20 exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

21 (f) No more than the final six months of the offender's term of
22 confinement may be served in partial confinement as home detention as
23 part of the graduated reentry program developed by the department
24 under RCW 9.94A.733;

25 (g) The governor may pardon any offender;

26 (h) The department may release an offender from confinement any
27 time within ten days before a release date calculated under this
28 section;

29 (i) An offender may leave a correctional facility prior to
30 completion of his or her sentence if the sentence has been reduced as
31 provided in RCW 9.94A.870;

32 (j) Notwithstanding any other provisions of this section, an
33 offender sentenced for a felony crime listed in RCW 9.94A.540 as
34 subject to a mandatory minimum sentence of total confinement shall
35 not be released from total confinement before the completion of the
36 listed mandatory minimum sentence for that felony crime of conviction
37 unless allowed under RCW 9.94A.540; and

38 (k) Any person convicted of one or more crimes committed prior to
39 the person's eighteenth birthday may be released from confinement
40 pursuant to RCW 9.94A.730.

1 (2) Notwithstanding any other provision of this section, an
2 offender entitled to vacation of a conviction or the recalculation of
3 his or her offender score pursuant to *State v. Blake*, No. 96873-0
4 (Feb. 25, 2021), may be released from confinement pursuant to a court
5 order if the offender has already served a period of confinement that
6 exceeds his or her new standard range. This provision does not create
7 an independent right to release from confinement prior to
8 resentencing.

9 (3) Offenders residing in a juvenile correctional facility
10 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
11 limitations in this section.

12 NEW SECTION. **Sec. 24.** The *State v. Blake* reimbursement account
13 is created in the state treasury. Moneys in the account may be spent
14 only after appropriation. Expenditures from the account may be used
15 only for state and local government costs resulting from the supreme
16 court's decision in *State v. Blake*, No. 96873-0 (Feb. 25, 2021), and
17 to reimburse individuals for legal financial obligations paid in
18 connection with sentences that have been invalidated as a result of
19 the decision.

20 NEW SECTION. **Sec. 25.** The *State v. Blake* reimbursement account
21 is created in the state treasury. All receipts from penalties
22 collected under RCW 69.50.4011(3), 69.50.4013(2), and 69.41.030(2)(b)
23 must be deposited into the account. Moneys in the account may be
24 spent only after appropriation. Expenditures from the account may be
25 used only for state and local government costs resulting from the
26 supreme court's decision in *State v. Blake*, No. 96873-0 (Feb. 25,
27 2021), and to reimburse individuals for legal financial obligations
28 paid in connection with sentences that have been invalidated as a
29 result of the decision.

30 NEW SECTION. **Sec. 26.** RCW 69.50.4014 (Possession of forty grams
31 or less of marijuana—Penalty) and 2015 2nd sp.s. c 4 s 505 & 2003 c
32 53 s 335 are each repealed.

33 NEW SECTION. **Sec. 27.** Sections 1 through 10, 12, 18, 19, 21
34 through 24, and 26 of this act are necessary for the immediate
35 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and take
2 effect immediately.

3 NEW SECTION. **Sec. 28.** Section 10 of this act expires July 1,
4 2022.

5 NEW SECTION. **Sec. 29.** Section 11 of this act takes effect July
6 1, 2022.

7 NEW SECTION. **Sec. 30.** Sections 8, 9, 11, 19, and 24 of this act
8 expire July 1, 2023.

9 NEW SECTION. **Sec. 31.** Sections 13 through 17, 20, and 25 of
10 this act take effect July 1, 2023.

11 NEW SECTION. **Sec. 32.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected."

15 Correct the title.

EFFECT: (1) Removes the intent language.

(2) Adds provisions requiring basic law enforcement training to include training on interactions with persons with substance use disorders.

(3) Reclassifies criminal penalties for possession of a controlled substance or counterfeit substance to a misdemeanor (rather than a felony in current law or a gross misdemeanor in the underlying bill).

(4) Expires provisions containing criminal penalties for possession of a controlled substance, possession of a counterfeit substance, and possession of a legend drug on July 1, 2023, and replaces those provisions with provisions establishing a class 2 civil infraction for such violations. Requires the law enforcement officer issuing an infraction to refer the person to a recovery navigator program (as established in the bill) for evaluation and services. Allows a person to avoid the \$125 infraction fine if they receive an assessment by the program within 30 days. Requires deposit of funds collected through infraction fines into the State v. Blake Reimbursement Account.

(5) Includes persons with substance use disorders and references to relevant professionals in the provisions authorizing alternatives to arrest for persons with behavioral health disorders. Includes additional alternatives to arrest including referral to mobile crisis response services and referral to the regional entity responsible for receiving referrals in lieu of legal system involvement.

(6) Directs the Health Care Authority (Authority) to establish the substance use recovery services advisory committee (advisory

committee) and to collaborate with the advisory committee to adopt a substance use recovery services plan (plan) to implement measures to assist persons with substance use disorders in accessing outreach, treatment, and recovery support services. Requires the Authority to submit the plan to the Governor and the Legislature by December 1, 2021, and implement the plan by December 1, 2022.

(7) Directs each behavioral health administrative services organization (BHASO) to establish a recovery navigator program to provide community-based outreach, intake, assessment, referral, and long-term intensive case management services to youth and adults with substance use disorders who are referred to the program from various sources. Directs the Authority to provide funding to the BHASOs to establish their programs. Requires each BHASO to hire a substance use disorder regional administrator for its recovery navigator program.

(8) Directs the Authority to establish a grant program to provide treatment services for low-income individuals with substance use disorders who are not eligible for medical assistance programs and to provide treatment services that are not eligible for federal matching funds to individuals enrolled in medical assistance programs. Requires the Authority, in consultation with others, to adopt regional standards under the program to provide access to meet regional needs for opioid treatment programs, low-barrier buprenorphine clinics, outpatient substance use disorder treatment, withdrawal management services, secure withdrawal management and stabilization services, inpatient substance use disorder treatment services, inpatient co-occurring disorder treatment services, and behavioral health crisis walk-in and drop-off services.

(9) Directs the Authority to establish the Expanded Recovery Support Services Program to fund increased access to recovery services for youth and adults in recovery from substance use disorder. Requires the Authority, in consultation with others, to adopt regional expanded recovery plans to provide access to meet the regional needs for recovery housing, employment services, recovery coaching and substance use disorder peer support, social connectedness initiatives, family support services, technology-based recovery support services, transportation assistance, and legal support services.

(10) Directs the Authority to establish a homeless outreach stabilization transition program to expand access to modified assertive community treatment services. Directs the Authority to establish a project for psychiatric outreach to the homeless program to expand access to behavioral health medical services for people who are experiencing homelessness and living in permanent supportive housing. Directs the authority to increase contingency management resources for opioid treatment networks that serve people with co-occurring stimulant use and opioid disorders. Directs the Health Care Authority to administer a competitive grant process to broaden existing local community coalition efforts to prevent substance misuse by increasing protective factors and decreasing risk factors. Directs the Authority to develop a plan for implementing a comprehensive substance misuse prevention effort by January 1, 2022.

(11) Adds a severability clause.

(12) Makes technical changes.

--- END ---