

***Criminal Justice & Corrections
Committee***

HB 2003

Brief Description: *Providing additional treatment for drug offenders.*

Sponsors: *Representatives Ballasiotes, O'Brien, Morell, Woods and Wood.*

Brief Summary of Bill

- *Reduces the seriousness level for the crimes involving the manufacture, delivery, or possession of heroin or cocaine from a level VIII to a level VII.*
- *Eliminates the triple scoring for drug offenders with the exception of manufacturing methamphetamine crimes.*
- *Creates a criminal justice treatment account with the savings resulting from the reduced sentences to be used to fund alcohol and substance abuse treatment within each county.*

Hearing Date: *2/19/01*

Staff: *Yvonne Walker (786-7841).*

Background:

It is illegal for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. A person convicted of a controlled substance offense generally receives a sentence based upon his or her prior criminal history and the seriousness of the offense. However, in the case of multiple prior convictions, for the purpose of computing an offender's score, if the present conviction is for a drug offense, an offender receives three points for each adult prior felony drug conviction and two points for each juvenile drug conviction.

The crime of manufacturing, delivering, or possessing with intent to deliver heroin or

cocaine is a seriousness level VIII, class B felony. A first time adult offender would generally receive a presumptive sentence range of 21 to 27 months in prison.

An offender who commits one of these crimes is also subject to fines as follows: (1) up to \$25,000 if the crime involved less than two kilograms of the drug; or (2) up to \$100,000 for the first two kilograms and \$50 for each gram in excess of two kilograms.

Summary of Bill:

For crimes committed on or after July 1, 2001, a person convicted of a controlled substance offense receives a sentence based upon his or her prior criminal history and the seriousness of the offense. However, in the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for a manufacturing of methamphetamine- offense, an offender receives three points for each adult prior conviction involving manufacturing of methamphetamine- and two points for each juvenile drug conviction.

The crime of manufacturing, delivering, or possessing with intent to deliver heroin or cocaine is a seriousness level VII, class B felony. A first time adult offender would receive a presumptive sentence range of 15 to 20 months in prison.

In addition, a criminal justice treatment account is created in the state treasury. A total of two million four hundred fifteen thousand dollars is appropriated for the fiscal year ending June 30, 2003 from the general fund to the criminal justice treatment account.

A total of seven million six hundred eighty thousand dollars in fiscal year 2004, eleven million five hundred thirty-five thousand dollars in fiscal year 2005, fourteen million two hundred seventy-seven thousand dollars in fiscal year 2006, and sixteen million three hundred twenty-two thousand dollars in fiscal year 2007, must be transferred to the criminal justice treatment account from the state general fund. The above stated transfer amounts are based on estimated savings to the state general fund realized under this act. Transfers in subsequent years must be based on the fiscal year 2007 transfer adjusted for the Seattle/Tacoma consumer price index for all urban consumers. Money in the criminal justice treatment account can only be spent after it has been appropriated by the Legislature.

The secretary of the Department of Corrections (DOC), in consultation with the Division of Alcohol and Substance Abuse (DASA), the Sentencing Guidelines Commission (SGC), and any other person deemed by the secretary to be necessary, must establish a fair and equitable method to distribute funds from the criminal justice treatment account back to counties. Beginning in fiscal year 2004, 70 percent of the funds in the account must be subject to this distribution formula. The remaining funds must be distributed as grants to be used to provide treatment for offenders filed upon by the prosecuting attorney. A panel consisting of representatives from the Washington Association of Prosecuting Attorneys, the Washington Association of Sheriffs and Police Chiefs, the Superior Court Judges Association, the DOC, and the DASA must award the grants. The panel must approve county plans submitted for the disposition of both formula and grant funds and must ensure that treatment is available to offenders statewide.

The county prosecutor, county sheriff, and county superior court must jointly submit a plan for disposition of all the funds provided from the criminal justice treatment account within that county. The funds can only be used to provide approved alcohol and substance abuse treatment.

Counties are encouraged to consider regional agreements for the efficient delivery of treatment.

Appropriation: *The Sum of two million four hundred fifteen thousand dollars.*

Fiscal Note: *Requested on February 18, 2001.*

Effective Date: *The bill takes effect on July 1, 2001.*