
SUBSTITUTE SENATE BILL 5468

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Hargrove and Kohl-Welles; by request of Department of Social and Health Services)

Read first time . Referred to Committee on .

1 AN ACT Relating to the chemical dependency disposition alternative;
2 and amending RCW 13.40.165.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.40.165 and 1997 c 338 s 26 are each amended to read
5 as follows:

6 (1) The purpose of this disposition alternative is to ensure that
7 successful treatment options to reduce recidivism are available to
8 eligible youth, pursuant to RCW 70.96A.520. The court must consider
9 eligibility for the chemical dependency disposition alternative when a
10 juvenile offender is subject to a standard range disposition of local
11 sanctions or 15 to 36 weeks of confinement and has not committed an A-
12 or B+ offense, other than a first time B+ offense under chapter 69.50
13 RCW. The court, on its own motion or the motion of the state or the
14 respondent if the evidence shows that the offender may be chemically
15 dependent or substance abusing, may order an examination by a chemical
16 dependency counselor from a chemical dependency treatment facility
17 approved under chapter 70.96A RCW to determine if the youth is
18 chemically dependent ((and amenable to treatment)) or substance
19 abusing. The offender shall pay the cost of any examination ordered

1 under this subsection unless the court finds that the offender is
2 indigent and no third party insurance coverage is available, in which
3 case the state shall pay the cost.

4 (2) The report of the examination shall include at a minimum the
5 following: The respondent's version of the facts and the official
6 version of the facts, the respondent's offense history, an assessment
7 of drug-alcohol problems and previous treatment attempts, the
8 respondent's social, educational, and employment situation, and other
9 evaluation measures used. The report shall set forth the sources of
10 the examiner's information.

11 (3) The examiner shall assess and report regarding the respondent's
12 ~~((amenability to treatment and))~~ relative risk to the community. A
13 proposed treatment plan shall be provided and shall include, at a
14 minimum:

15 (a) Whether inpatient and/or outpatient treatment is recommended;

16 (b) Availability of appropriate treatment;

17 (c) Monitoring plans, including any requirements regarding living
18 conditions, lifestyle requirements, and monitoring by family members,
19 legal guardians, or others;

20 (d) Anticipated length of treatment; and

21 (e) Recommended crime-related prohibitions(~~(; and~~

22 ~~(f) Whether the respondent is amenable to treatment))~~).

23 (4) The court on its own motion may order, or on a motion by the
24 state or the respondent shall order, a second examination ~~((regarding~~
25 ~~the offender's amenability to treatment))~~. The evaluator shall be
26 selected by the party making the motion. The ~~((defendant))~~ requesting
27 party shall pay the cost of any examination ordered under this
28 subsection ~~((4) or subsection (1) of this section))~~ unless the
29 requesting party is the offender and the court finds that the offender
30 is indigent and no third party insurance coverage is available, in
31 which case the state shall pay the cost.

32 (5)(a) After receipt of reports of the examination, the court shall
33 then consider whether the offender and the community will benefit from
34 use of this chemical dependency disposition alternative and consider
35 the victim's opinion whether the offender should receive a treatment
36 disposition under this section.

37 (b) If the court determines that this chemical dependency
38 disposition alternative is appropriate, then the court shall impose the
39 standard range for the offense, suspend execution of the disposition,

1 and place the offender on community supervision for up to one year
2 pursuant to the provisions of RCW 13.40.200. As a condition of the
3 suspended disposition, the court shall require the offender to undergo
4 available outpatient drug/alcohol treatment and/or inpatient
5 drug/alcohol treatment. For purposes of this section, (~~the sum of~~
6 ~~confinement time and~~) inpatient treatment may not exceed ninety days.
7 As a condition of the suspended disposition, the court may impose
8 conditions of community supervision and other sanctions, including up
9 to thirty days of confinement, one hundred fifty hours of community
10 service, and payment of legal financial obligations and restitution.

11 (6) The drug/alcohol treatment provider shall submit monthly
12 reports on the respondent's progress in treatment to the court and the
13 parties. The reports shall reference the treatment plan and include at
14 a minimum the following: Dates of attendance, respondent's compliance
15 with requirements, treatment activities, the respondent's relative
16 progress in treatment, and any other material specified by the court at
17 the time of the disposition.

18 At the time of the disposition, the court may set treatment review
19 hearings as the court considers appropriate.

20 If the offender violates any condition of the disposition or the
21 court finds that the respondent is failing to make satisfactory
22 progress in treatment, the court may revoke the suspension and order
23 execution of the disposition. The court shall give credit for any
24 confinement time previously served if that confinement was for the
25 offense for which the suspension is being revoked.

26 (7) For purposes of this section, "victim" means any person who has
27 sustained emotional, psychological, physical, or financial injury to
28 person or property as a direct result of the offense charged.

29 (8) Whenever a juvenile offender is entitled to credit for time
30 spent in detention prior to a dispositional order, the dispositional
31 order shall specifically state the number of days of credit for time
32 served.

33 (9) In no case shall the term of confinement imposed by the court
34 at disposition exceed that to which an adult could be subjected for the
35 same offense.

36 (10) A disposition under this section is not appealable under RCW
37 13.40.230.

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