
SENATE BILL 5468

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Long, Hargrove and Kohl-Welles; by request of Department of Social and Health Services

Read first time 01/24/2001. Referred to Committee on Human Services & Corrections.

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.

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

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

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

13 (b) Availability of appropriate treatment;

14 (c) Monitoring plans, including any requirements regarding living
15 conditions, lifestyle requirements, and monitoring by family members,
16 legal guardians, or others;

17 (d) Anticipated length of treatment; and

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

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

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

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

33 (b) If the court determines that this chemical dependency
34 disposition alternative is appropriate, then the court shall impose the
35 standard range for the offense, suspend execution of the disposition,
36 and place the offender on community supervision for up to one year. As
37 a condition of the suspended disposition, the court shall require the
38 offender to undergo available outpatient drug/alcohol treatment and/or
39 inpatient drug/alcohol treatment. For purposes of this section, (~~the~~

1 ~~sum of confinement time and~~) inpatient treatment may not exceed ninety
2 days. As a condition of the suspended disposition, the court may
3 impose conditions of community supervision and other sanctions,
4 including up to thirty days of confinement, one hundred fifty hours of
5 community service, and payment of legal financial obligations and
6 restitution.

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

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

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

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

25 (8) Whenever a juvenile offender is entitled to credit for time
26 spent in detention prior to a dispositional order, the dispositional
27 order shall specifically state the number of days of credit for time
28 served.

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

32 (10) A disposition under this section is not appealable under RCW
33 13.40.230.

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