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SENATE BILL 6535

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State of Washington 57th Legislature

2002 Regular Session

By Senator Hargrove

Read first time 01/21/2002. 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 2001 c 164 s 1 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 or substance abusing. The offender shall pay the  
19 cost of any examination ordered under this subsection unless the court

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

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

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

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

14 (b) Availability of appropriate treatment;

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

18 (d) Anticipated length of treatment; and

19 (e) Recommended crime-related prohibitions.

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. The  
22 evaluator shall be selected by the party making the motion. The  
23 requesting party shall pay the cost of any examination ordered under  
24 this subsection unless the requesting party is the offender and the  
25 court finds that the offender is indigent and no third party insurance  
26 coverage is available, in which case the state shall pay the cost.

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

32 (b) If the court determines that this chemical dependency  
33 disposition alternative is appropriate, then the court shall impose the  
34 standard range for the offense, or if the court concludes, and enters  
35 reasons for its conclusion, that such disposition would effectuate a  
36 manifest injustice, the court shall impose a disposition outside the  
37 standard range as indicated in option C of RCW 13.40.0357, suspend  
38 execution of the disposition, and place the offender on community  
39 supervision for up to one year. As a condition of the suspended

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

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

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

18 If the offender violates any condition of the disposition or the  
19 court finds that the respondent is failing to make satisfactory  
20 progress in treatment, the court may impose sanctions pursuant to RCW  
21 13.40.200 or revoke the suspension and order execution of the  
22 disposition. The court shall give credit for any confinement time  
23 previously served if that confinement was for the offense for which the  
24 suspension is being revoked.

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

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

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

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

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