

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5468**

57th Legislature  
2001 Regular Session

Passed by the Senate April 18, 2001  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House April 5, 2001  
YEAS 97 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5468** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

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Governor of the State of Washington

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5468**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**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 02/26/01.

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. As  
2 a condition of the suspended disposition, the court shall require the  
3 offender to undergo available outpatient drug/alcohol treatment and/or  
4 inpatient drug/alcohol treatment. For purposes of this section, (~~the~~  
5 ~~sum of confinement time and~~) inpatient treatment may not exceed ninety  
6 days. As a condition of the suspended disposition, the court may  
7 impose conditions of community supervision and other sanctions,  
8 including up to thirty days of confinement, one hundred fifty hours of  
9 community service, and payment of legal financial obligations and  
10 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 impose sanctions pursuant to RCW  
23 13.40.200 or revoke the suspension and order execution of the  
24 disposition. The court shall give credit for any confinement time  
25 previously served if that confinement was for the offense for which the  
26 suspension is being revoked.

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

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

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

1 (10) A disposition under this section is not appealable under RCW  
2 13.40.230.

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