
HOUSE BILL 2365

State of Washington

58th Legislature

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By Representatives Kagi, O'Brien, Upthegrove, Wood, Dickerson, Nixon, Sommers and Darneille

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1 AN ACT Relating to allowing an offender to make a motion to the
2 court for admission to drug court; and amending RCW 2.28.170.

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

4 **Sec. 1.** RCW 2.28.170 and 2002 c 290 s 13 are each amended to read
5 as follows:

6 (1) Counties may establish and operate drug courts.

7 (2) For the purposes of this section, "drug court" means a court
8 that has special calendars or dockets designed to achieve a reduction
9 in recidivism and substance abuse among nonviolent, substance abusing
10 offenders by increasing their likelihood for successful rehabilitation
11 through early, continuous, and intense judicially supervised treatment;
12 mandatory periodic drug testing; and the use of appropriate sanctions
13 and other rehabilitation services.

14 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
15 drug court program must first:

16 (i) Exhaust all federal funding received from the office of
17 national drug control policy that is available to support the
18 operations of its drug court and associated services; and

1 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
2 for drug court programs with local cash or in-kind resources. Moneys
3 allocated by the state must be used to supplement, not supplant, other
4 federal, state, and local funds for drug court operations and
5 associated services.

6 (b) Any county that establishes a drug court pursuant to this
7 section shall establish minimum requirements for the participation of
8 offenders in the program. The drug court may adopt local requirements
9 that are more stringent than the minimum. The minimum requirements
10 are:

- 11 (i) The offender would benefit from substance abuse treatment;
- 12 (ii) The offender has not previously been convicted of a serious
13 violent offense or sex offense as defined in RCW 9.94A.030; and
- 14 (iii) Without regard to whether proof of any of these elements is
15 required to convict, the offender is not currently charged with or
16 convicted of an offense:

- 17 (A) That is a sex offense;
- 18 (B) That is a serious violent offense;
- 19 (C) During which the defendant used a firearm; or
- 20 (D) During which the defendant caused substantial or great bodily
21 harm or death to another person.

22 (4) Subject to the requirements established by the drug court under
23 subsection (3)(b) of this section, an offender may make a motion to a
24 court for admission into drug court.

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