
ENGROSSED SUBSTITUTE SENATE BILL 5990

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senators Hargrove, Stevens, McAuliffe,
Carlson, Regala, Parlette, Rasmussen and Winsley)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to times and supervision standards for release of
2 offenders; amending RCW 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720,
3 9.94A.545, and 70.96A.350; amending 2002 c 290 s 30 (uncodified);
4 amending 2002 c 290 s 31 (uncodified); reenacting and amending RCW
5 9.94A.728; adding new sections to chapter 9.94A RCW; creating a new
6 section; making appropriations; providing effective dates; providing an
7 expiration date; and declaring an emergency.

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

9 **Sec. 1.** RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are
10 each reenacted and amended to read as follows:

11 No person serving a sentence imposed pursuant to this chapter and
12 committed to the custody of the department shall leave the confines of
13 the correctional facility or be released prior to the expiration of the
14 sentence except as follows:

15 (1)(a) Except as otherwise provided for in subsection ((+2)) (4)
16 of this section, the term of the sentence of an offender committed to
17 a correctional facility operated by the department may be reduced by
18 earned release time in accordance with procedures that shall be
19 developed and promulgated by the correctional agency having

1 jurisdiction in which the offender is confined. The earned release
2 time shall be for good behavior and good performance, as determined by
3 the correctional agency having jurisdiction. The correctional agency
4 shall not credit the offender with earned release credits in advance of
5 the offender actually earning the credits. Any program established
6 pursuant to this section shall allow an offender to earn early release
7 credits for presentence incarceration. If an offender is transferred
8 from a county jail to the department, the administrator of a county
9 jail facility shall certify to the department the amount of time spent
10 in custody at the facility and the amount of earned release time. An
11 offender who has been convicted of a felony committed after July 23,
12 1995, that involves any applicable deadly weapon enhancements under RCW
13 9.94A.533 (3) or (4), or both, shall not receive any good time credits
14 or earned release time for that portion of his or her sentence that
15 results from any deadly weapon enhancements. In the case of an
16 offender convicted of a serious violent offense, or a sex offense that
17 is a class A felony, committed on or after July 1, 1990, and before
18 July 1, 2003, the aggregate earned release time may not exceed fifteen
19 percent of the sentence. In the case of an offender convicted of a
20 serious violent offense, or a sex offense that is a class A felony,
21 committed on or after July 1, 2003, the aggregate earned release time
22 may not exceed ten percent of the sentence.

23 (b) In the case of an offender who qualifies under subsection (2)
24 of this section, the aggregate earned release time may not exceed fifty
25 percent of the sentence.

26 (c) In no other case shall the aggregate earned release time exceed
27 one-third of the total sentence;

28 (2) An offender may earn up to fifty percent earned release time if
29 he or she is not confined pursuant to a sentence for an offense that is
30 a violent offense; a sex offense; a violation or attempt, solicitation,
31 or conspiracy to violate RCW 69.50.401 by manufacture or delivery or
32 possession with intent to deliver methamphetamine; a violation or
33 attempt, solicitation, or conspiracy to violate RCW 69.50.406 (delivery
34 of a controlled substance to a minor); or a crime against a person as
35 defined in RCW 9.94A.411 and he or she:

36 (a) Has no prior conviction for a sex offense; a serious violent
37 offense; a violation or attempt, solicitation, or conspiracy to violate
38 RCW 69.50.401 by manufacture or delivery or possession with intent to

1 deliver methamphetamine; or a violation or attempt, solicitation, or
2 conspiracy to violate RCW 69.50.406 (delivery of a controlled substance
3 to a minor);

4 (b) Is not subject to court-ordered chemical dependency treatment
5 under RCW 9.94A.660 or the provisions of chapter 290, Laws of 2002; and

6 (c) Has an offender score of less than seven.

7 (3)(a) The department shall recalculate the earned release time and
8 reschedule the expected release dates for each eligible offender under
9 subsections (1) and (2) of this section.

10 (b) Subsection (2) of this section applies retroactively to
11 eligible offenders serving terms of total confinement in a state
12 correctional facility as of the effective date of this section.

13 (c) Subsections (1)(b) and (2) of this section do not apply to
14 offenders convicted after July 1, 2010.

15 (4)(a) A person convicted of a sex offense or an offense
16 categorized as a serious violent offense, assault in the second degree,
17 vehicular homicide, vehicular assault, assault of a child in the second
18 degree, any crime against persons where it is determined in accordance
19 with RCW 9.94A.602 that the offender or an accomplice was armed with a
20 deadly weapon at the time of commission, or any felony offense under
21 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
22 eligible, in accordance with a program developed by the department, for
23 transfer to community custody status in lieu of earned release time
24 pursuant to subsection (1) of this section;

25 (b) A person convicted of a sex offense, a violent offense, any
26 crime against persons under RCW 9.94A.411(2), or a felony offense under
27 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
28 become eligible, in accordance with a program developed by the
29 department, for transfer to community custody status in lieu of earned
30 release time pursuant to subsection (1) of this section;

31 (c) The department shall, as a part of its program for release to
32 the community in lieu of earned release, require the offender to
33 propose a release plan that includes an approved residence and living
34 arrangement. All offenders with community placement or community
35 custody terms eligible for release to community custody status in lieu
36 of earned release shall provide an approved residence and living
37 arrangement prior to release to the community;

1 (d) The department may deny transfer to community custody status in
2 lieu of earned release time pursuant to subsection (1) of this section
3 if the department determines an offender's release plan, including
4 proposed residence location and living arrangements, may violate the
5 conditions of the sentence or conditions of supervision, place the
6 offender at risk to violate the conditions of the sentence, place the
7 offender at risk to reoffend, or present a risk to victim safety or
8 community safety. The department's authority under this section is
9 independent of any court-ordered condition of sentence or statutory
10 provision regarding conditions for community custody or community
11 placement;

12 (~~(+3)~~) (5) An offender may leave a correctional facility pursuant
13 to an authorized furlough or leave of absence. In addition, offenders
14 may leave a correctional facility when in the custody of a corrections
15 officer or officers;

16 (~~(+4)~~) (6)(a) The secretary may authorize an extraordinary medical
17 placement for an offender when all of the following conditions exist:

18 (i) The offender has a medical condition that is serious enough to
19 require costly care or treatment;

20 (ii) The offender poses a low risk to the community because he or
21 she is physically incapacitated due to age or the medical condition;
22 and

23 (iii) Granting the extraordinary medical placement will result in
24 a cost savings to the state.

25 (b) An offender sentenced to death or to life imprisonment without
26 the possibility of release or parole is not eligible for an
27 extraordinary medical placement.

28 (c) The secretary shall require electronic monitoring for all
29 offenders in extraordinary medical placement unless the electronic
30 monitoring equipment interferes with the function of the offender's
31 medical equipment or results in the loss of funding for the offender's
32 medical care. The secretary shall specify who shall provide the
33 monitoring services and the terms under which the monitoring shall be
34 performed.

35 (d) The secretary may revoke an extraordinary medical placement
36 under this subsection at any time.

37 (~~(+5)~~) (7) The governor, upon recommendation from the clemency and

1 pardons board, may grant an extraordinary release for reasons of
2 serious health problems, senility, advanced age, extraordinary
3 meritorious acts, or other extraordinary circumstances;

4 ~~((+6))~~ (8) No more than the final six months of the sentence may
5 be served in partial confinement designed to aid the offender in
6 finding work and reestablishing himself or herself in the community;

7 ~~((+7))~~ (9) The governor may pardon any offender;

8 ~~((+8))~~ (10) The department may release an offender from
9 confinement any time within ten days before a release date calculated
10 under this section; and

11 ~~((+9))~~ (11) An offender may leave a correctional facility prior to
12 completion of his or her sentence if the sentence has been reduced as
13 provided in RCW 9.94A.870.

14 Notwithstanding any other provisions of this section, an offender
15 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
16 mandatory minimum sentence of total confinement shall not be released
17 from total confinement before the completion of the listed mandatory
18 minimum sentence for that felony crime of conviction unless allowed
19 under RCW 9.94A.540, however persistent offenders are not eligible for
20 extraordinary medical placement.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
22 to read as follows:

23 The legislature declares that the changes to the maximum
24 percentages of earned release time in this act do not create any
25 expectation that the percentage of earned release time cannot be
26 revised and offenders have no reason to conclude that the maximum
27 percentage of earned release time is an entitlement or creates any
28 liberty interest. The legislature retains full control over the right
29 to revise the percentages of earned release time available to offenders
30 at any time. This section applies to persons convicted on or after the
31 effective date of this section.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
33 to read as follows:

34 (1) When the department performs a risk assessment pursuant to RCW
35 9.94A.500, or to determine a person's conditions of supervision, the
36 risk assessment shall classify the offender into one of at least four

1 risk categories. The department shall supervise every offender
2 sentenced to a term of community custody, community placement, or
3 community supervision whose risk assessment places that offender in one
4 of the two highest risk categories. The department is not authorized
5 to, and may not, supervise any offender sentenced to a term of
6 community custody, community placement, or community supervision whose
7 risk assessment places that offender in any risk category other than
8 the two highest unless the offender is one for whom supervision is
9 required under subsection (2) of this section.

10 (2) Notwithstanding an offender's classification in a risk category
11 other than the two highest risk categories, the department shall
12 supervise the offender if:

13 (a) He or she has a prior conviction for an offense that is a
14 serious violent offense, sex offense, manufacture or delivery or
15 possession with intent to deliver methamphetamine, or delivery of a
16 controlled substance to a minor;

17 (b) He or she is subject to court-ordered chemical dependency
18 treatment under RCW 9.94A.660 or the provisions of chapter 290, Laws of
19 2002, or he or she was sentenced under RCW 9.94A.670; or

20 (c) He or she is subject to supervision pursuant to RCW 9.94A.745.

21 (3) This section expires July 1, 2010.

22 **Sec. 4.** RCW 9.94A.700 and 2002 c 175 s 13 are each amended to read
23 as follows:

24 When a court sentences an offender to a term of total confinement
25 in the custody of the department for any of the offenses specified in
26 this section, the court shall also sentence the offender to a term of
27 community placement as provided in this section. Except as provided in
28 section 3 of this act, the department shall supervise any sentence of
29 community placement imposed under this section.

30 (1) The court shall order a one-year term of community placement
31 for the following:

32 (a) A sex offense or a serious violent offense committed after July
33 1, 1988, but before July 1, 1990; or

34 (b) An offense committed on or after July 1, 1988, but before July
35 25, 1999, that is:

36 (i) Assault in the second degree;

37 (ii) Assault of a child in the second degree;

1 (iii) A crime against persons where it is determined in accordance
2 with RCW 9.94A.602 that the offender or an accomplice was armed with a
3 deadly weapon at the time of commission; or

4 (iv) A felony offense under chapter 69.50 or 69.52 RCW not
5 sentenced under RCW 9.94A.660.

6 (2) The court shall sentence the offender to a term of community
7 placement of two years or up to the period of earned release awarded
8 pursuant to RCW 9.94A.728, whichever is longer, for:

9 (a) An offense categorized as a sex offense committed on or after
10 July 1, 1990, but before June 6, 1996, including those sex offenses
11 also included in other offense categories;

12 (b) A serious violent offense other than a sex offense committed on
13 or after July 1, 1990, but before July 1, 2000; or

14 (c) A vehicular homicide or vehicular assault committed on or after
15 July 1, 1990, but before July 1, 2000.

16 (3) The community placement ordered under this section shall begin
17 either upon completion of the term of confinement or at such time as
18 the offender is transferred to community custody in lieu of earned
19 release. When the court sentences an offender to the statutory maximum
20 sentence then the community placement portion of the sentence shall
21 consist entirely of the community custody to which the offender may
22 become eligible. Any period of community custody actually served shall
23 be credited against the community placement portion of the sentence.

24 (4) Unless a condition is waived by the court, the terms of any
25 community placement imposed under this section shall include the
26 following conditions:

27 (a) The offender shall report to and be available for contact with
28 the assigned community corrections officer as directed;

29 (b) The offender shall work at department-approved education,
30 employment, or community restitution, or any combination thereof;

31 (c) The offender shall not possess or consume controlled substances
32 except pursuant to lawfully issued prescriptions;

33 (d) The offender shall pay supervision fees as determined by the
34 department; and

35 (e) The residence location and living arrangements shall be subject
36 to the prior approval of the department during the period of community
37 placement.

1 (5) As a part of any terms of community placement imposed under
2 this section, the court may also order one or more of the following
3 special conditions:

4 (a) The offender shall remain within, or outside of, a specified
5 geographical boundary;

6 (b) The offender shall not have direct or indirect contact with the
7 victim of the crime or a specified class of individuals;

8 (c) The offender shall participate in crime-related treatment or
9 counseling services;

10 (d) The offender shall not consume alcohol; or

11 (e) The offender shall comply with any crime-related prohibitions.

12 (6) An offender convicted of a felony sex offense against a minor
13 victim after June 6, 1996, shall comply with any terms and conditions
14 of community placement imposed by the department relating to contact
15 between the sex offender and a minor victim or a child of similar age
16 or circumstance as a previous victim.

17 (7) Prior to or during community placement, upon recommendation of
18 the department, the sentencing court may remove or modify any
19 conditions of community placement so as not to be more restrictive.

20 **Sec. 5.** RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read
21 as follows:

22 Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710,
23 when a court sentences a person to a term of total confinement to the
24 custody of the department for a violent offense, any crime against
25 persons under RCW 9.94A.411(2), or any felony offense under chapter
26 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or
27 after July 25, 1999, but before July 1, 2000, the court shall in
28 addition to the other terms of the sentence, sentence the offender to
29 a one-year term of community placement beginning either upon completion
30 of the term of confinement or at such time as the offender is
31 transferred to community custody in lieu of earned release in
32 accordance with RCW 9.94A.728 (1) and (~~((+2))~~) (4). When the court
33 sentences the offender under this section to the statutory maximum
34 period of confinement, then the community placement portion of the
35 sentence shall consist entirely of such community custody to which the
36 offender may become eligible, in accordance with RCW 9.94A.728 (1) and
37 (~~((+2))~~) (4). Any period of community custody actually served shall be

1 credited against the community placement portion of the sentence.
2 Except as provided in section 3 of this act, the department shall
3 supervise any sentence of community placement or community custody
4 imposed under this section.

5 **Sec. 6.** RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each
6 amended to read as follows:

7 (1) When a court sentences a person to the custody of the
8 department for a sex offense not sentenced under RCW 9.94A.712, a
9 violent offense, any crime against persons under RCW 9.94A.411(2), or
10 a felony offense under chapter 69.50 or 69.52 RCW, committed on or
11 after July 1, 2000, the court shall in addition to the other terms of
12 the sentence, sentence the offender to community custody for the
13 community custody range established under RCW 9.94A.850 or up to the
14 period of earned release awarded pursuant to RCW 9.94A.728 (1) and
15 (~~((2))~~) (4), whichever is longer. The community custody shall begin:
16 (a) Upon completion of the term of confinement; (b) at such time as the
17 offender is transferred to community custody in lieu of earned release
18 in accordance with RCW 9.94A.728 (1) and (~~((2))~~) (4); or (c) with
19 regard to offenders sentenced under RCW 9.94A.660, upon failure to
20 complete or administrative termination from the special drug offender
21 sentencing alternative program. Except as provided in section 3 of
22 this act, the department shall supervise any sentence of community
23 custody imposed under this section.

24 (2)(a) Unless a condition is waived by the court, the conditions of
25 community custody shall include those provided for in RCW 9.94A.700(4).
26 The conditions may also include those provided for in RCW 9.94A.700(5).
27 The court may also order the offender to participate in rehabilitative
28 programs or otherwise perform affirmative conduct reasonably related to
29 the circumstances of the offense, the offender's risk of reoffending,
30 or the safety of the community, and the department shall enforce such
31 conditions pursuant to subsection (6) of this section.

32 (b) As part of any sentence that includes a term of community
33 custody imposed under this subsection, the court shall also require the
34 offender to comply with any conditions imposed by the department under
35 RCW 9.94A.720. The department shall assess the offender's risk of
36 reoffense and may establish and modify additional conditions of the
37 offender's community custody based upon the risk to community safety.

1 In addition, the department may require the offender to participate in
2 rehabilitative programs, or otherwise perform affirmative conduct, and
3 to obey all laws.

4 (c) The department may not impose conditions that are contrary to
5 those ordered by the court and may not contravene or decrease court
6 imposed conditions. The department shall notify the offender in
7 writing of any such conditions or modifications. In setting,
8 modifying, and enforcing conditions of community custody, the
9 department shall be deemed to be performing a quasi-judicial function.

10 (3) If an offender violates conditions imposed by the court or the
11 department pursuant to this section during community custody, the
12 department may transfer the offender to a more restrictive confinement
13 status and impose other available sanctions as provided in RCW
14 9.94A.737 and 9.94A.740.

15 (4) Except for terms of community custody under RCW 9.94A.670, the
16 department shall discharge the offender from community custody on a
17 date determined by the department, which the department may modify,
18 based on risk and performance of the offender, within the range or at
19 the end of the period of earned release, whichever is later.

20 (5) At any time prior to the completion or termination of a sex
21 offender's term of community custody, if the court finds that public
22 safety would be enhanced, the court may impose and enforce an order
23 extending any or all of the conditions imposed pursuant to this section
24 for a period up to the maximum allowable sentence for the crime as it
25 is classified in chapter 9A.20 RCW, regardless of the expiration of the
26 offender's term of community custody. If a violation of a condition
27 extended under this subsection occurs after the expiration of the
28 offender's term of community custody, it shall be deemed a violation of
29 the sentence for the purposes of RCW 9.94A.631 and may be punishable as
30 contempt of court as provided for in RCW 7.21.040. If the court
31 extends a condition beyond the expiration of the term of community
32 custody, the department is not responsible for supervision of the
33 offender's compliance with the condition.

34 (6) Within the funds available for community custody, the
35 department shall determine conditions and duration of community custody
36 on the basis of risk to community safety, and shall supervise offenders
37 during community custody on the basis of risk to community safety and

1 conditions imposed by the court. The secretary shall adopt rules to
2 implement the provisions of this subsection.

3 (7) By the close of the next business day after receiving notice of
4 a condition imposed or modified by the department, an offender may
5 request an administrative review under rules adopted by the department.
6 The condition shall remain in effect unless the reviewing officer finds
7 that it is not reasonably related to any of the following: (a) The
8 crime of conviction; (b) the offender's risk of reoffending; or (c) the
9 safety of the community.

10 **Sec. 7.** RCW 9.94A.720 and 2002 c 175 s 14 are each amended to read
11 as follows:

12 (1)(a) Except as provided in section 3 of this act, all offenders
13 sentenced to terms involving community supervision, community
14 restitution, community placement, or community custody((, ~~or legal~~
15 financial obligation)) shall be under the supervision of the department
16 and shall follow explicitly the instructions and conditions of the
17 department. The department may require an offender to perform
18 affirmative acts it deems appropriate to monitor compliance with the
19 conditions of the sentence imposed. The department may only supervise
20 the offender's compliance with payment of the legal financial
21 obligations during any period in which the department is authorized to
22 supervise the offender in the community under section 3 of this act.

23 (b) The instructions shall include, at a minimum, reporting as
24 directed to a community corrections officer, remaining within
25 prescribed geographical boundaries, notifying the community corrections
26 officer of any change in the offender's address or employment, and
27 paying the supervision fee assessment.

28 (c) For offenders sentenced to terms involving community custody
29 for crimes committed on or after June 6, 1996, the department may
30 include, in addition to the instructions in (b) of this subsection, any
31 appropriate conditions of supervision, including but not limited to,
32 prohibiting the offender from having contact with any other specified
33 individuals or specific class of individuals.

34 (d) For offenders sentenced to terms of community custody for
35 crimes committed on or after July 1, 2000, the department may impose
36 conditions as specified in RCW 9.94A.715.

1 The conditions authorized under (c) of this subsection may be
2 imposed by the department prior to or during an offender's community
3 custody term. If a violation of conditions imposed by the court or the
4 department pursuant to RCW 9.94A.710 occurs during community custody,
5 it shall be deemed a violation of community placement for the purposes
6 of RCW 9.94A.740 and shall authorize the department to transfer an
7 offender to a more restrictive confinement status as provided in RCW
8 9.94A.737. At any time prior to the completion of an offender's term
9 of community custody, the department may recommend to the court that
10 any or all of the conditions imposed by the court or the department
11 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the
12 expiration of the offender's term of community custody as authorized in
13 RCW 9.94A.715 (3) or (5).

14 The department may require offenders to pay for special services
15 rendered on or after July 25, 1993, including electronic monitoring,
16 day reporting, and telephone reporting, dependent upon the offender's
17 ability to pay. The department may pay for these services for
18 offenders who are not able to pay.

19 (2) No offender sentenced to terms involving community supervision,
20 community restitution, community custody, or community placement under
21 the supervision of the department may own, use, or possess firearms or
22 ammunition. Offenders who own, use, or are found to be in actual or
23 constructive possession of firearms or ammunition shall be subject to
24 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and
25 9.94A.740. "Constructive possession" as used in this subsection means
26 the power and intent to control the firearm or ammunition. "Firearm"
27 as used in this subsection has the same definition as in RCW 9.41.010.

28 **Sec. 8.** RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read
29 as follows:

30 On all sentences of confinement for one year or less, in which the
31 offender is convicted of a sex offense, a violent offense, a crime
32 against a person under RCW 9.94A.411, or felony violation of chapter
33 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit
34 such a crime, the court may impose up to one year of community custody,
35 subject to conditions and sanctions as authorized in RCW 9.94A.715 and
36 9.94A.720. An offender shall be on community custody as of the date of

1 sentencing. However, during the time for which the offender is in
2 total or partial confinement pursuant to the sentence or a violation of
3 the sentence, the period of community custody shall toll.

4 **Sec. 9.** 2002 c 290 s 30 (uncodified) is amended to read as
5 follows:

6 Section 2 of this act expires (~~July 1, 2004~~) on the effective
7 date of section 9, chapter . . ., Laws of 2003 (section 9 of this act).

8 **Sec. 10.** 2002 c 290 s 31 (uncodified) is amended to read as
9 follows:

10 Sections 7 through 11 and 14 through 23 of this act take effect
11 (~~July 1, 2004, and apply to crimes committed on or after July 1,~~
12 ~~2004~~) on the effective date of section 9, chapter . . ., Laws of 2003
13 (section 9 of this act).

14 **Sec. 11.** RCW 70.96A.350 and 2002 c 290 s 4 are each amended to
15 read as follows:

16 (1) The criminal justice treatment account is created in the state
17 treasury. Moneys in the account may be expended solely for: (a)
18 Substance abuse treatment and treatment support services for offenders
19 with an addiction or a substance abuse problem that, if not treated,
20 would result in addiction, against whom charges are filed by a
21 prosecuting attorney in Washington state; and (b) the provision of drug
22 and alcohol treatment services and treatment support services for
23 nonviolent offenders within a drug court program. Moneys in the
24 account may be spent only after appropriation.

25 (2) For purposes of this section:

26 (a) "Treatment" means services that are critical to a participant's
27 successful completion of his or her substance abuse treatment program,
28 but does not include the following services: Housing other than that
29 provided as part of an inpatient substance abuse treatment program,
30 vocational training, and mental health counseling; and

31 (b) "Treatment support" means transportation to or from inpatient
32 or outpatient treatment services when no viable alternative exists, and
33 child care services that are necessary to ensure a participant's
34 ability to attend outpatient treatment sessions.

1 (3) Revenues to the criminal justice treatment account consist of:
2 (a) ~~((Savings to the state general fund resulting from implementation~~
3 ~~of chapter 290, Laws of 2002, as calculated))~~ Funds transferred to the
4 account pursuant to this section; and (b) any other revenues
5 appropriated to or deposited in the account.

6 (4)(a) ~~((The department of corrections, the sentencing guidelines~~
7 ~~commission, the office of financial management, and the caseload~~
8 ~~forecast council shall develop a methodology for calculating the~~
9 ~~projected biennial savings under this section. Savings shall be~~
10 ~~projected for the fiscal biennium beginning on July 1, 2003, and for~~
11 ~~each biennium thereafter. By September 1, 2002, the proposed~~
12 ~~methodology shall be submitted to the governor and the appropriate~~
13 ~~committees of the legislature. The methodology is deemed approved~~
14 ~~unless the legislature enacts legislation to modify or reject the~~
15 ~~methodology.~~

16 (b) ~~When the department of corrections submits its biennial budget~~
17 ~~request to the governor in 2002 and in each even numbered year~~
18 ~~thereafter, the department of corrections shall use the methodology~~
19 ~~approved in (a) of this subsection to calculate savings to the state~~
20 ~~general fund for the ensuing fiscal biennium resulting from reductions~~
21 ~~in drug offender sentencing as a result of sections 2 and 3, chapter~~
22 ~~290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002.~~
23 ~~The department shall report the dollar amount of the savings to the~~
24 ~~state treasurer, the office of financial management, and the fiscal~~
25 ~~committees of the legislature.~~

26 (c)) For the fiscal biennium beginning July 1, 2003, ~~((and each~~
27 ~~fiscal biennium thereafter,))~~ the state treasurer shall transfer
28 ~~((seventy five percent of the amount reported in (b) of this~~
29 ~~subsection))~~ eight million nine hundred fifty thousand dollars from the
30 general fund into the criminal justice treatment account, divided into
31 eight equal quarterly payments. ~~((However, the amount transferred to~~
32 ~~the criminal justice treatment account shall not exceed the limit of~~
33 ~~eight million two hundred fifty thousand dollars per fiscal year.~~
34 ~~After the first fiscal year in which the amount to be transferred~~
35 ~~equals or exceeds eight million two hundred fifty thousand dollars,~~
36 ~~this limit))~~ For the fiscal year beginning July 1, 2005, and each
37 subsequent fiscal year, the state treasurer shall transfer eight
38 million two hundred fifty thousand dollars from the general fund to the

1 criminal justice treatment account, divided into four equal quarterly
2 payments. For the fiscal year beginning July 1, 2006, and each
3 subsequent fiscal year, the amount transferred shall be increased on an
4 annual basis by the implicit price deflator as published by the federal
5 bureau of labor statistics.

6 ~~((d))~~ (b) For the fiscal biennium beginning July 1, 2003, and
7 each biennium thereafter, the state treasurer shall transfer ~~((twenty-~~
8 ~~five percent of the amount reported in (b) of this subsection))~~ two
9 million nine hundred eighty-four thousand dollars from the general fund
10 into the violence reduction and drug enforcement account, divided into
11 eight quarterly payments. The amounts transferred pursuant to this
12 subsection (4)~~((d))~~ (b) shall be used solely for providing drug and
13 alcohol treatment services to offenders confined in a state
14 correctional facility ~~((receiving a reduced sentence as a result of~~
15 ~~implementation of chapter 290, Laws of 2002 and))~~ who are assessed with
16 an addiction or a substance abuse problem that if not treated would
17 result in addiction. ~~((Any excess funds remaining after providing drug~~
18 ~~and alcohol treatment services to offenders receiving a reduced~~
19 ~~sentence as a result of implementation of chapter 290, Laws of 2002 may~~
20 ~~be expended to provide treatment for offenders confined in a state~~
21 ~~correctional facility and who are assessed with an addiction or a~~
22 ~~substance abuse problem that contributed to the crime.~~

23 ~~(e))~~ (c) In each odd-numbered year, the legislature shall
24 appropriate the amount transferred to the criminal justice treatment
25 account in ~~((e))~~ (a) of this subsection to the division of alcohol
26 and substance abuse for the purposes of subsection (5) of this section.

27 (5) Moneys appropriated to the division of alcohol and substance
28 abuse from the criminal justice treatment account shall be distributed
29 as specified in this subsection. The department shall serve as the
30 fiscal agent for purposes of distribution. Until July 1, 2004, the
31 department may not use moneys appropriated from the criminal justice
32 treatment account for administrative expenses and shall distribute all
33 amounts appropriated under subsection (4)~~((e))~~ (c) of this section in
34 accordance with this subsection. Beginning in July 1, 2004, the
35 department may retain up to three percent of the amount appropriated
36 under subsection (4)~~((e))~~ (c) of this section for its administrative
37 costs.

1 (a) Seventy percent of amounts appropriated to the division from
2 the account shall be distributed to counties pursuant to the
3 distribution formula adopted under this section. The division of
4 alcohol and substance abuse, in consultation with the department of
5 corrections, the sentencing guidelines commission, the Washington state
6 association of counties, the Washington state association of drug court
7 professionals, the superior court judges' association, the Washington
8 association of prosecuting attorneys, representatives of the criminal
9 defense bar, representatives of substance abuse treatment providers,
10 and any other person deemed by the division to be necessary, shall
11 establish a fair and reasonable methodology for distribution to
12 counties of moneys in the criminal justice treatment account. County
13 or regional plans submitted for the expenditure of formula funds must
14 be approved by the panel established in (b) of this subsection.

15 (b) Thirty percent of the amounts appropriated to the division from
16 the account shall be distributed as grants for purposes of treating
17 offenders against whom charges are filed by a county prosecuting
18 attorney. The division shall appoint a panel of representatives from
19 the Washington association of prosecuting attorneys, the Washington
20 association of sheriffs and police chiefs, the superior court judges'
21 association, the Washington state association of counties, the
22 Washington defender's association or the Washington association of
23 criminal defense lawyers, the department of corrections, the Washington
24 state association of drug court professionals, substance abuse
25 treatment providers, and the division. The panel shall review county
26 or regional plans for funding under (a) of this subsection and grants
27 approved under this subsection. The panel shall attempt to ensure that
28 treatment as funded by the grants is available to offenders statewide.

29 (6) The county alcohol and drug coordinator, county prosecutor,
30 county sheriff, county superior court, a substance abuse treatment
31 provider appointed by the county legislative authority, a member of the
32 criminal defense bar appointed by the county legislative authority,
33 and, in counties with a drug court, a representative of the drug court
34 shall jointly submit a plan, approved by the county legislative
35 authority or authorities, to the panel established in subsection (5)(b)
36 of this section, for disposition of all the funds provided from the
37 criminal justice treatment account within that county. The funds shall
38 be used solely to provide approved alcohol and substance abuse

1 treatment pursuant to RCW 70.96A.090 and treatment support services.
2 No more than ten percent of the total moneys received under subsections
3 (4) and (5) of this section by a county or group of counties
4 participating in a regional agreement shall be spent for treatment
5 support services.

6 (7) Counties are encouraged to consider regional agreements and
7 submit regional plans for the efficient delivery of treatment under
8 this section.

9 (8) Moneys allocated under this section shall be used to
10 supplement, not supplant, other federal, state, and local funds used
11 for substance abuse treatment.

12 (9) Counties must meet the criteria established in RCW
13 2.28.170(3)(b).

14 NEW SECTION. **Sec. 12.** The Washington state institute for public
15 policy shall study the results of the changes in earned release under
16 section 1 of this act. The study shall determine whether the changes
17 in earned release affect the rate of recidivism or the type of offenses
18 committed by persons whose release dates were affected by the changes
19 in this act. The Washington state institute for public policy shall
20 report its findings to the governor and the appropriate committees of
21 the legislature no later than December 1, 2008.

22 NEW SECTION. **Sec. 13.** (1) The sum of three million five hundred
23 thousand dollars, or as much thereof as may be necessary, is
24 appropriated for the fiscal year ending June 30, 2004, from the general
25 fund to the department of corrections for enhanced supervision by
26 community corrections officers of offenders classified in risk
27 classifications RM-A and RM-B.

28 (2) The sum of three million five hundred thousand dollars, or as
29 much thereof as may be necessary, is appropriated for the fiscal year
30 ending June 30, 2005, from the general fund to the department of
31 corrections for enhanced supervision by community corrections officers
32 of offenders classified in risk classifications RM-A and RM-B.

33 NEW SECTION. **Sec. 14.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 July 1, 2003.

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