

SHB 1919 - S COMM AMD  
By Committee on Judiciary

ADOPTED 4/17/2009

1 Strike everything after the enacting clause and insert the  
2 following:

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4 **"Sec. 1.** RCW 70.96A.350 and 2008 c 329 s 918 are each amended to  
5 read as follows:

6 (1) The criminal justice treatment account is created in the state  
7 treasury. Moneys in the account may be expended solely for: (a)  
8 Substance abuse treatment and treatment support services for offenders  
9 with an addiction or a substance abuse problem that, if not treated,  
10 would result in addiction, against whom charges are filed by a  
11 prosecuting attorney in Washington state; (b) the provision of drug  
12 and alcohol treatment services and treatment support services for  
13 nonviolent offenders within a drug court program; ~~((and))~~ (c) the  
14 administrative and overhead costs associated with the operation of a  
15 drug court; and (d) during the 2007-2009 biennium, operation of the  
16 integrated crisis response and intensive case management pilots  
17 contracted with the department of social and health services division  
18 of alcohol and substance abuse. Moneys in the account may be spent  
19 only after appropriation.

20 (2) For purposes of this section:

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

27

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

5 (3) Revenues to the criminal justice treatment account consist of:  
6 (a) Funds transferred to the account pursuant to this section; and (b)  
7 any other revenues appropriated to or deposited in the account.

8 (4)(a) For the fiscal biennium beginning July 1, 2003, the state  
9 treasurer shall transfer eight million nine hundred fifty thousand  
10 dollars from the general fund into the criminal justice treatment  
11 account, divided into eight equal quarterly payments. For the fiscal  
12 year beginning July 1, 2005, and each subsequent fiscal year, the  
13 state treasurer shall transfer eight million two hundred fifty  
14 thousand dollars from the general fund to the criminal justice  
15 treatment account, divided into four equal quarterly payments. For  
16 the fiscal year beginning July 1, 2006, and each subsequent fiscal  
17 year, the amount transferred shall be increased on an annual basis by  
18 the implicit price deflator as published by the federal bureau of  
19 labor statistics.

20 (b) For the fiscal biennium beginning July 1, 2003, and each  
21 biennium thereafter, the state treasurer shall transfer two million  
22 nine hundred eighty-four thousand dollars from the general fund into  
23 the violence reduction and drug enforcement account, divided into  
24 eight quarterly payments. The amounts transferred pursuant to this  
25 subsection (4)(b) shall be used solely for providing drug and alcohol  
26 treatment services to offenders confined in a state correctional  
27 facility who are assessed with an addiction or a substance abuse  
28 problem that if not treated would result in addiction.

29 (c) In each odd-numbered year, the legislature shall appropriate  
30 the amount transferred to the criminal justice treatment account in  
31 (a) of this subsection to the division of alcohol and substance abuse  
32 for the purposes of subsection (5) of this section.

33 (5) Moneys appropriated to the division of alcohol and substance  
34 abuse from the criminal justice treatment account shall be distributed

1 as specified in this subsection. The department shall serve as the  
2 fiscal agent for purposes of distribution. Until July 1, 2004, the  
3 department may not use moneys appropriated from the criminal justice  
4 treatment account for administrative expenses and shall distribute all  
5 amounts appropriated under subsection (4)(c) of this section in  
6 accordance with this subsection. Beginning in July 1, 2004, the  
7 department may retain up to three percent of the amount appropriated  
8 under subsection (4)(c) of this section for its administrative costs.

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

24 (b) Thirty percent of the amounts appropriated to the division  
25 from the account shall be distributed as grants for purposes of  
26 treating offenders against whom charges are filed by a county  
27 prosecuting attorney. The division shall appoint a panel of  
28 representatives from the Washington association of prosecuting  
29 attorneys, the Washington association of sheriffs and police chiefs,  
30 the superior court judges' association, the Washington state  
31 association of counties, the Washington defender's association or the  
32 Washington association of criminal defense lawyers, the department of  
33 corrections, the Washington state association of drug court  
34 professionals, substance abuse treatment providers, and the division.

1 The panel shall review county or regional plans for funding under (a)  
2 of this subsection and grants approved under this subsection. The  
3 panel shall attempt to ensure that treatment as funded by the grants  
4 is available to offenders statewide.

5 (6) The county alcohol and drug coordinator, county prosecutor,  
6 county sheriff, county superior court, a substance abuse treatment  
7 provider appointed by the county legislative authority, a member of  
8 the criminal defense bar appointed by the county legislative  
9 authority, and, in counties with a drug court, a representative of the  
10 drug court shall jointly submit a plan, approved by the county  
11 legislative authority or authorities, to the panel established in  
12 subsection (5)(b) of this section, for disposition of all the funds  
13 provided from the criminal justice treatment account within that  
14 county. The funds shall be used solely to provide approved alcohol  
15 and substance abuse treatment pursuant to RCW 70.96A.090, ~~((and))~~  
16 treatment support services, and for the administrative and overhead  
17 costs associated with the operation of a drug court.

18 (a) No more than ten percent of the total moneys received under  
19 subsections (4) and (5) of this section by a county or group of  
20 counties participating in a regional agreement shall be spent on the  
21 administrative and overhead costs associated with the operation of a  
22 drug court.

23 (b) No more than ten percent of the total moneys received under  
24 subsections (4) and (5) of this section by a county or group of  
25 counties participating in a regional agreement shall be spent for  
26 treatment support services.

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

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

33 (9) Counties must meet the criteria established in RCW  
34 2.28.170(3)(b).

1       (10) The authority under this section to use funds from the  
2 criminal justice treatment account for the administrative and overhead  
3 costs associated with the operation of a drug court expires June 30,  
4 2013.

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6       **Sec. 2.** RCW 2.28.170 and 2006 c 339 s 106 are each amended to  
7 read as follows:

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

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

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

19       (i) Exhaust all federal funding that is available to support the  
20 operations of its drug court and associated services; and

21       (ii) Match, on a dollar-for-dollar basis, state moneys allocated  
22 for drug court programs with local cash or in-kind resources. Moneys  
23 allocated by the state must be used to supplement, not supplant, other  
24 federal, state, and local funds for drug court operations and  
25 associated services. However, from the effective date of this act  
26 until June 30, 2013, no match is required for state moneys expended  
27 for the administrative and overhead costs associated with the  
28 operation of a drug court pursuant to RCW 70.96A.350.

29       (b) Any county that establishes a drug court pursuant to this  
30 section shall establish minimum requirements for the participation of  
31 offenders in the program. The drug court may adopt local requirements  
32 that are more stringent than the minimum. The minimum requirements  
33 are:

34       (i) The offender would benefit from substance abuse treatment;

1 (ii) The offender has not previously been convicted of a serious  
2 violent offense or sex offense as defined in RCW 9.94A.030; and

3 (iii) Without regard to whether proof of any of these elements is  
4 required to convict, the offender is not currently charged with or  
5 convicted of an offense:

6 (A) That is a sex offense;

7 (B) That is a serious violent offense;

8 (C) During which the defendant used a firearm; or

9 (D) During which the defendant caused substantial or great bodily  
10 harm or death to another person."

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15 On page 1, line 1 of the title, after "funding;" strike the  
16 remainder of the title and insert "and amending RCW 70.96A.350 and  
17 2.28.1701"

EFFECT: Clarifies that a county may use up to 10% of the criminal  
justice treatment account funding only for administrative and  
overhead costs associated with the operation of a drug court.

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