

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1919**

Chapter 445, Laws of 2009

61st Legislature  
2009 Regular Session

DRUG COURT FUNDING

EFFECTIVE DATE: 07/26/09

Passed by the House April 21, 2009  
Yeas 98 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 17, 2009  
Yeas 46 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 11, 2009, 2:59 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1919** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 11, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1919**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Human Services (originally sponsored by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos, and Wood)

READ FIRST TIME 02/23/09.

1            AN ACT Relating to drug court funding; and amending RCW 70.96A.350  
2 and 2.28.170.

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

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 and  
12 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.

1 (2) For purposes of this section:

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

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

11 (3) Revenues to the criminal justice treatment account consist of:

12 (a) Funds transferred to the account pursuant to this section; and (b)  
13 any other revenues appropriated to or deposited in the account.

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

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

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

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

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

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

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

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

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

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

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

29 (9) Counties must meet the criteria established in RCW  
30 2.28.170(3)(b).

31 (10) The authority under this section to use funds from the  
32 criminal justice treatment account for the administrative and overhead  
33 costs associated with the operation of a drug court expires June 30,  
34 2013.

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

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

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

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

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

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

21 (b) Any county that establishes a drug court pursuant to this  
22 section shall establish minimum requirements for the participation of  
23 offenders in the program. The drug court may adopt local requirements  
24 that are more stringent than the minimum. The minimum requirements  
25 are:

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

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

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

32 (A) That is a sex offense;

33 (B) That is a serious violent offense;

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

35 (D) During which the defendant caused substantial or great bodily  
36 harm or death to another person.

Passed by the House April 21, 2009.

Passed by the Senate April 17, 2009.

Approved by the Governor May 11, 2009.

Filed in Office of Secretary of State May 11, 2009.