
Public Safety Committee

SSB 5010

Brief Description: Establishing that courts may order an offender to refrain from the consumption of marijuana as a part of community custody conditions.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Padden, Sheldon and Carrell).

Brief Summary of Substitute Bill

- Allows a court to order an offender to refrain from consuming marijuana while on community custody, except pursuant to a legal medical marijuana authorization.
- Prevents application of the medical marijuana exception if the Department of Correction determines that marijuana consumption is inconsistent with and contrary to the offender's supervision.

Hearing Date: 4/2/13

Staff: Sarah Koster (786-7303).

Background:

When a court sentences an offender to a term of community custody, the court imposes conditions. Some of these conditions are mandatory, some apply unless they are waived by the court, and some may be imposed at the court's discretion. Refraining from possessing or consuming controlled substances, except by prescription, is a waivable condition. Refraining from consuming alcohol is a discretionary condition.

Recent changes to Washington's regulation and control of marijuana has left the law ambiguous regarding the court's authority to order an offender to refrain from the use of marijuana.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In addition to other discretionary conditions, when a court sentences an offender to a term of community custody, the court has the discretion to order the offender to refrain from the use of marijuana, except in situations when the offender has a lawfully issued medical marijuana authorization. The medical marijuana authorization exception does not apply if the Department of Corrections has determined that consumption is inconsistent with and contrary to the offender's supervision as provided by current law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.