

HOUSE BILL REPORT

SB 5797

As Passed House - Amended:
April 12, 2013

Title: An act relating to specialty courts.

Brief Description: Encouraging the establishment of effective specialty courts.

Sponsors: Senators Hobbs and Padden.

Brief History:

Committee Activity:

Judiciary: 3/27/13, 4/2/13 [DPA].

Floor Activity:

Passed House - Amended: 4/12/13, 94-1.

**Brief Summary of Bill
(As Amended by House)**

- Encourages the Supreme Court to take necessary measures to support the establishment of effective specialty and therapeutic courts.
- Identifies best practices for structuring specialty courts.
- Encourages the Superior Court Judges' Association and the District and Municipal Court Judges' Association to convene a work group to provide recommendations regarding structure and best practices for specialty and therapeutic courts.
- Amends the statutes authorizing the establishment of drug courts, driving under the influence (DUI) courts, and mental health courts to provide that jurisdictions, rather than counties, are authorized to establish such courts.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Omeara Harrington (786-7136).

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.

Background:

Many courts in Washington have specially designed court calendars or dockets that provide an alternative to traditional court processes in particular kinds of cases. Often called "problem-solving courts" or "therapeutic courts," these alternative courts commonly require intense, judicially supervised treatment with the goal of reducing recidivism. Entry into an alternative court program is typically voluntary and only open to specific defendants who fit qualifying criteria. If an offender completes the requirements of a particular court, the underlying criminal charge is usually dismissed.

Twenty-four counties have established problem-solving courts designed for different issue areas. Examples of these alternative courts include several kinds of drug courts, mental health courts, driving under the influence (DUI) courts, veterans' treatment courts, community courts, truancy courts, homeless courts, domestic violence courts, gambling courts, and Back on TRAC (Treatment, Responsibility, Accountability on Campus) courts, among others.

Summary of Amended Bill:

The Legislature respectfully encourages the Supreme Court to adopt any administrative orders and court rules of practice and procedure it deems necessary to support the establishment of effective specialty and therapeutic courts. Specialty and therapeutic courts are specialized pretrial or sentencing dockets in select criminal cases where agencies coordinate to provide treatment for a defendant who has particular needs.

Guidelines for establishing and operating specialty and therapeutic courts are outlined. Any jurisdiction that establishes a specialty or therapeutic court may seek state or federal funding as it becomes available to establish and support the court and to facilitate treatment to participating defendants by participating agencies. Specialty and therapeutic courts must continue to obtain the consent of the prosecuting authority in order to remove a charged offender from the regular course of prosecution, and must comply with sentencing requirements established in state law. These courts cannot be established for the purpose of applying foreign law that is not otherwise required by treaty, and cannot enforce any foreign law that violates a constitutional right. Any jurisdiction establishing a specialty or therapeutic court must endeavor to incorporate the treatment court principles and best practices as recognized by state and national treatment court agencies and organizations in structuring a particular program, which may include the following:

- determining the population;
- performing a clinical assessment;
- developing a treatment plan;
- supervising the offender;
- forging agency, organization, and community partnerships;
- taking a judicial leadership role;
- developing case management strategies;
- addressing transportation issues;
- evaluating the program; and
- ensuring a sustainable program.

Statutes authorizing counties to establish and operate drug courts, DUI courts, and mental health courts are amended to instead authorize jurisdictions to establish these courts.

The Superior Court Judges' Association and the District and Municipal Court Judges' Association are encouraged to invite other appropriate organizations and convene a work group to examine the structure of all specialty and therapeutic courts in Washington. If the work group is convened, the Legislature requests recommendations prior to the 2014 legislative session regarding the structure for specialty and therapeutic courts in the law and court rules, and best practices for these courts.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect on August 1, 2013.

Staff Summary of Public Testimony:

(In support) This is a good proposal, and it would be useful to add language to include stakeholders who have an interest in specialty courts in making these recommendations.

Veterans' treatment courts are very beneficial, and this measure will perpetuate more of those courts.

(In support with amendment(s)) There is an excellent return on the investment with these courts, and the reason that there are so many of them is that they work. They solve the underlying problem so that people do not repeatedly cycle through the system. An amendment should be added to include all court levels, rather than referencing only counties. An amendment should also be added to convene a work group. Money for therapeutic courts is drying up. These programs are financed on the local level or with federal grant money, so it is important to be conscious of that in drafting legislation.

(Opposed without amendment(s)) This is a good bill, but it presents separation of powers concerns. The Legislature decides what constitutes a crime and what the consequences should be. The courts control the process and the interpretation of the law. The executive branch files charges. Amendatory language is necessary to ensure that specialty courts comply with sentencing law, and, in pre-conviction courts, obtain the consent of the executive branch to take the case out of the normal course of prosecution.

(With concerns) There is more to this issue than simply saying that specialty courts are nice. A work group is needed to look at the best practices for these courts, the statutes concerning these courts, and the courts around the state that have grown organically, and to present a more unified recommendation. Technically, "therapeutic court" or "problem solving court" should be used rather than "specialty court," as those are the terms currently used for these courts.

(Opposed) None.

Persons Testifying: (In support) Mark San Souci, Department of Defense; Dan Miller, Veterans Legislative Coalition; Travis Alley, Attorney General's Office; and David Lord, Disability Rights of Washington.

(In support with amendment(s)) Steve Warning, Superior Court Judges' Association; and Sam Meyer, District and Municipal Court Judges' Association.

(Opposed without amendment(s)) Tom McBride, Washington Association of Prosecuting Attorneys.

(With concerns) Bob Cooper, Washington Association of Drug Courts.

Persons Signed In To Testify But Not Testifying: None.