

FINAL BILL REPORT

SB 5797

C 257 L 13
Synopsis as Enacted

Brief Description: Encouraging the establishment of effective specialty and therapeutic courts.

Sponsors: Senators Hobbs and Padden.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Twenty-four counties in Washington have special problem-solving courts or calendars. These include the following.

Adult Drug Court. Adult drug courts have a specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender's likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and use of appropriate sanctions and other rehabilitation services.

Juvenile Drug Court. Juvenile drug court have a docket within a juvenile court to which selected delinquency cases, and in some instances status offenders, are referred for handling by a designated judge. The youth referred to this docket are identified as having problems with alcohol and/or other drugs. In Washington, all of the juvenile drug courts, with the exception of one, deal exclusively with juvenile offenders.

Family Dependency Treatment Court. Family dependency treatment court is a juvenile or family court docket of which selected abuse, neglect, and dependency cases are identified where parental substance abuse is a primary factor. Family dependency treatment courts aid parents in regaining control of their lives and promote long-term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes.

Mental Health Court. Modeled after drug courts and developed in response to the overrepresentation of people with mental illnesses in the criminal justice system, mental health courts divert select defendants with mental illnesses into judicially supervised, community-based treatment. Currently, all mental health courts are voluntary. Defendants are invited to participate in the mental health court following a specialized screening and assessment, and they may choose to decline participation.

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.

DWI Court. A DWI court is a distinct post-conviction court system dedicated to changing the behavior of an alcohol-dependent repeat offender arrested for driving while impaired (DWI). The goal of the DWI court is to protect public safety by using the drug court model to address the root cause of impaired driving, which is alcohol and other drugs of abuse. Variants of DWI courts include drug courts that also take DWI offenders, which are commonly referred to as hybrid DWI courts or DWI drug courts.

Veterans Treatment Court. The Veterans Treatment Court model uses veterans as mentors to help defendants engage in treatment and counseling as well as partner with local Veterans Affairs offices to ensure that participants receive proper benefits.

Community Court. Community courts bring the court and community closer by locating the court within the community where quality of life crimes are committed for example, petty theft, turnstile jumping, vandalism, etc. With community boards and the local police as partners, community courts have the bifurcated goal of solving the problems of defendants appearing before the court, while using the leverage of the court to encourage offenders to give back to the community in compensation for damage they and others have caused.

Reentry Drug Court. Reentry drug courts utilize the drug court model to facilitate the reintegration of drug-involved offenders into communities upon their release from local or state correctional facilities. Reentry drug court participants are provided with specialized ancillary services needed for successful reentry into the community.

Truancy Court. Truancy courts assist in overcoming the underlying causes of truancy in a child's life by reinforcing education through efforts from the school, courts, mental health providers, families, and the community. Truancy court is often held on the school grounds and results in the ultimate dismissal of truancy petitions if the child can be helped to attend school regularly.

Homeless Court. A homeless court is a special court session held in a local shelter or other community site designed for homeless citizens to resolve outstanding misdemeanor criminal warrants.

Domestic Violence Court. A felony domestic violence court is designed to address traditional problems of domestic violence such as low reports, withdrawn charges, threats to victim, lack of defendant accountability, and high recidivism, by intense judicial scrutiny of the defendant and close cooperation between the judiciary and social services. A permanent judge works with the prosecution, assigned victim advocates, social services, and the defense. Variants include the misdemeanor domestic violence court that handles larger volumes of cases and is designed to combat the progressive nature of the crime to preempt later felonies, and the integrated domestic violence court in which a single judge handles all judicial aspects relating to one family, including criminal cases, protective orders, custody, visitation, and divorce.

Gambling Court. Operating under the same protocols and guidelines utilized within the drug court model, gambling courts intervene in a therapeutic fashion as a result of pending criminal charges with those individuals who are suffering from a pathological or compulsive

gambling disorder. Participants enroll in a contract-based, judicially supervised gambling recovery program and are exposed to an array of services.

Back on TRAC: Treatment, Responsibility, Accountability on Campus. The Back on TRAC clinical justice model adopts the integrated public health and public safety principles and components of the successful drug court model and applies them to the college environment. It targets college students whose excessive use of substances has continued despite higher education's best efforts at education, prevention, or treatment and has ultimately created serious consequences for themselves or others.

Summary: Specialty court and therapeutic court are defined as specialized pretrial or sentencing dockets in select criminal cases where agencies coordinate work to provide treatment for a defendant who has particular needs. The Legislature 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.

It is clarified that jurisdictions, rather than counties, may establish and operate drug courts, mental health courts, and DUI courts. Any jurisdiction that establishes a DUI court, drug court, and a mental health court may combine the functions of these courts into a single therapeutic court. Municipalities may enter into cooperative agreements with counties or other municipalities that have DUI courts to provide DUI court services.

Any jurisdiction establishing a specialty court must endeavor to incorporate the treatment court principles of best practices as recognized by state and national treatment court agencies and organizations, and may seek state or federal funding as it becomes available for the establishment, maintenance, and expansion of specialty and therapeutic courts and for the provision by participating agencies of treatment for participating defendants.

Specialty and therapeutic courts must continue to: (1) obtain the consent of the prosecuting authority in order to remove a charged offender from the regular course of prosecution and punishment; and (2) comply with sentencing requirements as established in state law.

The Superior Court Judges' Association and the District and Municipal Court Judges' Association are encouraged to invite other appropriate organizations and convene a workgroup to examine the structure of all specialty and therapeutic courts in Washington. The Legislature requests that the workgroup submit recommendations for the structure of specialty and therapeutic courts in the law and court rules, incorporating principles of best practices as recognized by state and national treatment court agencies and organizations, and making specialty and therapeutic courts more effective and prevalent throughout the state. The Legislature requests that the workgroup's recommendations be available prior to the beginning of the 2014 legislative session, and respectfully requests the Supreme Court to consider any recommendations from the workgroup pertaining to necessary changes in court rules.

Votes on Final Passage:

Senate	49	0	
House	94	1	(House amended)

Senate 47 0 (Senate concurred)

Effective: August 1, 2013.