

# HOUSE BILL REPORT

## SB 5104

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### As Passed House:

April 14, 2015

**Title:** An act relating to possession or use of alcohol and controlled substances in sentencing provisions.

**Brief Description:** Concerning the possession or use of alcohol and controlled substances in sentencing provisions.

**Sponsors:** Senator Padden.

### Brief History:

#### Committee Activity:

Public Safety: 3/17/15, 3/20/15 [DP].

#### Floor Activity:

Passed House: 4/14/15, 97-0.

### Brief Summary of Bill

- Expands the definition of "crime-related prohibition" to include a prohibition on use or possession of alcohol or controlled substances where any chemical dependency contributed to the offense.
- Allows a court to order chemical dependency treatment if it finds that any substance abuse contributed to the offense, regardless of the specific substance involved in the crime.

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## HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

**Staff:** Cassie Jones (786-7303).

### Background:

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*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.*

As part of any felony sentence, the court may impose sentencing conditions known as crime-related prohibitions. A "crime-related prohibition" is defined as an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and must not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the Department of Corrections.

When the court finds that the offender has a chemical dependency issue that contributed to the person's offense, the court may, as a condition of the sentence, order the offender to participate in rehabilitative programs or perform affirmative conduct reasonably related to the circumstances of the crime.

A sentencing court has discretion to order an offender on community custody to not consume alcohol.

**Summary of Bill:**

The definition of crime-related prohibitions is expanded to include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

When the court finds that the offender has any type of chemical dependency issue that contributed to the person's offense, the court may, as a condition of the sentence, order the offender to participate in rehabilitative programs or perform affirmative conduct reasonably related to the circumstances of the crime.

A rehabilitative program specifically includes a directive that the offender obtain an evaluation as to the need for chemical dependency treatment related to the use of alcohol or controlled substances, regardless of the particular substance that contributed to the commission of the offense. The court may also impose a prohibition on the use or possession of alcohol or controlled substances regardless of whether a chemical dependency evaluation is ordered.

A sentencing court has discretion to order an offender on community custody to not possess or consume alcohol.

**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.

**Staff Summary of Public Testimony:**

(In support) There was a decision by an appellate court in an offense involving alcohol where the trial court ordered a chemical dependency evaluation. It was remanded by the court of appeals to only order an alcohol evaluation.

This bill would restore best practices to order a chemical dependency evaluation regardless of the substance involved in the crime. This is a technical fix. Oftentimes when there is abuse of one substance there are abuses of others. This is a good public safety bill.

(Opposed) None.

**Persons Testifying:** Senator Padden, prime sponsor; and Tom Parker, Superior Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.