

SENATE BILL REPORT

SHB 1524

As Reported by Senate Committee On:
Law & Justice, February 19, 2018
Ways & Means, February 26, 2018

Title: An act relating to increasing success in therapeutic courts.

Brief Description: Increasing success in therapeutic courts.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kloba, Klippert, Goodman, Holy, Macri, Peterson, Haler, Doglio, Appleton and Stanford).

Brief History: Passed House: 3/01/17, 97-1; 2/07/18, 98-0.

Committee Activity: Law & Justice: 2/15/18, 2/19/18 [DPA-WM].
Ways & Means: 2/22/18, 2/26/18 [DPA(WM), w/oRec].

Brief Summary of Amended Bill

- Adds additional recovery support and treatment services that may be paid from the Criminal Justice Treatment Account (Account) for an individual drug court participant's substance use treatment program, and removes a list of non-qualifying treatment services.
- Clarifies the process for the state treasurer's fund transfer from the General Fund to the Account.
- Adds language from a 2017 amendment that was not updated in the bill after the last session.
- Allows the excess fund balance in the Account to be used for other therapeutic courts operating in counties that have enacted the mental health and drug dependency sales tax.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Angel, Assistant Ranking Member; Darneille, Frockt and Wilson.

Staff: Melissa Burke-Cain (786-7755)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Ways & Means.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Becker, Brown, Carlyle, Conway, Darneille, Fain, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senator Billig.

Staff: Julie Murray (786-7711)

Background: Therapeutic Courts in Washington. Therapeutic courts operate as an alternative to traditional criminal and civil trials for nonviolent offenders. In general, these courts use a problem-solving approach to treat the conditions contributing to an offender's criminal behavior. The participating offender agrees to comply with a judicially supervised individual treatment program to address mental health, substance use, and other underlying behavior issues.

Washington's first therapeutic courts were King and Pierce counties' adult drug courts beginning in 1994.

Currently, Washington's superior, district, and municipal courts operate approximately 85 specialized therapeutic courts including:

- 24 adult and 13 juvenile drug courts;
- 19 family treatment courts;
- seven DUI courts;
- one domestic violence court;
- 13 mental health courts; and
- eight veterans' treatment courts.

The Administrative Office of the Courts and the Department of Social and Health Services Division of Behavioral Health and Recovery (DSHS/BHA) jointly provide statewide coordination for the jurisdictions that operate therapeutic courts. DSHS/BHA arranges for treatment facilities and treatment provider payment. Some therapeutic courts serve multiple counties or jurisdictions.

Therapeutic Court Operations and Funding. The 2015 Therapeutic Courts Act (Act) recognized the judiciary's inherent authority to operate therapeutic courts under Article IV, Section 1 of the state constitution. The Act also:

- set out therapeutic court processes and uses of funding;
- defined criteria for an offender's participation in judicially supervised treatment programs and services; and
- encouraged multi-jurisdictional agreements and research-based best practices in treatment programs.

Counties may adopt a sales and use tax to fund therapeutic court and treatment services and may seek federal funding for therapeutic court operations and associated treatment services. The Criminal Justice Treatment Account funds treatment of substance use disorders and treatment support services.

Drug Courts. Drug courts oversee cases involving eligible nonviolent substance abusing offenders. If a person charged with a felony drug offense meets the criteria for drug court participation they must successfully complete an individual court supervised treatment program as an alternative to incarceration. The offender receives treatment through social services and mental health providers, mandatory periodic drug testing, community supervision, and intensive court monitoring of treatment plan compliance and progress.

Summary of Amended Bill: For purposes of the payments from the Account, treatment means services that are critical for the offender to complete their individual substance use disorder treatment program. Housing, vocational training, and mental health counseling are no longer excluded from the treatment definition. The state treasurer must transfer the general funds appropriated for the Account in four equal quarterly payments. During the 2017-2019 fiscal biennium, the Legislature may direct the state treasurer to transfer monies reflecting the excess fund balance in the Account to the state general fund and it is the intent of the Legislature to continue that policy in the 2019-2021 biennium. The other therapeutic courts are eligible to apply for funding from the account if the counties have enacted the one-tenth of 1 percent mental health and drug dependency sales tax.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Clarifies that treatment and recovery support services are not subject to medical necessity authorizations.
- Restores transfer authority of the excess fund balance in the Criminal Justice Treatment Account to the general fund in the 2019-2021 biennium.
- Removes permissive authority to use excess funds for other therapeutic courts in counties enacting the mental health and drug dependency sales tax.

EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):

- Updates bill to include law changes made during the 2017 legislative session.
- Permits the excess fund balance in the Criminal Justice Treatment Account to be used for other therapeutic courts.
- Permits other therapeutic courts to apply for funds from the Account if they are operating in counties that have enacted the mental health and drug dependency sales tax authorized in RCW 82.14.460.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony on Proposed Striking Amendment (Law & Justice):

PRO: The genesis for this bill was from a constituent who told me that the drug court saved her life. The support resources and accountability of the drug court process allowed her to face up to her addiction, get her family relationships in order, and stay clean and sober. The benefits, effects, and value of having drug courts is understood. It gives people their lives back and reduces harm in the community. This bill makes these courts even more effective and aligns with best practices for recovery support. It makes us all safer. Adding recovery support services will increase the success of drug courts. Drug courts already yield a two to one return on investment; that is \$2 saved in the future for every \$1 spent on drug court services. By adding recovery support services, the estimated payback on the investment is seven to one; that is \$7 saved in the future for every \$1 spent. The current law expresses an intent to continue sweeping excess funds to the general fund in the future. The language is problematic because the Legislature cannot obligate future funds. We need more people to have the opportunity for drug court. Everyone at drug court has an opioid addiction issue and drug courts need more capacity to help them.

Persons Testifying (Law & Justice): PRO: Representative Shelley Kloba, Prime Sponsor; Bob Cooper, Washington State Association of Drug Court Professionals.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on Bill as Amended by Law & Justice (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A