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**HOUSE BILL 2055**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Stearns, Orwall, Ramel, Simmons, Reed, Ormsby, Goodman, Doglio, Reeves, and Davis

AN ACT Relating to the creation of a gambling treatment diversion court pilot program to be conducted by the administrative office of the courts; and adding a new section to chapter 2.30 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 2.30 RCW to read as follows:

(1) The administrative office of the courts shall conduct a gambling treatment diversion court pilot program which has as a purpose the treatment of persons determined to be affected by an addictive disorder related to gambling and who committed a crime for which they have pled guilty or been convicted in furtherance or as a result of the gambling. The pilot program shall be established in three counties of this state selected by the office, to include a county located within each of the three court of appeals divisions.

(2) The treatment program shall:

(a) Include the terms and conditions for successful completion of the program;

(b) Require that the person assigned to the program agree to pay restitution in a manner and within a period of time determined by the court for the person to be eligible to participate in the program;

(c) Provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program;

(d) Be administered by a qualified mental health or substance use disorder professional and include:

(i) Information and encouragement for the participant to cease problem gambling through educational, counseling, and support sessions;

(ii) The opportunity for the participant to understand the medical, psychological, social, and financial implications of problem gambling; and

(iii) Appropriate referral to community, health, substance abuse, religious, and social service agencies for additional resources and related services, as needed.

(3)(a) If the court has reason to believe that a person who has pled guilty to or has been convicted of a crime is afflicted with problem gambling or disordered gambling and the person committed the crime in furtherance of or because of problem gambling or disordered gambling, the court shall hold a hearing before it sentences the person to determine whether or not the person committed the crime in furtherance or as a result of problem gambling or disordered gambling and whether or not the person should receive treatment under the supervision of a qualified mental health or substance use disorder professional. The prosecutor may present the court with any evidence concerning whether the person committed the crime in furtherance or as a result of problem gambling or disordered gambling and the advisability of permitting the person to enter the program.

(b) At the hearing, the court shall advise the person that sentencing will be postponed if the person submits to treatment and is accepted into a program for the treatment of problem gambling or disordered gambling. The court shall advise the person that:

(i) The court may impose any conditions upon the treatment that could be imposed as conditions of probation; and

(ii) If the person is accepted in the program, the person may be placed under the supervision or care of a qualified mental health or substance use disorder professional for a period of at least one year or until the court, upon recommendation of the treatment provider, determines that the person has successfully completed the treatment program. Except as provided for in this section, no person shall remain under supervision pursuant to this section for a period in excess of three years.

(4)(a) If the court, after a hearing, determines that a person is eligible to accept the problem gambling treatment offered, the court shall order a qualified mental health or substance use disorder professional to conduct an examination of the person to determine whether the person has a problem gambling disorder, committed the crime in furtherance or as a result of problem gambling, and is likely to be rehabilitated through treatment. The qualified mental health or substance use disorder professional shall report to the court the results of the examination and recommend whether the person should be placed under supervision for treatment.

(b) If the court, acting on the report of the qualified mental health or substance use disorder professional or other relevant information determines that the person is not afflicted with problem gambling or disordered gambling, did not commit the crime in furtherance or as a result of problem gambling or disordered gambling, is not likely to be rehabilitated through treatment, or is otherwise not a good candidate for treatment, the person may be sentenced.

(c) If the court determines that the person is afflicted with problem gambling or disordered gambling, committed the crime in furtherance or as a result of problem gambling or disordered gambling, is likely to be rehabilitated through treatment, and is a good candidate for treatment, the court may:

(i) Impose any conditions that may be imposed as conditions of probation;

(ii) Defer sentencing until such time, if any, as sentencing is authorized; and

(iii) Place the person under the supervision or care of a qualified mental health or substance use disorder professional for not less than one year and not more than three years. The court may require such progress reports on the treatment of the person as it deems necessary. The probation department or other appropriate agency designated by the court to monitor or supervise the person shall report periodically to the court as to the person's progress in treatment and compliance with court-imposed terms and conditions. The treatment provider shall promptly report to the department of corrections or other appropriate agency all significant failures by the person to comply with any court-imposed term or condition.

(d) A person who is placed under the supervision or care of a qualified mental health or substance use disorder professional shall pay the cost of the program of treatment to which the person is assigned and the cost of any additional supervision that may be required, to the extent of the financial resources of the person. The judgment constitutes a lien in like manner as a judgment for money rendered in a civil action. If the person who is placed under the supervision of a qualified mental health or substance use disorder professional does not have the financial resources to pay all of the related costs:

(i) The court shall, to the extent practicable, arrange for the person to be assigned to a program that receives a sufficient amount of federal or state funding to offset the remainder of the costs; and

(ii) The court may order the person to perform supervised community service in lieu of paying the remainder of the costs relating to the person's treatment and supervision.

(5) A person who is afflicted with problem gambling or disorder gambling and who has pled guilty to or been convicted of a crime and who committed the crime in furtherance or as a result of problem gambling or a gambling disorder is eligible to be assigned by the court to a program for the treatment of problem gambling or disordered gambling before the person is sentenced unless:

(a) The crime is:

(i) A crime against persons established in Title 7, 9, 9A, 10, 26, 28A, 46, or 74 RCW;

(ii) A crime against a child listed in RCW 28A.400.322; or

(iii) An act which constitutes domestic violence as defined in RCW 10.99.020;

(b) The person has a record of two or more convictions of a crime described in (a) of this subsection or a similar crime in violation of the laws of another state or other criminal proceedings that allege the commission of a violent offense are pending against the person;

(c) The person is on probation or parole, unless the appropriate probation or parole authority consents or the court finds that the person is eligible after considering any objections made by the appropriate probation or parole authority; or

(d) The person has previously been assigned by a court to a program for the treatment of problem gambling or disordered gambling.

(6)(a) Whenever a person is placed under the supervision or care of a qualified mental health or substance use disorder professional, the person's sentencing must be deferred and the person's conviction must be set aside if the professional certifies to the court that the person has satisfactorily completed the program of treatment and the court approves the certification and determines that the conditions imposed for treatment have been satisfied.

(b) If the qualified mental health or substance use disorder professional has not certified that the person has completed the program of treatment prior to the expiration of the treatment period, the court shall sentence the person. If the person has satisfied the conditions imposed for treatment and the court believes that the person will complete the treatment voluntarily, the court may discharge the conviction. If, prior to the expiration of the treatment period, the qualified mental health or substance use disorder professional determines that the person will benefit from further treatment, the professional may request that the court extend the treatment period beyond three years.

(c) During the treatment period, if the qualified mental health or substance use disorder professional determines that the person is not likely to benefit from further treatment, the professional shall so advise the court. The court shall either:

(i) Arrange for the transfer to a more suitable program; or

(ii) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

(7) If the person satisfactorily completes the treatment program, as determined by the court, the conviction may be discharged under RCW 9.94A.637. If the person does not satisfactorily complete treatment and satisfy the conditions, the court may impose a sentence that could have been imposed, or that would have been required to be imposed, originally for the offense for which the person pled guilty or was convicted. If the person's conviction is discharged, the person may apply to the court for a vacation of the offender's record of conviction under RCW 9.94A.640.

(8) As used in this section:

(a) "Qualified mental health professional" means any mental health professional or mental health service agency as defined in RCW 70.02.010 that is licensed or certified by the department of health to provide problem gambling services.

(b) "Substance use disorder professional" has the same meaning as in RCW 70.97.010.

(9) The supreme court may adopt rules appropriate or necessary to effectuate the purposes of this section.

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