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**SENATE BILL 6297**

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

**By** Senators Gildon and Dozier

AN ACT Relating to recognizing a court's authority to authorize a defendant's direct transfer from jail to inpatient or residential substance use disorder treatment; and adding a new section to chapter 10.21 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 10.21 RCW to read as follows:

(1) A judicial officer who establishes conditions of release for a defendant under RCW 10.21.020 and 10.21.030 which includes payment of bail may indicate on the order that the court will change the release condition to a personal recognizance release with nonmonetary conditions if:

(a) The defendant has an offer of admission to a facility for inpatient or residential substance use disorder treatment; and

(b) A trusted individual is available to escort the defendant directly from jail to the treatment facility.

(2) The court or defense shall immediately notify the recovery navigator program under RCW 71.24.115 when an order is entered under subsection (1) of this section.

(3) A defendant with an order under subsection (1) of this section may bring the court a motion for pretrial release at any time the defendant is able to satisfy the conditions specified under subsection (1) of this section, including any additional conditions established by the court. The defendant must state to the court orally or in writing that the defendant agrees to participate in the treatment program and that the defendant will authorize the release of information to satisfy the requirements of this section. If the court is satisfied, the court shall immediately stay the criminal proceedings and order the defendant's release consistent with this section. The release shall be for a specific time when the defendant may be released directly to the trusted individual for escort to the inpatient or residential treatment facility.

(4) A jail receiving a release order under this section shall release the defendant only to the custody of the trusted individual and at the time indicated on the court order. A court order under this section shall supersede any other holds on the defendant or warrants from other jurisdictions.

(5) The inpatient or residential substance use disorder treatment program shall notify the court when the defendant is admitted to the program using a form supplied by the court and shall notify the court and the parties by form again upon the defendant's discharge from the program. The notification upon discharge shall indicate whether the defendant has transitioned successfully to the next level of care.

(6) Upon notification of the defendant's discharge from the inpatient or residential substance use disorder treatment program, the prosecutor may make a motion to lift the stay and summon the defendant to court for further proceedings. If the notice indicates the defendant has transitioned successfully to the next level of care, the prosecutor is encouraged to consider whether diversion or dismissal of the charge is appropriate.

(7) A judicial officer may issue an order under subsection (1) of this section on its own motion or the motion of any party in any circumstance in which the judicial officer finds that there are indications that the defendant would benefit from inpatient or residential substance use disorder treatment and that the defendant can be released safely to a residential or inpatient substance use disorder treatment program. The court is not limited to circumstances in which the defendant is charged with an offense under chapter 69.50 RCW.

(8) For the purposes of this section, "trusted individual" includes but is not limited to a person whose relation to the defendant is that of a family member, member of the defense team, health care worker, social worker, peer support specialist, case manager, employee of the inpatient or residential treatment facility, or other supportive individual.

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