

**SHB 2055 - H AMD 1291**

By Representative Goodman

**ADOPTED 08/30/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 2.30  
5 RCW to read as follows:

6 (1) The administrative office of the courts shall conduct a  
7 gambling treatment diversion court pilot program which has as a  
8 purpose the treatment of persons determined to be affected by an  
9 addictive disorder related to gambling and who committed a crime for  
10 which they have pled guilty or been convicted in furtherance or as a  
11 result of the gambling. The pilot program shall be established in  
12 three superior courts selected by the office and must begin accepting  
13 program participants by July 1, 2026.

14 (2) The treatment program shall:

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

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

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

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

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

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

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

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

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

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

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

34

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

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

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

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

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

29 (iii) Place the person under the supervision or care of a  
30 qualified mental health or substance use disorder professional for  
31 not less than one year and not more than three years. The court may  
32 require such progress reports on the treatment of the person as it  
33 deems necessary. The probation department or other appropriate agency  
34 designated by the court to monitor or supervise the person shall

1 report periodically to the court as to the person's progress in  
2 treatment and compliance with court-imposed terms and conditions. The  
3 treatment provider shall promptly report to the department of  
4 corrections or other appropriate agency all significant failures by  
5 the person to comply with any court-imposed term or condition.

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

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

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

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

28 (a) The crime is:

29 (i) A crime against persons established in Title 7, 9, 9A, 10,  
30 26, 28A, 46, or 74 RCW;

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

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

34

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

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

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

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

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

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

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

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

10 (8) As used in this section:

11 (a) "Qualified mental health professional" means any mental  
12 health professional or mental health service agency as defined in RCW  
13 70.02.010 that is licensed or certified by the department of health  
14 to provide problem gambling services.

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

17

18 Correct the title.

EFFECT: Requires the pilot program to be implemented in three superior courts, rather than one. Limits the time period during which a person may be placed under the supervision or care of a qualified mental health or substance use disorder professional to two years. Removes the restriction that a person is not eligible for the diversion program if the person has previously been assigned by a court to a program for treatment of problem gambling.

--- END ---