

**E2SSB 5536** - H AMD TO H AMD (H-1919.1/23) **721**

By Representative Graham

**NOT ADOPTED 04/12/2023**

1 On page 16, line 3 of the striking amendment, after "(3)" insert  
2 "In courts of limited jurisdiction, if an individual convicted of a  
3 violation of RCW 69.50.4011(1)(b) or (c), 69.50.4013, or 69.41.030(2)  
4 (b) or (c) where the legend drug is classified as schedule II  
5 substance under RCW 69.50.206 refuses to obtain a biopsychosocial  
6 assessment and participate in any recommended treatment or services  
7 as a condition of probation, the court shall sentence the individual  
8 to a term of imprisonment not less than 21 days.

9 (4)"

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11 Renumber the remaining subsections consecutively and correct  
12 any internal references accordingly.

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14 On page 18, beginning on line 12 of the striking amendment,  
15 after "shall" strike all material through "sanction" on line 13 and  
16 insert "reinstate a portion of the individual's suspended sentence  
17 as follows:

18 (i) For an individual's first instance of being sanctioned under  
19 this section, the court shall use its discretion in determining an  
20 appropriate amount of time of the individual's suspended sentence to  
21 reinstate given the facts and circumstances of the particular case;

22 (ii) For an individual's second instance of being sanctioned  
23 under this section, the court shall reinstate no less than 21 days  
24 of the individual's suspended sentence; and

25 (iii) For an individual's third or subsequent instance of being  
26 sanctioned under this section, the court shall reinstate no less  
27 than 45 days of the individual's suspended sentence"

EFFECT: (1) Requires courts of limited jurisdiction to impose a minimum term of imprisonment of 21 days when sentencing persons convicted of certain drug offenses who refuse to obtain a biopsychosocial assessment and participate in any recommended treatment or services as a condition of probation.

(2) Requires, if the court determines that the sentenced individual has willfully abandoned or demonstrated a consistent failure to substantially comply with the recommended treatment or services, or is failing to complete court-ordered community service, to reinstate a minimum portion of an individual's suspended sentence as follows:

(a) For an individual's first instance of being sanctioned, the court must use its discretion in determining an appropriate amount of time of the suspended sentence to reinstate;

(b) For an individual's second instance of being sanctioned, the court must reinstate a minimum term of imprisonment of 21 days; and

(c) For an individual's third or subsequent instance of being sanctioned, the court must reinstate a minimum term of imprisonment of 45 days.

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