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**SUBSTITUTE HOUSE BILL 2055**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Stearns, Orwall, Ramel, Simmons, Reed, Ormsby, Goodman, Doglio, Reeves, and Davis)

READ FIRST TIME 01/31/24.

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

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

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

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

15 (2) The treatment program shall:

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

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

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

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

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

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

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

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

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

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

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

1 remain under supervision pursuant to this section for a period in  
2 excess of three years.

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

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

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

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

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

31 (iii) Place the person under the supervision or care of a  
32 qualified mental health or substance use disorder professional for  
33 not less than one year and not more than three years. The court may  
34 require such progress reports on the treatment of the person as it  
35 deems necessary. The probation department or other appropriate agency  
36 designated by the court to monitor or supervise the person shall  
37 report periodically to the court as to the person's progress in  
38 treatment and compliance with court-imposed terms and conditions. The  
39 treatment provider shall promptly report to the department of

1 corrections or other appropriate agency all significant failures by  
2 the person to comply with any court-imposed term or condition.

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

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

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

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

25 (a) The crime is:

26 (i) A crime against persons established in Title 7, 9, 9A, 10,  
27 26, 28A, 46, or 74 RCW;

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

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

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

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

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

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

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

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

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

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

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

37 (8) As used in this section:

38 (a) "Qualified mental health professional" means any mental  
39 health professional or mental health service agency as defined in RCW

1 70.02.010 that is licensed or certified by the department of health  
2 to provide problem gambling services.

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

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