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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

Prefiled 12/28/23. Read first time 01/08/24. Referred to Committee on Civil Rights & Judiciary.

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  
13 three counties of this state selected by the office, to include a  
14 county located within each of the three court of appeals divisions.

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 has a problem gambling disorder, committed the  
8 crime in furtherance or as a result of problem gambling, and is  
9 likely to be rehabilitated through treatment. The qualified mental  
10 health or substance use disorder professional shall report to the  
11 court the results of the examination and recommend whether the person  
12 should be placed under supervision for treatment.

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

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

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

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

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

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

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

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

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

23 (a) The crime is:

24 (i) A crime against persons established in Title 7, 9, 9A, 10,  
25 26, 28A, 46, or 74 RCW;

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

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

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

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

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

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

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

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

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

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

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

35 (8) As used in this section:

36 (a) "Qualified mental health professional" means any mental  
37 health professional or mental health service agency as defined in RCW  
38 70.02.010 that is licensed or certified by the department of health  
39 to provide problem gambling services.

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

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

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