S-1474.2

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**SUBSTITUTE SENATE BILL 5290**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Salomon, Dhingra, Nobles, Saldaña, Trudeau, and Valdez)

AN ACT Relating to allowing persons who complete substance abuse programs to seek dismissal of certain controlled substance related charges; adding a new section to chapter 69.50 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that across the country 12 states, including Washington, either through statute or court rule, permit courts to dismiss criminal charges in the interest of justice. These laws and court rules emphasize the inherent power of courts to govern their own courtrooms, including the capacity and duty of courts to rule on cases to promote justice. This authority increases transparency in the criminal legal process and permits courts to respond to not only penal ramifications of a sentence, but also the loss of civil privileges that accompany a criminal conviction.

NEW SECTION. **Sec.**  A new section is added to chapter 69.50 RCW to read as follows:

(1) In courts of limited jurisdiction, a person charged with violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) may seek dismissal of such charges after showing proof of either undergoing a certified substance use disorder or certified co-occurring mental health and substance use disorder assessment and enrolling in and successfully completing a court-approved treatment program.

(a) The assessment must consider the person's criminal history and substance use history and must show the person has a substance use disorder which requires treatment.

(b) The treatment program must be approved by the court in the jurisdiction in which the individual is charged.

(2)(a) If the individual files, under seal, the assessment report and proof of successful completion of the recommended treatment program at or before the readiness hearing, the court shall dismiss the charge or charges without prejudice on its own motion if the court finds:

(i) The assessment considered the individual's criminal history and substance use history and shows the person has a substance use disorder that requires treatment;

(ii) The individual successfully completed the recommended treatment program through a court-approved and state certified treatment provider; and

(iii) The interests of justice warrant dismissal.

(b) If the individual is also charged with nonpossession offenses filed under the same cause number and arising from the same course of conduct as the charge or charges of possession, the court may dismiss those other charges without prejudice unless the prosecutor objects.

(3) In dismissing the charge or charges, the court must set forth its reasons for dismissing the charge or charges in writing and on the record.

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