S-0187.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5569**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**By** Senators Gildon, Christian, and Hasegawa

AN ACT Relating to recognizing a court's authority to authorize a defendant's direct transfer from jail to inpatient or residential substance use disorder treatment; adding a new section to chapter 10.21 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  A new section is added to chapter 10.21 RCW to read as follows:

(1) A judicial officer who establishes conditions of release for a defendant under RCW 10.21.020 and 10.21.030 which includes payment of bail may indicate on the order that the court will allow the defendant to present a motion to modify the order to a personal recognizance release with nonmonetary conditions and stay the proceedings for the purpose of inpatient or residential treatment if:

(a) The defendant has an offer of admission to a facility which provides inpatient or residential substance use disorder treatment or inpatient or residential co-occurring mental health and substance use disorder treatment; and

(b) A trusted individual is available to escort the defendant directly from jail to the treatment facility.

(2) The court or defense shall immediately notify the recovery navigator program under RCW 71.24.115 when an order is entered under subsection (1) of this section.

(3) A defendant with an order under subsection (1) of this section may bring the court a motion for pretrial release and to stay the proceedings for the purpose of inpatient or residential treatment at any time the defendant is able to satisfy the conditions specified under subsection (1) of this section, including any additional conditions established by the court. The defendant must affirm orally or in writing that the defendant agrees to participate in the treatment program, that the defendant will authorize the release of information to satisfy the requirements of this section, and that the defendant agrees to waive the right to a speedy trial until the stay for treatment is lifted. If the court is satisfied, the court shall immediately stay the criminal proceedings and order the defendant's release consistent with this section. The order shall specify a specific time for release when the defendant may be released directly to the trusted individual for escort to the inpatient or residential treatment facility.

(4) A jail receiving a release order under this section shall release the defendant only to the custody of the trusted individual and at the time indicated on the court order. A court order under this section shall supersede any other holds on the defendant or warrants from other jurisdictions.

(5) The inpatient or residential substance use disorder treatment facility or inpatient or residential co-occurring mental health and substance use disorder treatment facility shall notify the court when the defendant is admitted to the program using a form supplied by the court and shall notify the court and the parties by form again upon the defendant's discharge from the program. The notification upon discharge shall indicate whether the defendant has transitioned successfully to the next level of care.

(6) Upon notification of the defendant's discharge from the inpatient or residential substance use disorder treatment facility or inpatient or residential co-occurring mental health and substance use disorder treatment facility, the prosecutor may make a motion for the court to lift the stay and summon the defendant to court for further proceedings. If the notice indicates the defendant has transitioned successfully to the next level of care, the prosecutor is encouraged to consider whether diversion or dismissal of the charge is appropriate.

(7) A judicial officer may issue an order under subsection (1) of this section on its own motion or the motion of any party in any circumstance in which the judicial officer finds that there are indications that the defendant would benefit from inpatient or residential substance use disorder treatment or inpatient or residential co-occurring mental health and substance use disorder treatment and that the defendant can be released safely to an inpatient or residential substance use disorder treatment facility or inpatient or residential co-occurring mental health and substance use disorder treatment facility. The court is not limited to circumstances in which the defendant is charged with an offense under chapter 69.50 RCW.

(8) A stay entered under this section is an excluded period for the purpose of time for trial. The lifting of the stay creates a new commencement date for the purpose of calculation of the defendant's time for trial.

(9) For the purposes of this section, "trusted individual" includes but is not limited to a person whose relation to the defendant is that of a family member, member of the defense team, health care worker, social worker, peer support specialist, case manager, employee of the inpatient or residential treatment facility, or other supportive individual.

NEW SECTION. **Sec.**  The administrative office of the courts shall create or update court forms as needed to implement this act.

**--- END ---**