
SENATE BILL 5569

State of Washington

69th Legislature

2025 Regular Session

By Senators Gildon, Christian, and Hasegawa

Read first time 01/29/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to recognizing a court's authority to authorize a
2 defendant's direct transfer from jail to inpatient or residential
3 substance use disorder treatment; adding a new section to chapter
4 10.21 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.21
7 RCW to read as follows:

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

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

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

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

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

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

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

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

1 to consider whether diversion or dismissal of the charge is
2 appropriate.

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

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

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

25 NEW SECTION. **Sec. 2.** The administrative office of the courts
26 shall create or update court forms as needed to implement this act.

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