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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-3282.1/18

ATTY/TYPIST: AF:amh

BRIEF DESCRIPTION: Increasing success in therapeutic courts.

1 AN ACT Relating to increasing success in therapeutic courts;  
2 amending RCW 71.24.580; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Drug courts remove a defendant's or  
5 respondent's case from the criminal and civil court traditional trial  
6 track and allow those defendants or respondents the opportunity to  
7 obtain treatment services to address particular issues that may have  
8 contributed to the conduct that led to their arrest or other issues  
9 before the court. Such courts, by focusing on specific individuals'  
10 needs, provide treatment for the issues presented and ensure rapid  
11 and appropriate accountability for program violations, which  
12 decreases recidivism, improves the safety of the community, and  
13 improves the life of the program participant and the lives of the  
14 participant's family members by decreasing the severity and frequency  
15 of the specific behavior addressed by the therapeutic court.  
16 Therefore, the legislature finds compelling the research conducted by  
17 the Washington state institute for public policy and the research and  
18 data analysis division of the department of social and health  
19 services showing that providing recovery support services to clients  
20 in drug courts creates a benefit to the state of approximately seven  
21 dollars and sixty cents in reduced public expenditures and reduced

1 costs of victimization for each dollar spent. Therefore, it is the  
2 intent of the legislature to allow the use of a portion of the  
3 criminal justice treatment account to provide such services to foster  
4 increased success in drug courts.

5 **Sec. 2.** RCW 71.24.580 and 2017 3rd sp.s. c 1 s 981 are each  
6 amended to read as follows:

7 (1) The criminal justice treatment account is created in the  
8 state treasury. Moneys in the account may be expended solely for: (a)  
9 Substance use disorder treatment and treatment support services for  
10 offenders with a substance use disorder that, if not treated, would  
11 result in addiction, against whom charges are filed by a prosecuting  
12 attorney in Washington state; (b) the provision of substance use  
13 disorder treatment services and treatment support services for  
14 nonviolent offenders within a drug court program; and (c) the  
15 administrative and overhead costs associated with the operation of a  
16 drug court. During the 2015-2017 fiscal biennium, the legislature may  
17 transfer from the criminal justice treatment account to the state  
18 general fund amounts as reflect the state savings associated with the  
19 implementation of the medicaid expansion of the federal affordable  
20 care act and the excess fund balance of the account. During the  
21 2017-2019 fiscal biennium, the legislature may direct the state  
22 treasurer to make transfers of moneys in the criminal justice  
23 treatment account to the state general fund. It is the intent of the  
24 legislature to continue, in future biennia, the policy of  
25 transferring to the state general fund such amounts as reflect the  
26 excess fund balance of the account. Moneys in the account may be  
27 spent only after appropriation.

28 (2) For purposes of this section:

29 (a) "Treatment" means services that are critical to a  
30 participant's successful completion of his or her substance use  
31 disorder treatment program, (~~but does not include the following~~  
32 ~~services: Housing other than that provided as part of an inpatient~~  
33 ~~substance use disorder treatment program, vocational training, and~~  
34 ~~mental health counseling)) including but not limited to the recovery  
35 support and other programmatic elements outlined in RCW 2.30.030  
36 authorizing therapeutic courts; and~~

37 (b) "Treatment support" (~~means~~) includes transportation to or  
38 from inpatient or outpatient treatment services when no viable  
39 alternative exists, and child care services that are necessary to

1 ensure a participant's ability to attend outpatient treatment  
2 sessions.

3 (3) Revenues to the criminal justice treatment account consist  
4 of: (a) Funds transferred to the account pursuant to this section;  
5 and (b) any other revenues appropriated to or deposited in the  
6 account.

7 (4)(a) For the fiscal year beginning July 1, 2005, and each  
8 subsequent fiscal year, the state treasurer shall transfer eight  
9 million two hundred fifty thousand dollars from the general fund to  
10 the criminal justice treatment account, divided into four equal  
11 quarterly payments. For the fiscal year beginning July 1, 2006, and  
12 each subsequent fiscal year, the amount transferred shall be  
13 increased on an annual basis by the implicit price deflator as  
14 published by the federal bureau of labor statistics.

15 (b) In each odd-numbered year, the legislature shall appropriate  
16 the amount transferred to the criminal justice treatment account in  
17 (a) of this subsection to the department for the purposes of  
18 subsection (5) of this section.

19 (5) Moneys appropriated to the department from the criminal  
20 justice treatment account shall be distributed as specified in this  
21 subsection. The department may retain up to three percent of the  
22 amount appropriated under subsection (4)(b) of this section for its  
23 administrative costs.

24 (a) Seventy percent of amounts appropriated to the department  
25 from the account shall be distributed to counties pursuant to the  
26 distribution formula adopted under this section. The division of  
27 alcohol and substance abuse, in consultation with the department of  
28 corrections, the Washington state association of counties, the  
29 Washington state association of drug court professionals, the  
30 superior court judges' association, the Washington association of  
31 prosecuting attorneys, representatives of the criminal defense bar,  
32 representatives of substance use disorder treatment providers, and  
33 any other person deemed by the department to be necessary, shall  
34 establish a fair and reasonable methodology for distribution to  
35 counties of moneys in the criminal justice treatment account. County  
36 or regional plans submitted for the expenditure of formula funds must  
37 be approved by the panel established in (b) of this subsection.

38 (b) Thirty percent of the amounts appropriated to the department  
39 from the account shall be distributed as grants for purposes of  
40 treating offenders against whom charges are filed by a county

1 prosecuting attorney. The department shall appoint a panel of  
2 representatives from the Washington association of prosecuting  
3 attorneys, the Washington association of sheriffs and police chiefs,  
4 the superior court judges' association, the Washington state  
5 association of counties, the Washington defender's association or the  
6 Washington association of criminal defense lawyers, the department of  
7 corrections, the Washington state association of drug court  
8 professionals, substance use disorder treatment providers, and the  
9 division. The panel shall review county or regional plans for funding  
10 under (a) of this subsection and grants approved under this  
11 subsection. The panel shall attempt to ensure that treatment as  
12 funded by the grants is available to offenders statewide.

13 (6) The county alcohol and drug coordinator, county prosecutor,  
14 county sheriff, county superior court, a substance abuse treatment  
15 provider appointed by the county legislative authority, a member of  
16 the criminal defense bar appointed by the county legislative  
17 authority, and, in counties with a drug court, a representative of  
18 the drug court shall jointly submit a plan, approved by the county  
19 legislative authority or authorities, to the panel established in  
20 subsection (5)(b) of this section, for disposition of all the funds  
21 provided from the criminal justice treatment account within that  
22 county. The funds shall be used solely to provide approved alcohol  
23 and substance abuse treatment pursuant to RCW 71.24.560((7)) and  
24 treatment support services(~~(, and for the administrative and overhead~~  
25 ~~costs associated with the operation of a drug court))~~).

26 ~~((a) No more than ten percent of the total moneys received under~~  
27 ~~subsections (4) and (5) of this section by a county or group of~~  
28 ~~counties participating in a regional agreement shall be spent on the~~  
29 ~~administrative and overhead costs associated with the operation of a~~  
30 ~~drug court.~~

31 ~~(b))~~ No more than ten percent of the total moneys received under  
32 subsections (4) and (5) of this section by a county or group of  
33 counties participating in a regional agreement shall be spent for  
34 treatment support services.

35 (7) Counties are encouraged to consider regional agreements and  
36 submit regional plans for the efficient delivery of treatment under  
37 this section.

38 (8) Moneys allocated under this section shall be used to  
39 supplement, not supplant, other federal, state, and local funds used  
40 for substance abuse treatment.

1           (9) Counties must meet the criteria established in RCW  
2 2.30.030(3).

3           (~~(10) The authority under this section to use funds from the~~  
4 ~~criminal justice treatment account for the administrative and~~  
5 ~~overhead costs associated with the operation of a drug court expires~~  
6 ~~June 30, 2015.~~)

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