
SUBSTITUTE SENATE BILL 5342

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline and Kohl-Welles)

READ FIRST TIME 02/27/07.

1 AN ACT Relating to drug courts; and amending RCW 2.28.170.

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

3 **Sec. 1.** RCW 2.28.170 and 2006 c 339 s 106 are each amended to read
4 as follows:

5 (1) Counties may establish and operate drug courts.

6 (2) For the purposes of this section, "drug court" means a court
7 that has special calendars or dockets designed to achieve a reduction
8 in recidivism and substance abuse among nonviolent, substance abusing
9 felony and nonfelony offenders, whether adult or juvenile, by
10 increasing their likelihood for successful rehabilitation through
11 early, continuous, and intense judicially supervised treatment;
12 mandatory periodic drug testing; and the use of appropriate sanctions
13 and other rehabilitation services.

14 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
15 drug court program must first:

16 (i) Exhaust all federal funding that is available to support the
17 operations of its drug court and associated services; and

18 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
19 for drug court programs with local cash or in-kind resources. Moneys

1 allocated by the state must be used to supplement, not supplant, other
2 federal, state, and local funds for drug court operations and
3 associated services.

4 (b) Any county that establishes a drug court pursuant to this
5 section shall establish minimum requirements for the participation of
6 offenders in the program. The drug court may adopt local requirements
7 that are more stringent than the minimum. The minimum requirements
8 are:

9 (i) The offender would benefit from substance abuse treatment;

10 (ii) ~~((The offender has not previously been convicted of a serious
11 violent offense or sex offense as defined in RCW 9.94A.030; and~~

12 ~~(iii)))~~ Without regard to whether proof of any of these elements is
13 required to convict, the offender is not currently charged with or
14 convicted of an offense:

15 (A) That is a sex offense;

16 (B) That is a serious violent offense;

17 (C) During which the defendant used a firearm; or

18 (D) During which the defendant caused substantial or great bodily
19 harm or death to another person.

20 (c) Any county that establishes a drug court pursuant to this
21 section may design and implement a policy:

22 (i) That would allow an offender, who has previously been convicted
23 of a serious violent offense, to participate in the drug court program;
24 and/or

25 (ii) That would allow an offender, who has previously been
26 convicted of a sex offense, to participate in the drug court program.

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