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HOUSE BILL 2034

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Hudgins, Appleton, Dickerson, Hunt, Ryu, and Goodman

Read first time 03/24/11. Referred to Committee on State Government & Tribal Affairs.

1            AN ACT Relating to the reform and streamlining of the sentencing  
2 guidelines commission for the purpose of saving money; amending RCW  
3 9.94A.860, 9.94A.480, 13.50.010, 9.94A.74501, 9.94A.855, 9.94A.870,  
4 9A.52.025, 10.98.140, 10.98.160, and 72.66.016; reenacting and amending  
5 RCW 70.96A.350; adding a new section to chapter 9.94A RCW; and  
6 repealing RCW 13.40.005, 9.94A.850, 9.94A.863, 9.94A.8672, 9.94A.8673,  
7 9.94A.8675, and 72.09.350.

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

9            NEW SECTION.    **Sec. 1.** The following acts or parts of acts are each  
10 repealed:

11            (1) RCW 13.40.005 (Juvenile disposition standards commission--  
12 Abolished--References to commission--Transfer of powers, duties, and  
13 functions) and 1995 c 269 s 301;

14            (2) RCW 9.94A.850 (Sentencing guidelines commission--Established--  
15 Powers and duties) and 2009 c 375 s 8, 2009 c 28 s 17, & 2005 c 282 s  
16 19;

17            (3) RCW 9.94A.863 (Monetary threshold amounts of property crimes--  
18 Review--Report) and 2009 c 431 s 2;

1 (4) RCW 9.94A.8672 (Sex offender policy board--Establishment) and  
2 2008 c 249 s 2;

3 (5) RCW 9.94A.8673 (Sex offender policy board--Membership) and 2008  
4 c 249 s 3;

5 (6) RCW 9.94A.8675 (Sex offender policy board--Authority) and 2008  
6 c 249 s 5; and

7 (7) RCW 72.09.350 (Corrections mental health center--Collaborative  
8 arrangement with University of Washington--Services for mentally ill  
9 offenders--Annual report to the legislature) and 1993 c 459 s 1.

10 **Sec. 2.** RCW 9.94A.860 and 2001 2nd sp.s. c 12 s 311 are each  
11 amended to read as follows:

12 (1) The sentencing guidelines commission is hereby created as  
13 provided in this section. Except as provided in RCW 9.94A.875, the  
14 commission is advisory only and may only advise the supreme court, the  
15 governor, or the legislature as deemed necessary by the supreme court,  
16 the governor, or the legislature.

17 (2) The commission consists of twenty voting members, one of whom  
18 the governor shall designate as chairperson. With the exception of ex  
19 officio voting members, the voting members of the commission shall be  
20 appointed by the (~~governor, subject to confirmation by the senate~~)  
21 supreme court.

22 ((+2)) (3) The voting membership consists of the following:

23 (a) The head of the state agency having general responsibility for  
24 adult correction programs, as an ex officio member;

25 (b) The director of financial management or designee, as an ex  
26 officio member;

27 (c) The chair of the indeterminate sentence review board, as an ex  
28 officio member;

29 (d) The head of the state agency, or the agency head's designee,  
30 having responsibility for juvenile corrections programs, as an ex  
31 officio member;

32 (e) Two prosecuting attorneys;

33 (f) Two attorneys with particular expertise in defense work;

34 (g) Four persons who are superior court judges;

35 (h) One person who is the chief law enforcement officer of a county  
36 or city;

1 (i) Four members of the public who are not prosecutors, defense  
2 attorneys, judges, or law enforcement officers, one of whom is a victim  
3 of crime or a crime victims' advocate;

4 (j) One person who is an elected official of a county government,  
5 other than a prosecuting attorney or sheriff;

6 (k) One person who is an elected official of a city government;

7 (l) One person who is an administrator of juvenile court services.

8 In making the appointments, the governor shall endeavor to assure  
9 that the commission membership includes adequate representation and  
10 expertise relating to both the adult criminal justice system and the  
11 juvenile justice system. In making the appointments, the governor  
12 shall seek the recommendations of Washington prosecutors in respect to  
13 the prosecuting attorney members, of the Washington state bar  
14 association in respect to the defense attorney members, of the  
15 association of superior court judges in respect to the members who are  
16 judges, of the Washington association of sheriffs and police chiefs in  
17 respect to the member who is a law enforcement officer, of the  
18 Washington state association of counties in respect to the member who  
19 is a county official, of the association of Washington cities in  
20 respect to the member who is a city official, of the office of crime  
21 victims advocacy and other organizations of crime victims in respect to  
22 the member who is a victim of crime or a crime victims' advocate, and  
23 of the Washington association of juvenile court administrators in  
24 respect to the member who is an administrator of juvenile court  
25 services.

26 ~~((+3))~~ (4)(a) All voting members of the commission, except ex  
27 officio voting members, shall serve terms of three years and until  
28 their successors are appointed and confirmed.

29 (b) The governor shall stagger the terms of the members appointed  
30 under subsection ~~((+2))~~ (3)(j), (k), and (l) of this section by  
31 appointing one of them for a term of one year, one for a term of two  
32 years, and one for a term of three years.

33 ~~((+4))~~ (5) The speaker of the house of representatives and the  
34 president of the senate may each appoint two nonvoting members to the  
35 commission, one from each of the two largest caucuses in each house.  
36 The members so appointed shall serve two-year terms, or until they  
37 cease to be members of the house from which they were appointed,  
38 whichever occurs first.

1       ~~((+5))~~ (6) The members of the commission ~~((shall))~~ may not be  
2 reimbursed for travel expenses ~~((as provided in RCW 43.03.050 and~~  
3 ~~43.03.060))~~. Legislative members ~~((shall))~~ may not be reimbursed by  
4 their respective houses ~~((as provided under RCW 44.04.120))~~. Members  
5 ~~((shall be))~~ are not compensated ~~((in accordance with RCW 43.03.250))~~.

6       (7) The commission may meet if a meeting is called by the supreme  
7 court, the governor, or the legislature and only for such purposes as  
8 determined by the supreme court, the governor, or the legislature.

9       (8) The commission must serve as a clearinghouse and information  
10 center for the collection, preparation, analysis, and dissemination of  
11 information on:

- 12       (a) State and local adult sentencing practices; and  
13       (b) Juveniles sentenced as adults.

14       NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW  
15 to read as follows:

16       The department of social and health services must serve as a  
17 clearinghouse and information center for the collection, preparation,  
18 analysis, and dissemination of information on:

- 19       (1) State and local juvenile sentencing practices; and  
20       (2) Juveniles sentenced as adults.

21       **Sec. 4.** RCW 9.94A.480 and 2002 c 290 s 16 are each amended to read  
22 as follows:

23       ~~((+1))~~ A current, newly created or reworked judgment and sentence  
24 document for each felony sentencing shall record any and all  
25 recommended sentencing agreements or plea agreements and the sentences  
26 for any and all felony crimes kept as public records under RCW  
27 9.94A.475 shall contain the clearly printed name and legal signature of  
28 the sentencing judge. The judgment and sentence document as defined in  
29 this section shall also provide additional space for the sentencing  
30 judge's reasons for going either above or below the presumptive  
31 sentence range for any and all felony crimes covered as public records  
32 under RCW 9.94A.475. Both the sentencing judge and the prosecuting  
33 attorney's office shall each retain or receive a completed copy of each  
34 sentencing document as defined in this section for their own records.

35       ~~((+2) The sentencing guidelines commission shall be sent a~~  
36 ~~completed copy of the judgment and sentence document upon conviction~~

1 for each felony sentencing under subsection (1) of this section and  
2 shall compile a yearly and cumulative judicial record of each  
3 sentencing judge in regards to his or her sentencing practices for any  
4 and all felony crimes involving:

5 (a) Any violent offense as defined in this chapter;

6 (b) Any most serious offense as defined in this chapter;

7 (c) Any felony with any deadly weapon special verdict under RCW  
8 9.94A.602;

9 (d) Any felony with any deadly weapon enhancements under RCW  
10 9.94A.533 (3) or (4), or both; and/or

11 (e) The felony crimes of possession of a machine gun, possessing a  
12 stolen firearm, drive by shooting, theft of a firearm, unlawful  
13 possession of a firearm in the first or second degree, and/or use of a  
14 machine gun in a felony.

15 (3) The sentencing guidelines commission shall compare each  
16 individual judge's sentencing practices to the standard or presumptive  
17 sentence range for any and all felony crimes listed in subsection (2)  
18 of this section for the appropriate offense level as defined in RCW  
19 9.94A.515 or 9.94A.518, offender score as defined in RCW 9.94A.525, and  
20 any applicable deadly weapon enhancements as defined in RCW 9.94A.533  
21 (3) or (4), or both. These comparative records shall be retained and  
22 made available to the public for review in a current, newly created or  
23 reworked official published document by the sentencing guidelines  
24 commission.

25 (4) Any and all felony sentences which are either above or below  
26 the standard or presumptive sentence range in subsection (3) of this  
27 section shall also mark whether the prosecuting attorney in the case  
28 also recommended a similar sentence, if any, which was either above or  
29 below the presumptive sentence range and shall also indicate if the  
30 sentence was in conjunction with an approved alternative sentencing  
31 option including a first-time offender waiver, sex offender sentencing  
32 alternative, or other prescribed sentencing option.

33 (5) If any completed judgment and sentence document as defined in  
34 subsection (1) of this section is not sent to the sentencing guidelines  
35 commission as required in subsection (2) of this section, the  
36 sentencing guidelines commission shall have the authority and shall  
37 undertake reasonable and necessary steps to assure that all past,

1 ~~current, and future sentencing documents as defined in subsection (1)~~  
2 ~~of this section are received by the sentencing guidelines commission.)~~

3 **Sec. 5.** RCW 13.50.010 and 2010 c 150 s 3 are each amended to read  
4 as follows:

5 (1) For purposes of this chapter:

6 (a) "Juvenile justice or care agency" means any of the following:  
7 Police, diversion units, court, prosecuting attorney, defense attorney,  
8 detention center, attorney general, the legislative children's  
9 oversight committee, the office of the family and children's ombudsman,  
10 the department of social and health services and its contracting  
11 agencies, schools; persons or public or private agencies having  
12 children committed to their custody; and any placement oversight  
13 committee created under RCW 72.05.415;

14 (b) "Official juvenile court file" means the legal file of the  
15 juvenile court containing the petition or information, motions,  
16 memorandums, briefs, findings of the court, and court orders;

17 (c) "Records" means the official juvenile court file, the social  
18 file, and records of any other juvenile justice or care agency in the  
19 case;

20 (d) "Social file" means the juvenile court file containing the  
21 records and reports of the probation counselor.

22 (2) Each petition or information filed with the court may include  
23 only one juvenile and each petition or information shall be filed under  
24 a separate docket number. The social file shall be filed separately  
25 from the official juvenile court file.

26 (3) It is the duty of any juvenile justice or care agency to  
27 maintain accurate records. To this end:

28 (a) The agency may never knowingly record inaccurate information.  
29 Any information in records maintained by the department of social and  
30 health services relating to a petition filed pursuant to chapter 13.34  
31 RCW that is found by the court to be false or inaccurate shall be  
32 corrected or expunged from such records by the agency;

33 (b) An agency shall take reasonable steps to assure the security of  
34 its records and prevent tampering with them; and

35 (c) An agency shall make reasonable efforts to insure the  
36 completeness of its records, including action taken by other agencies  
37 with respect to matters in its files.

1 (4) Each juvenile justice or care agency shall implement procedures  
2 consistent with the provisions of this chapter to facilitate inquiries  
3 concerning records.

4 (5) Any person who has reasonable cause to believe information  
5 concerning that person is included in the records of a juvenile justice  
6 or care agency and who has been denied access to those records by the  
7 agency may make a motion to the court for an order authorizing that  
8 person to inspect the juvenile justice or care agency record concerning  
9 that person. The court shall grant the motion to examine records  
10 unless it finds that in the interests of justice or in the best  
11 interests of the juvenile the records or parts of them should remain  
12 confidential.

13 (6) A juvenile, or his or her parents, or any person who has  
14 reasonable cause to believe information concerning that person is  
15 included in the records of a juvenile justice or care agency may make  
16 a motion to the court challenging the accuracy of any information  
17 concerning the moving party in the record or challenging the continued  
18 possession of the record by the agency. If the court grants the  
19 motion, it shall order the record or information to be corrected or  
20 destroyed.

21 (7) The person making a motion under subsection (5) or (6) of this  
22 section shall give reasonable notice of the motion to all parties to  
23 the original action and to any agency whose records will be affected by  
24 the motion.

25 (8) The court may permit inspection of records by, or release of  
26 information to, any clinic, hospital, or agency which has the subject  
27 person under care or treatment. The court may also permit inspection  
28 by or release to individuals or agencies, including juvenile justice  
29 advisory committees of county law and justice councils, engaged in  
30 legitimate research for educational, scientific, or public purposes.  
31 The court shall release to the (~~sentencing guidelines commission~~)  
32 department of social and health services records needed for its  
33 research and data-gathering functions (~~under RCW 9.94A.850 and other~~  
34 ~~statutes~~). Access to records or information for research purposes  
35 shall be permitted only if the anonymity of all persons mentioned in  
36 the records or information will be preserved. Each person granted  
37 permission to inspect juvenile justice or care agency records for

1 research purposes shall present a notarized statement to the court  
2 stating that the names of juveniles and parents will remain  
3 confidential.

4 (9) Juvenile detention facilities shall release records to the  
5 (~~sentencing guidelines commission under RCW 9.94A.850~~) department of  
6 social and health services upon request. The commission shall not  
7 disclose the names of any juveniles or parents mentioned in the records  
8 without the named individual's written permission.

9 (10) Requirements in this chapter relating to the court's authority  
10 to compel disclosure shall not apply to the legislative children's  
11 oversight committee or the office of the family and children's  
12 ombudsman.

13 (11) For the purpose of research only, the administrative office of  
14 the courts shall maintain an electronic research copy of all records in  
15 the judicial information system related to juveniles. Access to the  
16 research copy is restricted to the Washington state center for court  
17 research. The Washington state center for court research shall  
18 maintain the confidentiality of all confidential records and shall  
19 preserve the anonymity of all persons identified in the research copy.  
20 The research copy may not be subject to any records retention schedule  
21 and must include records destroyed or removed from the judicial  
22 information system pursuant to RCW 13.50.050 (17) and (18) and  
23 13.50.100(3).

24 (12) The court shall release to the Washington state office of  
25 public defense records needed to implement the agency's oversight,  
26 technical assistance, and other functions as required by RCW 2.70.020.  
27 Access to the records used as a basis for oversight, technical  
28 assistance, or other agency functions is restricted to the Washington  
29 state office of public defense. The Washington state office of public  
30 defense shall maintain the confidentiality of all confidential  
31 information included in the records.

32 **Sec. 6.** RCW 9.94A.74501 and 2001 c 35 s 3 are each amended to read  
33 as follows:

34 (1) The (~~sentencing guidelines commission~~) supreme court shall  
35 serve as the state council for interstate adult offender supervision as  
36 required under article IV of RCW 9.94A.745, the interstate compact for  
37 adult offender supervision. (~~To assist the commission in performing~~



1 ~~its functions as the state council,~~) The department of corrections  
2 shall provide staffing and support services. The ~~((commission))~~  
3 supreme court may form a subcommittee, including members representing  
4 the legislative, judicial, and executive branches of state government,  
5 and victims' groups ~~((, and the secretary of corrections,))~~ to perform  
6 the functions of the state council. Any such subcommittee shall  
7 include representation of both houses and at least two of the four  
8 largest political caucuses in the legislature.

9 (2) The ~~((commission,))~~ supreme court or a subcommittee if formed  
10 for that purpose, shall:

11 (a) Review department of corrections operations and procedures  
12 under RCW 9.94A.745, and recommend policies to the compact  
13 administrator, including policies to be pursued in the administrator's  
14 capacity as the state's representative on the interstate commission  
15 created under article III of RCW 9.94A.745;

16 (b) Report annually to the legislature on interstate supervision  
17 operations and procedures under RCW 9.94A.745, including  
18 recommendations for policy changes; and

19 (c) Not later than December 1, 2004, report to the legislature on  
20 the effectiveness of its functioning as the state council under article  
21 IV of RCW 9.94A.745, and recommend any legislation it deems  
22 appropriate.

23 (3) The ~~((commission, or a subcommittee if formed for that  
24 purpose,))~~ supreme court shall appoint ~~((one of its members, or))~~ an  
25 employee of the ~~((department designated by the secretary))~~ supreme  
26 court, or a subcommittee if formed for that purpose shall appoint one  
27 of its members, to represent the state at meetings of the interstate  
28 commission created under article III of RCW 9.94A.745 when the compact  
29 administrator cannot attend.

30 **Sec. 7.** RCW 9.94A.855 and 2005 c 282 s 20 are each amended to read  
31 as follows:

32 The ~~((commission))~~ supreme court shall appoint a research staff of  
33 sufficient size and with sufficient resources to accomplish its duties.  
34 The ~~((commission))~~ supreme court may request from ~~((the office of  
35 financial management, the indeterminate sentence review board,))~~ the  
36 administrative office of the courts, the department of corrections, and  
37 the department of social and health services such data, information,

1 and data processing assistance as it may need to accomplish its duties,  
2 and such services shall be provided without cost to the (~~commission~~)  
3 supreme court. (~~The commission shall adopt its own bylaws.~~

4 ~~The salary for a full-time executive officer, if any, shall be~~  
5 ~~fixed by the governor pursuant to RCW 43.03.040.~~)

6 **Sec. 8.** RCW 9.94A.870 and 1999 c 143 s 13 are each amended to read  
7 as follows:

8 If the governor finds that an emergency exists in that the  
9 population of a state residential correctional facility exceeds its  
10 reasonable, maximum capacity, then the governor may do any one or more  
11 of the following:

12 (1) Call the (~~sentencing guidelines commission~~) supreme court  
13 into an emergency meeting for the purpose of evaluating the standard  
14 ranges and other standards. The (~~commission~~) supreme court may adopt  
15 any revision or amendment to the standard ranges or other standards  
16 that it believes appropriate to deal with the emergency situation. The  
17 revision or amendment shall be adopted in conformity with chapter 34.05  
18 RCW and shall take effect on the date prescribed by the (~~commission~~)  
19 supreme court. The legislature shall approve or modify the  
20 (~~commission's~~) supreme court's revision or amendment at the next  
21 legislative session after the revision or amendment takes effect.  
22 Failure of the legislature to act shall be deemed as approval of the  
23 revision or amendment;

24 (2) Call the clemency and pardons board into an emergency meeting  
25 for the purpose of recommending whether the governor's commutation or  
26 pardon power should be exercised to meet the present emergency.

27 **Sec. 9.** RCW 9A.52.025 and 1989 2nd ex.s. c 1 s 1 are each amended  
28 to read as follows:

29 (1) A person is guilty of residential burglary if, with intent to  
30 commit a crime against a person or property therein, the person enters  
31 or remains unlawfully in a dwelling other than a vehicle.

32 (2) Residential burglary is a class B felony. (~~In establishing~~  
33 ~~sentencing guidelines and disposition standards, the sentencing~~  
34 ~~guidelines commission and the juvenile disposition standards commission~~  
35 ~~shall consider residential burglary as a more serious offense than~~  
36 ~~second degree burglary.~~)



1           **Sec. 12.** RCW 70.96A.350 and 2009 c 479 s 50 and 2009 c 445 s 1 are  
2 each reenacted and amended to read as follows:

3           (1) The criminal justice treatment account is created in the state  
4 treasury. Moneys in the account may be expended solely for: (a)  
5 Substance abuse treatment and treatment support services for offenders  
6 with an addiction or a substance abuse problem that, if not treated,  
7 would result in addiction, against whom charges are filed by a  
8 prosecuting attorney in Washington state; (b) the provision of drug and  
9 alcohol treatment services and treatment support services for  
10 nonviolent offenders within a drug court program; (c) the  
11 administrative and overhead costs associated with the operation of a  
12 drug court; and (d) during the 2007-2009 biennium, operation of the  
13 integrated crisis response and intensive case management pilots  
14 contracted with the department of social and health services division  
15 of alcohol and substance abuse. Moneys in the account may be spent  
16 only after appropriation.

17           (2) For purposes of this section:

18           (a) "Treatment" means services that are critical to a participant's  
19 successful completion of his or her substance abuse treatment program,  
20 but does not include the following services: Housing other than that  
21 provided as part of an inpatient substance abuse treatment program,  
22 vocational training, and mental health counseling; and

23           (b) "Treatment support" means transportation to or from inpatient  
24 or outpatient treatment services when no viable alternative exists, and  
25 child care services that are necessary to ensure a participant's  
26 ability to attend outpatient treatment sessions.

27           (3) Revenues to the criminal justice treatment account consist of:

28           (a) Funds transferred to the account pursuant to this section; and (b)  
29 any other revenues appropriated to or deposited in the account.

30           (4)(a) For the fiscal biennium beginning July 1, 2003, the state  
31 treasurer shall transfer eight million nine hundred fifty thousand  
32 dollars from the general fund into the criminal justice treatment  
33 account, divided into eight equal quarterly payments. For the fiscal  
34 year beginning July 1, 2005, and each subsequent fiscal year, the state  
35 treasurer shall transfer eight million two hundred fifty thousand  
36 dollars from the general fund to the criminal justice treatment  
37 account, divided into four equal quarterly payments. For the fiscal  
38 year beginning July 1, 2006, and each subsequent fiscal year, the

1 amount transferred shall be increased on an annual basis by the  
2 implicit price deflator as published by the federal bureau of labor  
3 statistics.

4 (b) In each odd-numbered year, the legislature shall appropriate  
5 the amount transferred to the criminal justice treatment account in (a)  
6 of this subsection to the division of alcohol and substance abuse for  
7 the purposes of subsection (5) of this section.

8 (5) Moneys appropriated to the division of alcohol and substance  
9 abuse from the criminal justice treatment account shall be distributed  
10 as specified in this subsection. The department shall serve as the  
11 fiscal agent for purposes of distribution. Until July 1, 2004, the  
12 department may not use moneys appropriated from the criminal justice  
13 treatment account for administrative expenses and shall distribute all  
14 amounts appropriated under subsection (4)(b) of this section in  
15 accordance with this subsection. Beginning in July 1, 2004, the  
16 department may retain up to three percent of the amount appropriated  
17 under subsection (4)(b) of this section for its administrative costs.

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

32 (b) Thirty percent of the amounts appropriated to the division from  
33 the account shall be distributed as grants for purposes of treating  
34 offenders against whom charges are filed by a county prosecuting  
35 attorney. The division shall appoint a panel of representatives from  
36 the Washington association of prosecuting attorneys, the Washington  
37 association of sheriffs and police chiefs, the superior court judges'  
38 association, the Washington state association of counties, the

1 Washington defender's association or the Washington association of  
2 criminal defense lawyers, the department of corrections, the Washington  
3 state association of drug court professionals, substance abuse  
4 treatment providers, and the division. The panel shall review county  
5 or regional plans for funding under (a) of this subsection and grants  
6 approved under this subsection. The panel shall attempt to ensure that  
7 treatment as funded by the grants is available to offenders statewide.

8 (6) The county alcohol and drug coordinator, county prosecutor,  
9 county sheriff, county superior court, a substance abuse treatment  
10 provider appointed by the county legislative authority, a member of the  
11 criminal defense bar appointed by the county legislative authority,  
12 and, in counties with a drug court, a representative of the drug court  
13 shall jointly submit a plan, approved by the county legislative  
14 authority or authorities, to the panel established in subsection (5)(b)  
15 of this section, for disposition of all the funds provided from the  
16 criminal justice treatment account within that county. The funds shall  
17 be used solely to provide approved alcohol and substance abuse  
18 treatment pursuant to RCW 70.96A.090, treatment support services, and  
19 for the administrative and overhead costs associated with the operation  
20 of a drug court.

21 (a) No more than ten percent of the total moneys received under  
22 subsections (4) and (5) of this section by a county or group of  
23 counties participating in a regional agreement shall be spent on the  
24 administrative and overhead costs associated with the operation of a  
25 drug court.

26 (b) 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 for  
29 treatment support services.

30 (7) Counties are encouraged to consider regional agreements and  
31 submit regional plans for the efficient delivery of treatment under  
32 this section.

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

36 (9) Counties must meet the criteria established in RCW  
37 2.28.170(3)(b).

1           (10) The authority under this section to use funds from the  
2 criminal justice treatment account for the administrative and overhead  
3 costs associated with the operation of a drug court expires June 30,  
4 2013.

5           **Sec. 13.** RCW 72.66.016 and 1983 c 255 s 8 are each amended to read  
6 as follows:

7           (1) A furlough shall not be granted to a resident if the furlough  
8 would commence prior to the time the resident has served the minimum  
9 amounts of time provided under this section:

10           (a) If his or her minimum term of imprisonment is longer than  
11 twelve months, he or she shall have served at least six months of the  
12 term;

13           (b) If his or her minimum term of imprisonment is less than twelve  
14 months, he or she shall have served at least ninety days and shall have  
15 no longer than six months left to serve on his or her minimum term;

16           (c) If he or she is serving a mandatory minimum term of  
17 confinement, he or she shall have served all but the last six months of  
18 such term.

19           (2) A person convicted and sentenced for a violent offense as  
20 defined in RCW 9.94A.030 is not eligible for furlough until the person  
21 has served at least one-half of the minimum term (~~(as established by~~  
22 ~~the board of prison terms and paroles or the sentencing guidelines~~  
23 ~~commission)).~~

--- END ---