

# HOUSE BILL REPORT

## SB 5107

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**As Reported by House Committee On:**  
Judiciary  
Appropriations

**Title:** An act relating to authorizing, funding, and encouraging the establishment of therapeutic courts.

**Brief Description:** Encouraging the establishment of therapeutic courts.

**Sponsors:** Senators Padden, Pedersen, Roach, O'Ban, Darneille and Benton.

**Brief History:**

**Committee Activity:**

Judiciary: 3/12/15, 3/19/15 [DP];

Appropriations: 4/6/15, 4/7/15 [DPA].

**Brief Summary of Bill**  
**(As Amended by Committee)**

- Encourages the creation of therapeutic courts in Washington.
- Consolidates current law governing therapeutic courts into a single chapter.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

**Staff:** Brent Campbell (786-7152).

**Background:**

Therapeutic courts, also known as specialty courts, are courts that have specialized dockets that deal with treating a defendant's underlying substance abuse, mental health and/or co-occurring disorders while under the supervision of the courts. Therapeutic courts are currently authorized by statute.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Drug courts, driving under the influence (DUI) courts, mental health courts, family dependency courts, and juvenile gang courts are each specifically authorized. However, any jurisdiction that seeks a state appropriation to fund these court programs must first exhaust all federal funding that is available to support their operation and match, on a dollar-for-dollar basis, state moneys allocated for these courts. Minimum requirements for the participation of offenders in these programs are also set, including that a participant may not have been convicted of a serious violent offense or sex offense, or be currently charged with a crime that is a sex offense, a serious violent offense, or an offense during which the defendant used a firearm or caused substantial bodily harm or death to another person.

More than 80 therapeutic courts currently exist in Washington, including: adult drug courts, juvenile drug courts, family treatment courts, DUI courts, domestic violence courts, mental health courts, and veterans treatment courts.

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### **Summary of Bill:**

The judiciary's inherent authority to create therapeutic courts is recognized and the judiciary is encouraged to create such courts by employing evidence-based and research-based best practices. The judiciary is encouraged to create:

- adult drug courts;
- juvenile drug courts;
- family dependency treatment courts or family drug courts;
- mental health courts;
- DUI courts;
- veterans treatment courts;
- truancy courts;
- domestic violence courts;
- gambling courts;
- community courts;
- homeless courts; and
- treatment, responsibility and accountability on campus (Back on TRAC) courts.

Current statutes relating to drug courts, DUI courts, mental health courts, juvenile gang courts, and therapeutic courts are repealed and statutes that reference these sections are amended and reincorporated and consolidated into a single chapter.

The Department of Social and Health Services is required to provide services to therapeutic courts addressing dependency matters where either substance abuse or mental health are at issue.

Certain individuals are deemed not eligible for participation in therapeutic courts, including individuals convicted of a serious violent offense or a sex offense, or charged with the intentional discharge or threat of discharge of a firearm in furtherance of an offense.

Therapeutic courts may not be established for the purpose of applying foreign law and may not enforce a foreign law if doing so would violate either the state or federal constitution.

Jurisdictions that seek federal funding to support therapeutic courts are required to match, on a dollar-for-dollar basis, state moneys allocated for therapeutic courts. However, no matching of funds is necessary for state money expended for administrative and overhead costs associated with the operation of such courts until June 30, 2016. Every jurisdiction that authorizes a tax to provide for programs and services of therapeutic courts must, and every other jurisdiction may, establish and operate a therapeutic court for dependency proceedings.

Individual courts are also encouraged to establish multijurisdictional partnerships.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 9, relating to drug offense sentencing, which takes effect July 1, 2018.

**Staff Summary of Public Testimony:**

(In support) This bill is important so that therapeutic courts can have the flexibility to help those in need and continue to transform lives. Therapeutic courts need flexibility because it is impossible to know what the next big thing in therapeutic treatment will be. This bill provides that flexibility while at the same time keeping consistency between courts by requiring courts to use evidence and research based best practices.

Current law only explicitly mentions drug courts, DUI courts, and mental health courts. This discourages some jurisdictions from creating other types of courts that are not listed. This bill addresses that issue. The bill also allows counties to establish multijurisdictional partnerships and combine therapeutic courts. This will help expand therapeutic courts to areas where they are not currently feasible.

This bill cleans up the code by consolidating current law regarding therapeutic courts into a single chapter. It also does not cost anything for the state. No new tax provisions are created; every tax provision in the bill is current law. This bill simply moves these provisions from one statute to a single chapter. This bill is also permissive for seeking federal funding. Courts are not forced to do so if they choose not to.

(Opposed) None.

**Persons Testifying:** Senator Padden, prime sponsor; Michael Finkle, District and Municipal Court Judges Association; and Bob Cooper, Washington State Association of Drug Court Professionals.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended. Signed by 31 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Condotta, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, G. Hunt, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Senn, Springer, Stokesbary, Sullivan, Taylor, Tharinger, Van Werven and Walkinshaw.

**Minority Report:** Do not pass. Signed by 1 member: Representative Chandler, Ranking Minority Member.

**Staff:** Mary Mulholland (786-7391).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Judiciary:**

The bill as amended by the Appropriations Committee clarifies that only counties that impose a sales and use tax for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services are required to establish and operate a therapeutic court for dependency proceedings. Other jurisdictions that impose such a tax are not required to establish and operate a therapeutic court for dependency proceedings.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 9, relating to drug offense sentencing, which takes effect July 1, 2018.

### **Staff Summary of Public Testimony:**

(In support) No additional responsibility is put upon anyone in the bill. The fiscal note points to language in the bill that is actually being recodified from existing law and will not drive additional cost. The reason for referral to the Appropriations Committee is unknown. The bill is nearly identical to Engrossed House Bill 2556 from the 2014 legislative session, which passed the House floor 95-1.

Many parties agree that therapeutic courts solve problems and reduce demands on the criminal justice system.

(Opposed) None.

**Persons Testifying:** Bob Cooper, Washington State Association of Drug Court Professionals.

**Persons Signed In To Testify But Not Testifying:** None.