
SENATE BILL 5342

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline and Kohl-Welles

Read first time 01/17/2007. Referred to Committee on Judiciary.

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; and

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 (4) An offender who is not referred to drug court after screening
21 by a prosecutor has a right to petition the court for a hearing to
22 determine eligibility for participation in a drug court program.

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