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**SENATE BILL 6585**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Zeiger, Walsh, Darneille, O'Ban, Conway, Nguyen, and Wilson, C.

Read first time 01/23/20. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to encouraging the use of medication-assisted  
2 treatment within jails; and reenacting and amending RCW 71.24.580.

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

4 **Sec. 1.** RCW 71.24.580 and 2019 c 415 s 980, 2019 c 325 s 1040,  
5 and 2019 c 314 s 27 are each reenacted and amended to read as  
6 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. Amounts provided in this subsection must be used for  
17 treatment and recovery support services for criminally involved  
18 offenders and authorization of these services shall not be subject to  
19 determinations of medical necessity. During the 2017-2019 fiscal  
20 biennium, the legislature may direct the state treasurer to make  
21 transfers of moneys in the criminal justice treatment account to the

1 state general fund. During the 2019-2021 fiscal biennium, the  
2 legislature may direct the state treasurer to make transfers of  
3 moneys in the criminal justice treatment account to the home security  
4 fund account created in RCW 43.185C.060. It is the intent of the  
5 legislature to continue the policy of transferring moneys from the  
6 criminal justice treatment account to the home security fund account  
7 in subsequent biennia. Moneys in the account may be spent only after  
8 appropriation.

9 (2) For purposes of this section:

10 (a) "Treatment" means services that are critical to a  
11 participant's successful completion of his or her substance use  
12 disorder treatment program, including but not limited to the recovery  
13 support and other programmatic elements outlined in RCW 2.30.030  
14 authorizing therapeutic courts; and

15 (b) "Treatment support" includes transportation to or from  
16 inpatient or outpatient treatment services when no viable alternative  
17 exists, and child care services that are necessary to ensure a  
18 participant's ability to attend outpatient treatment sessions.

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

23 (4) (a) For the fiscal year beginning July 1, 2005, and each  
24 subsequent fiscal year, the state treasurer shall transfer eight  
25 million two hundred fifty thousand dollars from the general fund to  
26 the criminal justice treatment account, divided into four equal  
27 quarterly payments. For the fiscal year beginning July 1, 2006, and  
28 each subsequent fiscal year, the amount transferred shall be  
29 increased on an annual basis by the implicit price deflator as  
30 published by the federal bureau of labor statistics.

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

35 (5) Moneys appropriated to the authority from the criminal  
36 justice treatment account shall be distributed as specified in this  
37 subsection. The authority may retain up to three percent of the  
38 amount appropriated under subsection (4) (b) of this section for its  
39 administrative costs.

1 (a) Seventy percent of amounts appropriated to the authority from  
2 the account shall be distributed to counties pursuant to the  
3 distribution formula adopted under this section. The authority, in  
4 consultation with the department of corrections, the Washington state  
5 association of counties, the Washington state association of drug  
6 court professionals, the superior court judges' association, the  
7 Washington association of prosecuting attorneys, representatives of  
8 the criminal defense bar, representatives of substance use disorder  
9 treatment providers, and any other person deemed by the authority to  
10 be necessary, shall establish a fair and reasonable methodology for  
11 distribution to counties of moneys in the criminal justice treatment  
12 account. County or regional plans submitted for the expenditure of  
13 formula funds must be approved by the panel established in (b) of  
14 this subsection.

15 (b) Thirty percent of the amounts appropriated to the authority  
16 from the account shall be distributed as grants for purposes of  
17 treating offenders against whom charges are filed by a county  
18 prosecuting attorney. The authority shall appoint a panel of  
19 representatives from the Washington association of prosecuting  
20 attorneys, the Washington association of sheriffs and police chiefs,  
21 the superior court judges' association, the Washington state  
22 association of counties, the Washington defender's association or the  
23 Washington association of criminal defense lawyers, the department of  
24 corrections, the Washington state association of drug court  
25 professionals, and substance use disorder treatment providers. The  
26 panel shall review county or regional plans for funding under (a) of  
27 this subsection and grants approved under this subsection. The panel  
28 shall attempt to ensure that treatment as funded by the grants is  
29 available to offenders statewide.

30 (6) The county alcohol and drug coordinator, county prosecutor,  
31 county sheriff, county superior court, a substance abuse treatment  
32 provider appointed by the county legislative authority, a member of  
33 the criminal defense bar appointed by the county legislative  
34 authority, and, in counties with a drug court, a representative of  
35 the drug court shall jointly submit a plan, approved by the county  
36 legislative authority or authorities, to the panel established in  
37 subsection (5)(b) of this section, for disposition of all the funds  
38 provided from the criminal justice treatment account within that  
39 county. The submitted plan should incorporate current evidence-based  
40 practices in substance use disorder treatment. The funds shall be

1 used solely to provide approved alcohol and substance use disorder  
2 treatment pursuant to RCW 71.24.560 and treatment support services.  
3 No more than ten percent of the total moneys received under  
4 subsections (4) and (5) of this section by a county or group of  
5 counties participating in a regional agreement shall be spent for  
6 treatment support services.

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

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

13 (9) If a region or county uses criminal justice treatment account  
14 funds to support a therapeutic court, the therapeutic court must  
15 allow the use of all medications approved by the federal food and  
16 drug administration for the treatment of opioid use disorder as  
17 deemed medically appropriate for a participant by a medical  
18 professional. If appropriate medication-assisted treatment resources  
19 are not available or accessible within the jurisdiction, the health  
20 care authority's designee for assistance must assist the court with  
21 acquiring the resource.

22 (10) For a county or region to be eligible to receive criminal  
23 justice treatment account funds under this section, all county jails  
24 within the county or region must allow the use of all medications  
25 approved by the federal food and drug administration for the  
26 treatment of opioid use disorders as deemed appropriate by a medical  
27 professional during the custody period, and allow for such treatment  
28 to be initiated during the custody period for jail inmates when  
29 medically appropriate for the treatment of an opioid use disorder.

30 (11) Counties must meet the criteria established in RCW  
31 2.30.030(3).

32 (~~(11)~~) (12) The authority shall annually review and monitor the  
33 expenditures made by any county or group of counties that receives  
34 appropriated funds distributed under this section. Counties shall  
35 repay any funds that are not spent in accordance with the  
36 requirements of its contract with the authority.

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