
HOUSE BILL 1598

State of Washington

64th Legislature

2015 Regular Session

By Representatives Jinkins and Rodne; by request of Department of Social and Health Services

Read first time 01/23/15. Referred to Committee on Appropriations.

1 AN ACT Relating to the criminal justice treatment account;
2 amending RCW 70.96A.080 and 70.96A.350; and providing an effective
3 date.

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

5 **Sec. 1.** RCW 70.96A.080 and 2014 c 225 s 25 are each amended to
6 read as follows:

7 (1) In coordination with the health care authority, the
8 department shall establish by appropriate means, a comprehensive and
9 coordinated program for the treatment of persons with substance use
10 disorders and their families, persons incapacitated by alcohol or
11 other psychoactive chemicals, and intoxicated persons.

12 (2)(a) The program shall include, but not necessarily be limited
13 to, a continuum of chemical dependency treatment services that
14 includes:

- 15 (i) Withdrawal management;
- 16 (ii) Residential treatment; and
- 17 (iii) Outpatient treatment.

18 (b) The program may include peer support, supported housing,
19 supported employment, crisis diversion, or recovery support services.

20 (3) All appropriate public and private resources shall be
21 coordinated with and used in the program when possible.

1 (4) The department may contract for the use of an approved
2 treatment program or other individual or organization if the
3 secretary considers this to be an effective and economical course to
4 follow.

5 (5) By April 1, 2016, treatment provided under this chapter must
6 be purchased primarily through managed care contracts. Consistent
7 with RCW 70.96A.350, services and funding provided through the
8 criminal justice treatment account, except for the amount used to
9 provide state matching funds for federal medicaid payments, are
10 intended to be exempted from managed care contracting.

11 **Sec. 2.** RCW 70.96A.350 and 2013 2nd sp.s. c 4 s 990 are each
12 amended to read as follows:

13 (1) The criminal justice treatment account is created in the
14 state treasury. Moneys in the account may be expended solely for: (a)
15 Substance abuse treatment and treatment support services for
16 offenders with an addiction or a substance abuse problem that, if not
17 treated, would result in addiction, against whom charges are filed by
18 a prosecuting attorney in Washington state; (b) the provision of drug
19 and alcohol treatment services and treatment support services for
20 nonviolent offenders within a drug court program; (c) the
21 administrative and overhead costs associated with the operation of a
22 drug court; and (d) during the 2011-2013 biennium, the legislature
23 may appropriate up to three million dollars from the account in order
24 to offset reductions in the state general fund for treatment services
25 provided by counties. This amount is not subject to the requirements
26 of subsections (5) through (9) of this section. During the 2013-2015
27 fiscal biennium, the legislature may transfer from the criminal
28 justice treatment account to the state general fund amounts as
29 reflect the state savings associated with the implementation of the
30 medicaid expansion of the federal affordable care act. Moneys in the
31 account may be spent only after appropriation.

32 (2) For purposes of this section:

33 (a) "Treatment" means services that are critical to a
34 participant's successful completion of his or her substance abuse
35 treatment program, (~~but does not include the following services:~~
36 ~~Housing other than that provided as part of an inpatient substance~~
37 ~~abuse treatment program, vocational training, and mental health~~
38 ~~counseling)) including the services outlined in RCW 70.96A.080(2)(b),~~

1 as amended by section 25, chapter 225, Laws of 2014, effective April
2 1, 2016; and

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

7 (3) Revenues to the criminal justice treatment account consist
8 of: (a) Funds transferred to the account pursuant to this section;
9 and (b) any other revenues appropriated to or deposited in the
10 account.

11 (4)(a) For the fiscal biennium beginning July 1, 2003, the state
12 treasurer shall transfer eight million nine hundred fifty thousand
13 dollars from the general fund into the criminal justice treatment
14 account, divided into eight equal quarterly payments. For the fiscal
15 year beginning July 1, 2005, and each subsequent fiscal year, the
16 state treasurer shall transfer eight million two hundred fifty
17 thousand dollars from the general fund to the criminal justice
18 treatment account, divided into four equal quarterly payments. For
19 the fiscal year beginning July 1, 2006, and each subsequent fiscal
20 year, the amount transferred shall be increased on an annual basis by
21 the implicit price deflator as published by the federal bureau of
22 labor statistics.

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

27 (5) Moneys appropriated to the division of alcohol and substance
28 abuse from the criminal justice treatment account shall be
29 distributed as specified in this subsection. The department shall
30 serve as the fiscal agent for purposes of distribution. Until July 1,
31 2004, the department may not use moneys appropriated from the
32 criminal justice treatment account for administrative expenses and
33 shall distribute all amounts appropriated under subsection (4)(b) of
34 this section in accordance with this subsection. Beginning in July 1,
35 2004, the department may retain up to three percent of the amount
36 appropriated under subsection (4)(b) of this section for its
37 administrative costs.

38 (a) Seventy percent of amounts appropriated to the division from
39 the account shall be distributed to counties pursuant to the
40 distribution formula adopted under this section. The division of

1 alcohol and substance abuse, in consultation with the department of
2 corrections, the Washington state association of counties, the
3 Washington state association of drug court professionals, the
4 superior court judges' association, the Washington association of
5 prosecuting attorneys, representatives of the criminal defense bar,
6 representatives of substance abuse treatment providers, and any other
7 person deemed by the division to be necessary, shall establish a fair
8 and reasonable methodology for distribution to counties of moneys in
9 the criminal justice treatment account. County or regional plans
10 submitted for the expenditure of formula funds must be approved by
11 the panel established in (b) of this subsection.

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

27 (6) The county alcohol and drug coordinator, county prosecutor,
28 county sheriff, county superior court, a substance abuse treatment
29 provider appointed by the county legislative authority, a member of
30 the criminal defense bar appointed by the county legislative
31 authority, and, in counties with a drug court, a representative of
32 the drug court shall jointly submit a plan, approved by the county
33 legislative authority or authorities, to the panel established in
34 subsection (5)(b) of this section, for disposition of all the funds
35 provided from the criminal justice treatment account within that
36 county. The funds shall be used solely to provide approved alcohol
37 and substance abuse treatment pursuant to RCW 70.96A.090, treatment
38 support services, and for the administrative and overhead costs
39 associated with the operation of a drug court.

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

6 (b) No more than ten percent of the total moneys received under
7 subsections (4) and (5) of this section by a county or group of
8 counties participating in a regional agreement shall be spent for
9 treatment support services.

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

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

16 (9) Counties must meet the criteria established in RCW
17 2.28.170(3)(b).

18 (10) The authority under this section to use funds from the
19 criminal justice treatment account for the administrative and
20 overhead costs associated with the operation of a drug court expires
21 June 30, 2015.

22 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect April
23 1, 2016.

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