
HOUSE BILL 2029

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hudgins, Ladenburg, and Darneille

Read first time 03/22/11. 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10 repealed: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 department, the
15 governor, or the legislature as deemed necessary by the secretary of
16 the department, 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 secretary of the department.

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 secretary
7 of the department, the governor, or the legislature and only for such
8 purposes as determined by the secretary of the department, the
9 governor, or the legislature.

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

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

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

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

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

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

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

1 ~~((2) The sentencing guidelines commission shall be sent a~~
2 ~~completed copy of the judgment and sentence document upon conviction~~
3 ~~for each felony sentencing under subsection (1) of this section and~~
4 ~~shall compile a yearly and cumulative judicial record of each~~
5 ~~sentencing judge in regards to his or her sentencing practices for any~~
6 ~~and all felony crimes involving:~~

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

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

9 ~~(c) Any felony with any deadly weapon special verdict under RCW~~
10 ~~9.94A.602;~~

11 ~~(d) Any felony with any deadly weapon enhancements under RCW~~
12 ~~9.94A.533 (3) or (4), or both; and/or~~

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

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

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

35 ~~(5) If any completed judgment and sentence document as defined in~~
36 ~~subsection (1) of this section is not sent to the sentencing guidelines~~
37 ~~commission as required in subsection (2) of this section, the~~
38 ~~sentencing guidelines commission shall have the authority and shall~~

1 ~~undertake reasonable and necessary steps to assure that all past,~~
2 ~~current, and future sentencing documents as defined in subsection (1)~~
3 ~~of this section are received by the sentencing guidelines commission.))~~

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

6 (1) For purposes of this chapter:

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

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

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

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

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

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

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

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

36 (c) An agency shall make reasonable efforts to insure the

1 completeness of its records, including action taken by other agencies
2 with respect to matters in its files.

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

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

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

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

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

1 permission to inspect juvenile justice or care agency records for
2 research purposes shall present a notarized statement to the court
3 stating that the names of juveniles and parents will remain
4 confidential.

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

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

14 (11) For the purpose of research only, the administrative office of
15 the courts shall maintain an electronic research copy of all records in
16 the judicial information system related to juveniles. Access to the
17 research copy is restricted to the Washington state center for court
18 research. The Washington state center for court research shall
19 maintain the confidentiality of all confidential records and shall
20 preserve the anonymity of all persons identified in the research copy.
21 The research copy may not be subject to any records retention schedule
22 and must include records destroyed or removed from the judicial
23 information system pursuant to RCW 13.50.050 (17) and (18) and
24 13.50.100(3).

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

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

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

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

10 (2) The ~~((commission,))~~ department or a subcommittee if formed for
11 that purpose, shall:

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

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

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

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

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

33 The ~~((commission))~~ secretary of the department shall appoint a
34 research staff of sufficient size and with sufficient resources to
35 accomplish its duties. The ~~((commission))~~ department may request from
36 ~~((the office of financial management, the indeterminate sentence review~~
37 ~~board,))~~ the administrative office of the courts, the department of

1 corrections, and the department of social and health services such
2 data, information, and data processing assistance as it may need to
3 accomplish its duties, and such services shall be provided without cost
4 to the ((commission)) department. ((The commission shall adopt its own
5 bylaws.

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

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

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

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

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

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

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

34 (2) Residential burglary is a class B felony. ((In establishing
35 sentencing guidelines and disposition standards, the sentencing

1 ~~guidelines commission and the juvenile disposition standards commission~~
2 ~~shall consider residential burglary as a more serious offense than~~
3 ~~second degree burglary.))~~

4 **Sec. 10.** RCW 10.98.140 and 1987 c 462 s 4 are each amended to read
5 as follows:

6 (1) The section, the department, and the office of financial
7 management shall be the primary sources of information for criminal
8 justice forecasting. The information maintained by these agencies
9 shall be complete, accurate, and sufficiently timely to support state
10 criminal justice forecasting.

11 (2) The office of financial management shall be the official state
12 agency for the sentenced felon jail forecast. This forecast shall
13 provide at least a six-year projection and shall be published by
14 December 1 of every even-numbered year beginning with 1986. The office
15 of financial management shall seek advice regarding the assumptions in
16 the forecast from criminal justice agencies and associations.

17 (3) The (~~sentencing guidelines commission~~) department shall keep
18 records on all sentencings above or below the standard range defined by
19 chapter 9.94A RCW. As a minimum, the records shall include the name of
20 the offender, the crimes for which the offender was sentenced, the name
21 and county of the sentencing judge, and the deviation from the standard
22 range. Such records shall be made available to public officials upon
23 request.

24 **Sec. 11.** RCW 10.98.160 and 2005 c 282 s 25 are each amended to
25 read as follows:

26 In the development and modification of the procedures, definitions,
27 and reporting capabilities of the section, the department, the office
28 of financial management, and the responsible agencies and persons shall
29 consider the needs of other criminal justice agencies such as the
30 administrative office of the courts, local law enforcement agencies,
31 local jails, (~~the sentencing guidelines commission,~~) the
32 indeterminate sentence review board, the clemency board, prosecuting
33 attorneys, and affected state agencies such as the office of financial
34 management and legislative committees dealing with criminal justice
35 issues. The Washington integrated justice information board shall

1 review and provide recommendations to state justice agencies and the
2 courts for development and modification of the statewide justice
3 information network.

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

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

20 (2) For purposes of this section:

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

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

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

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

1 treasurer shall transfer eight million two hundred fifty thousand
2 dollars from the general fund to the criminal justice treatment
3 account, divided into four equal quarterly payments. For the fiscal
4 year beginning July 1, 2006, and each subsequent fiscal year, the
5 amount transferred shall be increased on an annual basis by the
6 implicit price deflator as published by the federal bureau of labor
7 statistics.

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

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

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

36 (b) Thirty percent of the amounts appropriated to the division from
37 the account shall be distributed as grants for purposes of treating
38 offenders against whom charges are filed by a county prosecuting

1 attorney. The division shall appoint a panel of representatives from
2 the Washington association of prosecuting attorneys, the Washington
3 association of sheriffs and police chiefs, the superior court judges'
4 association, the Washington state association of counties, the
5 Washington defender's association or the Washington association of
6 criminal defense lawyers, the department of corrections, the Washington
7 state association of drug court professionals, substance abuse
8 treatment providers, and the division. The panel shall review county
9 or regional plans for funding under (a) of this subsection and grants
10 approved under this subsection. The panel shall attempt to ensure that
11 treatment as funded by the grants is available to offenders statewide.

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

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

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

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

37 (8) Moneys allocated under this section shall be used to

1 supplement, not supplant, other federal, state, and local funds used
2 for substance abuse treatment.

3 (9) Counties must meet the criteria established in RCW
4 2.28.170(3)(b).

5 (10) The authority under this section to use funds from the
6 criminal justice treatment account for the administrative and overhead
7 costs associated with the operation of a drug court expires June 30,
8 2013.

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

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

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

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

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

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

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