

ESB 5476 - H COMM AMD
By Committee on Appropriations

ADOPTED AND ENGROSSED 04/24/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24
4 RCW to read as follows:

5 (1) The authority, in collaboration with the substance use
6 recovery services advisory committee established in subsection (2) of
7 this section, shall establish a substance use recovery services plan.
8 The purpose of the plan is to implement measures to assist persons
9 with substance use disorder in accessing outreach, treatment, and
10 recovery support services that are low barrier, person centered,
11 informed by people with lived experience, and culturally and
12 linguistically appropriate. The plan must articulate the manner in
13 which continual, rapid, and widespread access to a comprehensive
14 continuum of care will be provided to all persons with substance use
15 disorder.

16 (2)(a) The authority shall establish the substance use recovery
17 services advisory committee to collaborate with the authority in the
18 development and implementation of the substance use recovery services
19 plan under this section. The authority must appoint members to the
20 advisory committee who have relevant background related to the needs
21 of persons with substance use disorder. The advisory committee shall
22 be reflective of the community of individuals living with substance
23 use disorder, including persons who are Black, indigenous, and
24 persons of color, persons with co-occurring substance use disorders
25 and mental health conditions, as well as persons who represent the
26 unique needs of rural communities. The advisory committee shall be
27 convened and chaired by the director of the authority, or the
28 director's designee. In addition to the member from the authority,
29 the advisory committee shall include:

30 (i) One member and one alternate from each of the two largest
31 caucuses of the house of representatives, as appointed by the speaker
32 of the house of representatives;

1 (ii) One member and one alternate from each of the two largest
2 caucuses of the senate, as appointed by the president of the senate;
3 (iii) One representative of the governor's office;
4 (iv) At least one adult in recovery from substance use disorder
5 who has experienced criminal legal consequences as a result of
6 substance use;
7 (v) At least one youth in recovery from substance use disorder
8 who has experienced criminal legal consequences as a result of
9 substance use;
10 (vi) One expert from the addictions, drug, and alcohol institute
11 at the University of Washington;
12 (vii) One outreach services provider;
13 (viii) One substance use disorder treatment provider;
14 (ix) One peer recovery services provider;
15 (x) One recovery housing provider;
16 (xi) One expert in serving persons with co-occurring substance
17 use disorders and mental health conditions;
18 (xii) One expert in antiracism and equity in health care delivery
19 systems;
20 (xiii) One employee who provides substance use disorder treatment
21 or services as a member of a labor union representing workers in the
22 behavioral health field;
23 (xiv) One representative of the association of Washington health
24 plans;
25 (xv) One expert in diversion from the criminal legal system to
26 community-based care for persons with substance use disorder;
27 (xvi) One representative of public defenders;
28 (xvii) One representative of prosecutors;
29 (xviii) One representative of sheriffs and police chiefs;
30 (xix) One representative of a federally recognized tribe; and
31 (xx) One representative of local governments.
32 (b) The advisory committee may create subcommittees with expanded
33 participation.
34 (c) In its collaboration with the advisory committee to develop
35 the substance use recovery services plan, the authority must give due
36 consideration to the recommendations of the advisory committee. If
37 the authority determines that any of the advisory committee's
38 recommendations are not feasible to adopt and implement, the
39 authority must notify the advisory committee and offer an
40 explanation.

1 (d) The advisory committee must convene as necessary for the
2 development of the substance use recovery services plan and to
3 provide consultation and advice related to the development and
4 adoption of rules to implement the plan. The advisory committee must
5 convene to monitor implementation of the plan and advise the
6 authority.

7 (3) The plan must consider:

8 (a) The points of intersection that persons with substance use
9 disorder have with the health care, behavioral health, criminal,
10 civil legal, and child welfare systems as well as the various
11 locations in which persons with untreated substance use disorder
12 congregate, including homeless encampments, motels, and casinos;

13 (b) New community-based care access points, including crisis
14 stabilization services and the safe station model in partnership with
15 fire departments;

16 (c) Current regional capacity for substance use disorder
17 assessments, including capacity for persons with co-occurring
18 substance use disorders and mental health conditions, each of the
19 American society of addiction medicine levels of care, and recovery
20 support services;

21 (d) Barriers to accessing the existing behavioral health system
22 and recovery support services for persons with untreated substance
23 use disorder, especially indigent youth and adult populations,
24 persons with co-occurring substance use disorders and mental health
25 conditions, and populations chronically exposed to criminal legal
26 system responses, and possible innovations that could improve the
27 quality and accessibility of care for those populations;

28 (e) Evidence-based, research-based, and promising treatment and
29 recovery services appropriate for target populations, including
30 persons with co-occurring substance use disorders and mental health
31 conditions;

32 (f) Options for leveraging existing integrated managed care,
33 medicaid waiver, American Indian or Alaska Native fee-for-service
34 behavioral health benefits, and private insurance service capacity
35 for substance use disorders, including but not limited to
36 coordination with managed care organizations, behavioral health
37 administrative services organizations, the Washington health benefit
38 exchange, accountable communities of health, and the office of the
39 insurance commissioner;

1 (g) Framework and design assistance for jurisdictions to assist
2 in compliance with the requirements of RCW 10.31.110 for diversion of
3 individuals with complex or co-occurring behavioral health conditions
4 to community-based care whenever possible and appropriate, and
5 identifying resource gaps that impede jurisdictions in fully
6 realizing the potential impact of this approach;

7 (h) The design of recovery navigator programs in section 2 of
8 this act, including reporting requirements by behavioral health
9 administrative services organizations to monitor the effectiveness of
10 the programs and recommendations for program improvement;

11 (i) The proposal of a funding framework in which, over time,
12 resources are shifted from punishment sectors to community-based care
13 interventions such that community-based care becomes the primary
14 strategy for addressing and resolving public order issues related to
15 behavioral health conditions;

16 (j) Strategic grant making to community organizations to promote
17 public understanding and eradicate stigma and prejudice against
18 persons with substance use disorder by promoting hope, empathy, and
19 recovery;

20 (k) Recommendations for diversion to community-based care for
21 individuals with substance use disorders, including persons with co-
22 occurring substance use disorders and mental health conditions,
23 across all points of the sequential intercept model;

24 (l) Recommendations regarding the appropriate criminal legal
25 system response, if any, to possession of controlled substances;

26 (m) Recommendations regarding the collection and reporting of
27 data that identifies the number of persons law enforcement officers
28 and prosecutors engage related to drug possession and disparities
29 across geographic areas, race, ethnicity, gender, age, sexual
30 orientation, and income. The recommendations shall include, but not
31 be limited to, the number and rate of persons who are diverted from
32 charges to recovery navigator services or other services, who receive
33 services and what type of services, who are charged with simple
34 possession, and who are taken into custody; and

35 (n) The design of a mechanism for referring persons with
36 substance use disorder or problematic behaviors resulting from
37 substance use into the supportive services described in section 2 of
38 this act.

39 (4) The plan and related rules adopted by the authority must give
40 due consideration to persons with co-occurring substance use

1 disorders and mental health conditions and the needs of youth. The
2 plan must include the substance use outreach, treatment, and recovery
3 services outlined in sections 2 through 4 of this act which must be
4 available in or accessible by all jurisdictions. These services must
5 be equitably distributed across urban and rural settings. If feasible
6 and appropriate, service initiation shall be made available on demand
7 through 24-hour, seven days a week peer recovery coach response,
8 behavioral health walk-in centers, or other innovative rapid response
9 models. These services must, at a minimum, incorporate the following
10 principles: Establish low barriers to entry and reentry; improve the
11 health and safety of the individual; reduce the harm of substance use
12 and related activity for the public; include integrated and
13 coordinated services; incorporate structural competency and
14 antiracism; use noncoercive methods of engaging and retaining people
15 in treatment and recovery services, including contingency management;
16 consider the unique needs of rural communities; and have a focus on
17 services that increase social determinants of health.

18 (5) In developing the plan, the authority shall:

19 (a) Align the components of the plan with previous and ongoing
20 studies, plans, and reports, including the Washington state opioid
21 overdose and response plan, published by the authority, the roadmap
22 to recovery planning grant strategy being developed by the authority,
23 and plans associated with federal block grants; and

24 (b) Coordinate its work with the efforts of the blue ribbon
25 commission on the intersection of the criminal justice and behavioral
26 health crisis systems and the crisis response improvement strategy
27 committee established in chapter . . ., Laws of 2021 (Engrossed
28 Second Substitute House Bill No. 1477).

29 (6) The authority must submit a preliminary report by December 1,
30 2021, regarding progress toward the substance use recovery services
31 plan. The authority must submit the final substance use recovery
32 services plan to the governor and the legislature by December 1,
33 2022. After submitting the plan, the authority shall adopt rules and
34 enter into contracts with providers to implement the plan by December
35 1, 2023. In addition to seeking public comment under chapter 34.05
36 RCW, the authority must adopt rules in accordance with the
37 recommendations of the substance use recovery services advisory
38 committee as provided in subsection (2) of this section.

39 (7) In consultation with the substance use recovery services
40 advisory committee, the authority must submit a report on the

1 implementation of the substance use recovery services plan to the
2 appropriate committees of the legislature and governor by December
3 1st of each year, beginning in 2023. This report shall include
4 progress on the substance use disorder continuum of care, including
5 availability of outreach, treatment, and recovery support services
6 statewide.

7 (8) For the purposes of this section, "recovery support services"
8 means a collection of resources that sustain long-term recovery from
9 substance use disorder, including for persons with co-occurring
10 substance use disorders and mental health conditions, recovery
11 housing, permanent supportive housing, employment and education
12 pathways, peer supports and recovery coaching, family education,
13 technological recovery supports, transportation and child care
14 assistance, and social connectedness.

15 (9) This section expires December 31, 2026.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24
17 RCW to read as follows:

18 (1) Each behavioral health administrative services organization
19 shall establish a recovery navigator program. The program shall
20 provide community-based outreach, intake, assessment, and connection
21 to services and, as appropriate, long-term intensive case management
22 and recovery coaching services, to youth and adults with substance
23 use disorder, including for persons with co-occurring substance use
24 disorders and mental health conditions, who are referred to the
25 program from diverse sources and shall facilitate and coordinate
26 connections to a broad range of community resources for youth and
27 adults with substance use disorder, including treatment and recovery
28 support services.

29 (2) The authority shall establish uniform program standards for
30 behavioral health administrative services organizations to follow in
31 the design of their recovery navigator programs. The uniform program
32 standards must be modeled upon the components of the law enforcement
33 assisted diversion program and address project management, field
34 engagement, biopsychosocial assessment, intensive case management and
35 care coordination, stabilization housing when available and
36 appropriate, and, as necessary, legal system coordination. The
37 authority must adopt the uniform program standards from the
38 components of the law enforcement assisted diversion program to
39 accommodate an expanded population of persons with substance use

1 disorders, including persons with co-occurring substance use
2 disorders and mental health conditions, and allow for referrals from
3 a broad range of sources. In addition to accepting referrals from law
4 enforcement, the uniform program standards must provide guidance for
5 accepting referrals on behalf of persons with substance use
6 disorders, including persons with co-occurring substance use
7 disorders and mental health conditions, from various sources
8 including, but not limited to, self-referral, family members of the
9 individual, emergency department personnel, persons engaged with
10 serving homeless persons, including those living unsheltered or in
11 encampments, fire department personnel, emergency medical service
12 personnel, community-based organizations, members of the business
13 community, harm reduction program personnel, faith-based organization
14 staff, and other sources within the criminal legal system, as
15 outlined within the sequential intercept model. In developing
16 response time requirements within the statewide program standards,
17 the authority shall require, subject to the availability of amounts
18 appropriated for this specific purpose, that responses to referrals
19 from law enforcement occur immediately for in-custody referrals and
20 shall strive for rapid response times to other appropriate settings
21 such as emergency departments.

22 (3) Subject to the availability of amounts appropriated for this
23 specific purpose, the authority shall provide funding to each
24 behavioral health administrative services organization for the
25 development of its recovery navigator program. Before receiving
26 funding for implementation and ongoing administration, each
27 behavioral health administrative services organization must submit a
28 program plan that demonstrates the ability to fully comply with
29 statewide program standards. The authority shall establish a schedule
30 for the regular review of behavioral health administrative services
31 organizations' programs. The authority shall arrange for technical
32 assistance to be provided by the LEAD national support bureau to all
33 behavioral health administrative services organizations.

34 (4) Each behavioral health administrative services organization
35 must have a substance use disorder regional administrator for its
36 recovery navigator program. The regional administrator shall be
37 responsible for assuring compliance with program standards, including
38 staffing standards. Each recovery navigator program must maintain a
39 sufficient number of appropriately trained personnel for providing
40 intake and referral services, conducting comprehensive

1 biopsychosocial assessments, providing intensive case management
2 services, and making warm handoffs to treatment and recovery support
3 services along the continuum of care. Program staff must include
4 people with lived experience with substance use disorder to the
5 extent possible. The substance use disorder regional administrator
6 must assure that staff who are conducting intake and referral
7 services and field assessments are paid a livable and competitive
8 wage and have appropriate initial training and receive continuing
9 education.

10 (5) Each recovery navigator program must submit quarterly reports
11 to the authority with information identified by the authority and the
12 substance use recovery services advisory committee. The reports must
13 be provided to the substance use recovery services advisory committee
14 for discussion at meetings following the submission of the reports.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24
16 RCW to read as follows:

17 (1) Subject to the availability of amounts appropriated for this
18 specific purpose, the authority shall establish a grant program to:

19 (a) Provide treatment services for low-income individuals with
20 substance use disorder who are not eligible for medical assistance
21 programs under chapter 74.09 RCW, with priority for the use of the
22 funds for very low-income individuals; and

23 (b) Provide treatment services that are not eligible for federal
24 matching funds to individuals who are enrolled in medical assistance
25 programs under chapter 74.09 RCW.

26 (2) In establishing the grant program, the authority shall
27 consult with the substance use recovery services advisory committee
28 established in section 1 of this act, behavioral health
29 administrative services organizations, managed care organizations,
30 and regional behavioral health providers to adopt regional standards
31 that are consistent with the substance use recovery services plan
32 developed under section 1 of this act to provide sufficient access
33 for youth and adults to meet each region's needs for:

34 (a) Opioid use disorder treatment programs;

35 (b) Low-barrier buprenorphine clinics;

36 (c) Outpatient substance use disorder treatment;

37 (d) Withdrawal management services, including both subacute and
38 medically managed withdrawal management;

39 (e) Secure withdrawal management and stabilization services;

- 1 (f) Inpatient substance use disorder treatment services;
- 2 (g) Inpatient co-occurring disorder treatment services; and
- 3 (h) Behavioral health crisis walk-in and drop-off services.

4 (3) Funds in the grant program must be used to reimburse
5 providers for the provision of services to individuals identified in
6 subsection (1) of this section. The authority may use the funds to
7 support evidence-based practices and promising practices that are not
8 reimbursed by medical assistance or private insurance, including
9 contingency management. In addition, funds may be used to provide
10 assistance to organizations to establish or expand services as
11 reasonably necessary and feasible to increase the availability of
12 services to achieve the regional access standards developed under
13 subsection (2) of this section, including such items as training and
14 recruitment of personnel, reasonable modifications to existing
15 facilities to accommodate additional clients, start-up funding, and
16 similar forms of assistance. Funds may not be used to support the
17 ongoing operational costs of a provider or organization, except in
18 relation to payments for specific service encounters with an
19 individual identified in subsection (1) of this section or for
20 noninsurance reimbursable services.

21 (4) The authority must establish regional access standards under
22 subsection (2) of this section, subject to the availability of
23 amounts appropriated for this specific purpose, by January 1, 2023,
24 and begin distributing grant funds by March 1, 2023.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24
26 RCW to read as follows:

27 (1) Subject to the availability of amounts appropriated for this
28 specific purpose, the authority shall establish the expanded recovery
29 support services program to increase access to recovery services for
30 individuals in recovery from substance use disorder.

31 (2) In establishing the program, the authority shall consult with
32 the substance use recovery services advisory committee established in
33 section 1 of this act, behavioral health administrative services
34 organizations, regional behavioral health providers, and regional
35 community organizations that support individuals in recovery from
36 substance use disorders, including individuals with co-occurring
37 substance use disorders and mental health conditions, to adopt
38 regional expanded recovery plans that are consistent with the
39 substance use recovery services plan developed under section 1 of

1 this act to provide sufficient access for youth and adults to meet
2 each region's needs for:

3 (a) Recovery housing;

4 (b) Employment pathways, support, training, and job placement,
5 including evidence-based supported employment program services;

6 (c) Education pathways, including recovery high schools and
7 collegiate recovery programs;

8 (d) Recovery coaching and substance use disorder peer support;

9 (e) Social connectedness initiatives, including the recovery café
10 model;

11 (f) Family support services, including family reconciliation
12 services;

13 (g) Technology-based recovery support services;

14 (h) Transportation assistance; and

15 (i) Legal support services.

16 (3) Funds in the expanded recovery support services program must
17 be used to reimburse providers for the provision of services to
18 individuals in recovery from substance use disorders, including
19 individuals with co-occurring substance use disorders and mental
20 health conditions. In addition, the funds may be used to provide
21 assistance to organizations to establish or expand recovery support
22 services as reasonably necessary and feasible to increase the
23 availability of services to achieve the regional expanded recovery
24 plans developed under subsection (2) of this section, including such
25 items as training and recruitment of personnel, reasonable
26 modifications to existing facilities to accommodate additional
27 clients, and similar forms of assistance.

28 (4) The authority must establish regional expanded recovery plans
29 under subsection (2) of this section, subject to the availability of
30 amounts appropriated for this specific purpose, by January 1, 2023,
31 and begin distributing grant funds by March 1, 2023.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24
33 RCW to read as follows:

34 (1) Subject to the availability of amounts appropriated for this
35 specific purpose, the authority shall establish a homeless outreach
36 stabilization transition program to expand access to modified
37 assertive community treatment services provided by multidisciplinary
38 behavioral health outreach teams to serve people who are living with
39 serious substance use disorders or co-occurring substance use

1 disorders and mental health conditions, are experiencing
2 homelessness, and whose severity of behavioral health symptom acuity
3 level creates a barrier to accessing and receiving conventional
4 behavioral health services and outreach models.

5 (a) In establishing the program, the authority shall consult with
6 behavioral health outreach organizations who have experience
7 delivering this service model in order to establish program
8 guidelines regarding multidisciplinary team staff types, service
9 intensity and quality fidelity standards, and criteria to ensure
10 programs are reaching the appropriate priority population.

11 (b) Funds for the homeless outreach stabilization transition
12 program must be used to reimburse organizations for the provision of
13 multidisciplinary outreach services to individuals who are living
14 with substance use disorders or co-occurring substance use and mental
15 health disorders and are experiencing homelessness or transitioning
16 from homelessness to housing. The funds may be used to provide
17 assistance to organizations to establish or expand services as
18 reasonably necessary to create a homeless outreach stabilization
19 transition program, including items such as training and recruitment
20 of personnel, outreach and engagement resources, client engagement
21 and health supplies, medications for people who do not have access to
22 insurance, and similar forms of assistance.

23 (c) The authority must establish one or more homeless outreach
24 stabilization transition programs by January 1, 2024, and begin
25 distributing grant funds by March 1, 2024.

26 (2) Subject to the availability of amounts appropriated for this
27 specific purpose, the authority shall establish a project for
28 psychiatric outreach to the homeless program to expand access to
29 behavioral health medical services for people who are experiencing
30 homelessness and living in permanent supportive housing.

31 (a) In establishing the program, the authority shall consult with
32 behavioral health medical providers, homeless service providers, and
33 permanent supportive housing providers that support people living
34 with substance use disorders, co-occurring substance use and mental
35 health conditions, and people who are currently or have formerly
36 experienced homelessness.

37 (b) Funds for the project for psychiatric outreach to the
38 homeless program must be used to reimburse organizations for the
39 provision of medical services to individuals who are living with or
40 in recovery from substance use disorders, co-occurring substance use

1 and mental health disorders, or other behavioral and physical health
2 conditions. Organizations must provide medical services to people who
3 are experiencing homelessness or are living in permanent supportive
4 housing and would be at risk of homelessness without access to
5 appropriate services. The funds may be used to provide assistance to
6 organizations to establish or expand behavioral health medical
7 services as reasonably necessary to create a project for psychiatric
8 outreach to the homeless program, including items such as training
9 and recruitment of personnel, outreach and engagement resources,
10 medical equipment and health supplies, medications for people who do
11 not have access to insurance, and similar forms of assistance.

12 (c) The authority must establish one or more projects for
13 psychiatric outreach to the homeless programs by January 1, 2024, and
14 begin distributing grant funds by March 1, 2024.

15 (3) Subject to the availability of amounts appropriated for this
16 specific purpose, the authority shall increase contingency management
17 resources for opioid treatment networks that are serving people
18 living with co-occurring stimulant use and opioid use disorder.

19 (4) Subject to the availability of amounts appropriated for this
20 specific purpose, the authority shall develop a plan for implementing
21 a comprehensive statewide substance misuse prevention effort. The
22 plan must be completed by January 1, 2024.

23 (5) Subject to the availability of amounts appropriated for this
24 specific purpose, the authority shall administer a competitive grant
25 process to broaden existing local community coalition efforts to
26 prevent substance misuse by increasing relevant protective factors
27 while decreasing risk factors. Coalitions are to be open to all
28 stakeholders interested in substance misuse prevention, including,
29 but not limited to, representatives from people in recovery, law
30 enforcement, education, behavioral health, parent organizations,
31 treatment organizations, organizations serving youth, prevention
32 professionals, and business.

33 **Sec. 6.** RCW 10.31.110 and 2019 c 326 s 3 and 2019 c 325 s 5004
34 are each reenacted and amended to read as follows:

35 (1) When a police officer has reasonable cause to believe that
36 the individual has committed acts constituting a crime, and the
37 individual is known by history or consultation with the behavioral
38 health administrative services organization, managed care
39 organization, (~~behavioral health administrative services~~

1 ~~organization,~~) crisis hotline, ~~((or))~~ local crisis services
2 providers, or community health providers to ~~((suffer from))~~ have a
3 mental disorder or substance use disorder, in addition to existing
4 authority under state law or local policy, as an alternative to
5 arrest, the arresting officer is authorized and encouraged to:

6 (a) Take the individual to a crisis stabilization unit as defined
7 in RCW 71.05.020. Individuals delivered to a crisis stabilization
8 unit pursuant to this section may be held by the facility for a
9 period of up to twelve hours. The individual must be examined by a
10 mental health professional or substance use disorder professional
11 within three hours of arrival;

12 (b) Take the individual to a triage facility as defined in RCW
13 71.05.020. An individual delivered to a triage facility which has
14 elected to operate as an involuntary facility may be held up to a
15 period of twelve hours. The individual must be examined by a mental
16 health professional or substance use disorder professional within
17 three hours of arrival;

18 (c) Refer the individual to a ~~((mental health professional))~~
19 designated crisis responder for evaluation for initial detention and
20 proceeding under chapter 71.05 RCW; ~~((or))~~

21 (d) Release the individual upon agreement to voluntary
22 participation in outpatient treatment;

23 (e) Refer the individual to youth, adult, or geriatric mobile
24 crisis response services, as appropriate; or

25 (f) Refer the individual to the regional entity responsible to
26 receive referrals in lieu of legal system involvement, including the
27 recovery navigator program described in section 2 of this act.

28 (2) If the individual is released to the community from the
29 facilities in subsection (1)(a) through (c) of this section, the
30 mental health provider or substance use disorder professional shall
31 make reasonable efforts to inform the arresting officer of the
32 planned release prior to release if the arresting officer has
33 specifically requested notification and provided contact information
34 to the provider.

35 (3) In deciding whether to refer the individual to treatment
36 under this section, the police officer must be guided by local law
37 enforcement diversion guidelines for behavioral health developed and
38 mutually agreed upon with the prosecuting authority with an
39 opportunity for consultation and comment by the defense bar and
40 disability community. These guidelines must address, at a minimum,

1 the length, seriousness, and recency of the known criminal history of
2 the individual, the mental health history of the individual, if
3 available, the substance use disorder history of the individual, if
4 available, the opinions of a mental health professional, if
5 available, the opinions of a substance use disorder professional, if
6 available, and the circumstances surrounding the commission of the
7 alleged offense. The guidelines must include a process for clearing
8 outstanding warrants or referring the individual for assistance in
9 clearing outstanding warrants, if any, and issuing a new court date,
10 if appropriate, without booking or incarcerating the individual or
11 disqualifying ((him—or—her)) the individual from referral to
12 treatment under this section, and define the circumstances under
13 which such action is permissible. Referrals to services, care, and
14 treatment for substance use disorder must be made in accordance with
15 protocols developed for the recovery navigator program described in
16 section 2 of this act.

17 (4) Any agreement to participate in treatment or services in lieu
18 of jail booking or referring a case for prosecution shall not require
19 individuals to stipulate to any of the alleged facts regarding the
20 criminal activity as a prerequisite to participation in ((a—mental—
21 health—treatment)) the alternative response described in this
22 section. ((The)) Any agreement is inadmissible in any criminal or
23 civil proceeding. ((The—agreement—does)) Such agreements do not
24 create immunity from prosecution for the alleged criminal activity.

25 (5) If ((an—individual—violates—such—agreement—and—the—mental—
26 health—treatment—alternative—is—no—longer—appropriate)) there are
27 required terms of participation in the services or treatment to which
28 an individual was referred under this section, and if the individual
29 violates such terms and is therefore no longer participating in
30 services:

31 (a) The ((mental—health)) behavioral health or service provider
32 shall inform the referring law enforcement agency of the violation,
33 if consistent with the terms of the program and applicable law; and

34 (b) The original charges may be filed or referred to the
35 prosecutor, as appropriate, and the matter may proceed accordingly,
36 unless filing or referring the charges is inconsistent with the terms
37 of a local diversion program or a recovery navigator program
38 described in section 2 of this act.

39 (6) The police officer is immune from liability for any good
40 faith conduct under this section.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101
2 RCW to read as follows:

3 (1) Beginning July 1, 2022, all law enforcement personnel
4 required to complete basic law enforcement training under RCW
5 43.101.200 must receive training on law enforcement interaction with
6 persons with substance use disorders, including persons with co-
7 occurring substance use disorders and mental health conditions, and
8 referral to treatment and recovery services and the unique referral
9 processes for youth, as part of the basic law enforcement training.
10 The training must be developed by the commission in collaboration
11 with the University of Washington behavioral health institute and
12 agencies that have expertise in the area of working with persons with
13 substance use disorders, including law enforcement diversion of such
14 individuals to community-based care. In developing the training, the
15 commission must also examine existing courses certified by the
16 commission that relate to persons with a substance use disorder, and
17 should draw on existing training partnerships with the Washington
18 association of sheriffs and police chiefs.

19 (2) The training must consist of classroom instruction or
20 internet instruction and shall replicate likely field situations to
21 the maximum extent possible. The training should include, at a
22 minimum, core instruction in all of the following:

23 (a) Proper procedures for referring persons to the recovery
24 navigator program in accordance with section 2 of this act;

25 (b) The etiology of substance use disorders, including the role
26 of trauma;

27 (c) Barriers to treatment engagement experienced by many with
28 such disorders who have contact with the legal system;

29 (d) How to identify indicators of substance use disorder and how
30 to respond appropriately in a variety of common situations;

31 (e) Conflict resolution and de-escalation techniques for
32 potentially dangerous situations involving persons with a substance
33 use disorder;

34 (f) Appropriate language usage when interacting with persons with
35 a substance use disorder;

36 (g) Alternatives to lethal force when interacting with
37 potentially dangerous persons with a substance use disorder;

38 (h) The principles of recovery and the multiple pathways to
39 recovery; and

1 (i) Community and state resources available to serve persons with
2 substance use disorders and how these resources can be best used by
3 law enforcement to support persons with a substance use disorder in
4 their communities.

5 (3) In addition to incorporation into the basic law enforcement
6 training under RCW 43.101.200, training must be made available to law
7 enforcement agencies, through electronic means, for use during in-
8 service training.

9 **Sec. 8.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to
10 read as follows:

11 (1) Except as authorized by this chapter, it is unlawful for
12 ~~((any))~~:

13 (a) Any person to create(~~(r)~~) or deliver(~~(r—or—possess)~~) a
14 counterfeit substance; or

15 (b) Any person to knowingly possess a counterfeit substance.

16 (2) Any person who violates subsection (1)(a) of this section
17 with respect to:

18 (a) A counterfeit substance classified in Schedule I or II which
19 is a narcotic drug, or flunitrazepam classified in Schedule IV, is
20 guilty of a class B felony and upon conviction may be imprisoned for
21 not more than ten years, fined not more than twenty-five thousand
22 dollars, or both;

23 (b) A counterfeit substance which is methamphetamine, is guilty
24 of a class B felony and upon conviction may be imprisoned for not
25 more than ten years, fined not more than twenty-five thousand
26 dollars, or both;

27 (c) Any other counterfeit substance classified in Schedule I, II,
28 or III, is guilty of a class C felony punishable according to chapter
29 9A.20 RCW;

30 (d) A counterfeit substance classified in Schedule IV, except
31 flunitrazepam, is guilty of a class C felony punishable according to
32 chapter 9A.20 RCW;

33 (e) A counterfeit substance classified in Schedule V, is guilty
34 of a class C felony punishable according to chapter 9A.20 RCW.

35 (3) A violation of subsection (1)(b) of this section is a
36 misdemeanor. The prosecutor is encouraged to divert such cases for
37 assessment, treatment, or other services.

1 **Sec. 9.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
2 read as follows:

3 (1) It is unlawful for any person to knowingly possess a
4 controlled substance unless the substance was obtained directly from,
5 or pursuant to, a valid prescription or order of a practitioner while
6 acting in the course of his or her professional practice, or except
7 as otherwise authorized by this chapter.

8 (2) Except as provided in RCW 69.50.4014, any person who violates
9 this section is guilty of a (~~class C felony punishable under chapter~~
10 ~~9A.20 RCW~~) misdemeanor.

11 (3) The prosecutor is encouraged to divert cases under this
12 section for assessment, treatment, or other services.

13 (4)(a) The possession, by a person twenty-one years of age or
14 older, of useable marijuana, marijuana concentrates, or marijuana-
15 infused products in amounts that do not exceed those set forth in RCW
16 69.50.360(3) is not a violation of this section, this chapter, or any
17 other provision of Washington state law.

18 (b) The possession of marijuana, useable marijuana, marijuana
19 concentrates, and marijuana-infused products being physically
20 transported or delivered within the state, in amounts not exceeding
21 those that may be established under RCW 69.50.385(3), by a licensed
22 employee of a common carrier when performing the duties authorized in
23 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
24 this section, this chapter, or any other provision of Washington
25 state law.

26 (~~(4)~~) (5)(a) The delivery by a person twenty-one years of age
27 or older to one or more persons twenty-one years of age or older,
28 during a single twenty-four hour period, for noncommercial purposes
29 and not conditioned upon or done in connection with the provision or
30 receipt of financial consideration, of any of the following marijuana
31 products, is not a violation of this section, this chapter, or any
32 other provisions of Washington state law:

33 (i) One-half ounce of useable marijuana;

34 (ii) Eight ounces of marijuana-infused product in solid form;

35 (iii) Thirty-six ounces of marijuana-infused product in liquid
36 form; or

37 (iv) Three and one-half grams of marijuana concentrates.

38 (b) The act of delivering marijuana or a marijuana product as
39 authorized under this subsection (~~(4)~~) (5) must meet one of the
40 following requirements:

1 (i) The delivery must be done in a location outside of the view
2 of general public and in a nonpublic place; or

3 (ii) The marijuana or marijuana product must be in the original
4 packaging as purchased from the marijuana retailer.

5 ~~((+5))~~ (6) No person under twenty-one years of age may possess,
6 manufacture, sell, or distribute marijuana, marijuana-infused
7 products, or marijuana concentrates, regardless of THC concentration.
8 This does not include qualifying patients with a valid authorization.

9 ~~((+6))~~ (7) The possession by a qualifying patient or designated
10 provider of marijuana concentrates, useable marijuana, marijuana-
11 infused products, or plants in accordance with chapter 69.51A RCW is
12 not a violation of this section, this chapter, or any other provision
13 of Washington state law.

14 **Sec. 10.** RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each
15 amended to read as follows:

16 Except as provided in RCW 69.50.401(2)(c) or as otherwise
17 authorized by this chapter, any person found guilty of knowing
18 possession of forty grams or less of marijuana is guilty of a
19 misdemeanor. The prosecutor is encouraged to divert cases under this
20 section for assessment, treatment, or other services.

21 **Sec. 11.** RCW 69.41.030 and 2019 c 55 s 9 are each amended to
22 read as follows:

23 (1) It shall be unlawful for any person to sell, deliver, or
24 knowingly possess any legend drug except upon the order or
25 prescription of a physician under chapter 18.71 RCW, an osteopathic
26 physician and surgeon under chapter 18.57 RCW, an optometrist
27 licensed under chapter 18.53 RCW who is certified by the optometry
28 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
29 podiatric physician and surgeon under chapter 18.22 RCW, a
30 veterinarian under chapter 18.92 RCW, a commissioned medical or
31 dental officer in the United States armed forces or public health
32 service in the discharge of his or her official duties, a duly
33 licensed physician or dentist employed by the veterans administration
34 in the discharge of his or her official duties, a registered nurse or
35 advanced registered nurse practitioner under chapter 18.79 RCW when
36 authorized by the nursing care quality assurance commission, a
37 pharmacist licensed under chapter 18.64 RCW to the extent permitted
38 by drug therapy guidelines or protocols established under RCW

1 18.64.011 and authorized by the commission and approved by a
2 practitioner authorized to prescribe drugs, an osteopathic physician
3 assistant under chapter 18.57A RCW when authorized by the board of
4 osteopathic medicine and surgery, a physician assistant under chapter
5 18.71A RCW when authorized by the Washington medical commission, or
6 any of the following professionals in any province of Canada that
7 shares a common border with the state of Washington or in any state
8 of the United States: A physician licensed to practice medicine and
9 surgery or a physician licensed to practice osteopathic medicine and
10 surgery, a dentist licensed to practice dentistry, a podiatric
11 physician and surgeon licensed to practice podiatric medicine and
12 surgery, a licensed advanced registered nurse practitioner, a
13 licensed physician assistant, a licensed osteopathic physician
14 assistant, or a veterinarian licensed to practice veterinary
15 medicine: PROVIDED, HOWEVER, That the above provisions shall not
16 apply to sale, delivery, or possession by drug wholesalers or drug
17 manufacturers, or their agents or employees, or to any practitioner
18 acting within the scope of his or her license, or to a common or
19 contract carrier or warehouse operator, or any employee thereof,
20 whose possession of any legend drug is in the usual course of
21 business or employment: PROVIDED FURTHER, That nothing in this
22 chapter or chapter 18.64 RCW shall prevent a family planning clinic
23 that is under contract with the health care authority from selling,
24 delivering, possessing, and dispensing commercially prepackaged oral
25 contraceptives prescribed by authorized, licensed health care
26 practitioners: PROVIDED FURTHER, That nothing in this chapter
27 prohibits possession or delivery of legend drugs by an authorized
28 collector or other person participating in the operation of a drug
29 take-back program authorized in chapter 69.48 RCW.

30 (2) (a) A violation of this section involving the sale, delivery,
31 or possession with intent to sell or deliver is a class B felony
32 punishable according to chapter 9A.20 RCW.

33 (b) A violation of this section involving possession is a
34 misdemeanor. The prosecutor is encouraged to divert such cases for
35 assessment, treatment, or other services.

36 **Sec. 12.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to
37 read as follows:

38 (1) It shall be unlawful for any person to sell, deliver, or
39 knowingly possess any legend drug except upon the order or

1 prescription of a physician under chapter 18.71 RCW, an osteopathic
2 physician and surgeon under chapter 18.57 RCW, an optometrist
3 licensed under chapter 18.53 RCW who is certified by the optometry
4 board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a
5 podiatric physician and surgeon under chapter 18.22 RCW, a
6 veterinarian under chapter 18.92 RCW, a commissioned medical or
7 dental officer in the United States armed forces or public health
8 service in the discharge of his or her official duties, a duly
9 licensed physician or dentist employed by the veterans administration
10 in the discharge of his or her official duties, a registered nurse or
11 advanced registered nurse practitioner under chapter 18.79 RCW when
12 authorized by the nursing care quality assurance commission, a
13 pharmacist licensed under chapter 18.64 RCW to the extent permitted
14 by drug therapy guidelines or protocols established under RCW
15 18.64.011 and authorized by the commission and approved by a
16 practitioner authorized to prescribe drugs, a physician assistant
17 under chapter 18.71A RCW when authorized by the Washington medical
18 commission, or any of the following professionals in any province of
19 Canada that shares a common border with the state of Washington or in
20 any state of the United States: A physician licensed to practice
21 medicine and surgery or a physician licensed to practice osteopathic
22 medicine and surgery, a dentist licensed to practice dentistry, a
23 podiatric physician and surgeon licensed to practice podiatric
24 medicine and surgery, a licensed advanced registered nurse
25 practitioner, a licensed physician assistant, or a veterinarian
26 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
27 above provisions shall not apply to sale, delivery, or possession by
28 drug wholesalers or drug manufacturers, or their agents or employees,
29 or to any practitioner acting within the scope of his or her license,
30 or to a common or contract carrier or warehouse operator, or any
31 employee thereof, whose possession of any legend drug is in the usual
32 course of business or employment: PROVIDED FURTHER, That nothing in
33 this chapter or chapter 18.64 RCW shall prevent a family planning
34 clinic that is under contract with the health care authority from
35 selling, delivering, possessing, and dispensing commercially
36 prepackaged oral contraceptives prescribed by authorized, licensed
37 health care practitioners: PROVIDED FURTHER, That nothing in this
38 chapter prohibits possession or delivery of legend drugs by an
39 authorized collector or other person participating in the operation
40 of a drug take-back program authorized in chapter 69.48 RCW.

1 (2) (a) A violation of this section involving the sale, delivery,
2 or possession with intent to sell or deliver is a class B felony
3 punishable according to chapter 9A.20 RCW.

4 (b) A violation of this section involving possession is a
5 misdemeanor. The prosecutor is encouraged to divert such cases for
6 assessment, treatment, or other services.

7 NEW SECTION. **Sec. 13.** A new section is added to chapter 10.31
8 RCW to read as follows:

9 (1) For all individuals who otherwise would be subject to arrest
10 for possession of a counterfeit substance under RCW 69.50.4011,
11 possession of a controlled substance under RCW 69.50.4013, possession
12 of 40 grams or less of marijuana under RCW 69.50.4014, or possession
13 of a legend drug under RCW 69.41.030(2)(b), in lieu of jail booking
14 and referral to the prosecutor, law enforcement shall offer a
15 referral to assessment and services available pursuant to RCW
16 10.31.110 or other program or entity responsible for receiving
17 referrals in lieu of legal system involvement, which may include the
18 recovery navigator program established under section 2 of this act.

19 (2) If law enforcement agency records reflect that an individual
20 has been diverted to referral for assessment and services twice or
21 more previously, officers may, but are not required to, make
22 additional diversion efforts.

23 (3) Nothing in this section precludes prosecutors from diverting
24 or declining to file any charges for possession offenses that are
25 referred under RCW 69.50.4011, 69.50.4013, 69.50.4014, or
26 69.41.030(2)(b) in the exercise of their discretion.

27 **Sec. 14.** RCW 69.50.412 and 2019 c 64 s 22 are each amended to
28 read as follows:

29 (1) It is unlawful for any person to use drug paraphernalia to
30 plant, propagate, cultivate, grow, harvest, manufacture, compound,
31 convert, produce, process, or prepare(~~(, test, analyze, pack, repack,~~
32 ~~store, contain, conceal, inject, ingest, inhale, or otherwise~~
33 ~~introduce into the human body)) a controlled substance other than
34 marijuana. Any person who violates this subsection is guilty of a
35 misdemeanor.~~

36 (2) It is unlawful for any person to deliver, possess with intent
37 to deliver, or manufacture with intent to deliver drug paraphernalia,
38 knowing, or under circumstances where one reasonably should know,

1 that it will be used to plant, propagate, cultivate, grow, harvest,
2 manufacture, compound, convert, produce, process, or prepare(~~(, test,~~
3 ~~analyze, pack, repack, store, contain, conceal, inject, ingest,~~
4 ~~inhale, or otherwise introduce into the human body)~~) a controlled
5 substance other than marijuana. Any person who violates this
6 subsection is guilty of a misdemeanor.

7 (3) Any person eighteen years of age or over who violates
8 subsection (2) of this section by delivering drug paraphernalia to a
9 person under eighteen years of age who is at least three years his or
10 her junior is guilty of a gross misdemeanor.

11 (4) It is unlawful for any person to place in any newspaper,
12 magazine, handbill, or other publication any advertisement, knowing,
13 or under circumstances where one reasonably should know, that the
14 purpose of the advertisement, in whole or in part, is to promote the
15 sale of objects designed or intended for use as drug paraphernalia.
16 Any person who violates this subsection is guilty of a misdemeanor.

17 (5) It is lawful for any person over the age of eighteen to
18 possess sterile hypodermic syringes and needles for the purpose of
19 reducing blood-borne diseases.

20 **Sec. 15.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
21 read as follows:

22 TABLE 4

23 DRUG OFFENSES

24 INCLUDED WITHIN EACH

25 SERIOUSNESS LEVEL

- 26 III Any felony offense under chapter
27 69.50 RCW with a deadly weapon
28 special verdict under RCW
29 ~~((9.94A.602))~~ 9.94A.825
30 Controlled Substance Homicide (RCW
31 69.50.415)
32 Delivery of imitation controlled
33 substance by person eighteen or
34 over to person under eighteen
35 (RCW 69.52.030(2))
36 Involving a minor in drug dealing
37 (RCW 69.50.4015)

1 Manufacture of methamphetamine
2 (RCW 69.50.401(2)(b))
3 Over 18 and deliver heroin,
4 methamphetamine, a narcotic from
5 Schedule I or II, or flunitrazepam
6 from Schedule IV to someone
7 under 18 (RCW 69.50.406)
8 Over 18 and deliver narcotic from
9 Schedule III, IV, or V or a
10 nonnarcotic, except flunitrazepam
11 or methamphetamine, from
12 Schedule I-V to someone under 18
13 and 3 years junior (RCW
14 69.50.406)
15 Possession of Ephedrine,
16 Pseudoephedrine, or Anhydrous
17 Ammonia with intent to
18 manufacture methamphetamine
19 (RCW 69.50.440)
20 Selling for profit (controlled or
21 counterfeit) any controlled
22 substance (RCW 69.50.410)
23 II Create(,) or deliver(~~(, or possess)~~) a
24 counterfeit controlled substance
25 (RCW 69.50.4011(1)(a))
26 Deliver or possess with intent to
27 deliver methamphetamine (RCW
28 69.50.401(2)(b))
29 Delivery of a material in lieu of a
30 controlled substance (RCW
31 69.50.4012)
32 Maintaining a Dwelling or Place for
33 Controlled Substances (RCW
34 69.50.402(1)(f))
35 Manufacture, deliver, or possess with
36 intent to deliver amphetamine
37 (RCW 69.50.401(2)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II or flunitrazepam
4 from Schedule IV (RCW
5 69.50.401(2)(a))

6 Manufacture, deliver, or possess with
7 intent to deliver narcotics from
8 Schedule III, IV, or V or
9 nonnarcotics from Schedule I-V
10 (except marijuana, amphetamine,
11 methamphetamines, or
12 flunitrazepam) (RCW
13 69.50.401(2) (c) through (e))

14 Manufacture, distribute, or possess
15 with intent to distribute an
16 imitation controlled substance
17 (RCW 69.52.030(1))

18 I Forged Prescription (RCW 69.41.020)
19 Forged Prescription for a Controlled
20 Substance (RCW 69.50.403)

21 Manufacture, deliver, or possess with
22 intent to deliver marijuana (RCW
23 69.50.401(2)(c))

24 ~~((Possess Controlled Substance that is
25 a Narcotic from Schedule III, IV,
26 or V or Nonnarcotic from
27 Schedule I-V (RCW 69.50.4013)~~

28 ~~Possession of Controlled Substance
29 that is either heroin or narcotics
30 from Schedule I or II (RCW
31 69.50.4013))~~

32 Unlawful Use of Building for Drug
33 Purposes (RCW 69.53.010)

34 **Sec. 16.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to
35 read as follows:

36 **DESCRIPTION AND OFFENSE CATEGORY**

1		JUVENILE DISPOSITION
2	JUVENILE	CATEGORY FOR
3	DISPOSITION	ATTEMPT, BAILJUMP,
4	OFFENSE	CONSPIRACY, OR
5	CATEGORY DESCRIPTION (RCW CITATION)	SOLICITATION
6	Arson and Malicious Mischief	
7	A Arson 1 (9A.48.020)	B+
8	B Arson 2 (9A.48.030)	C
9	C Reckless Burning 1 (9A.48.040)	D
10	D Reckless Burning 2 (9A.48.050)	E
11	B Malicious Mischief 1 (9A.48.070)	C
12	C Malicious Mischief 2 (9A.48.080)	D
13	D Malicious Mischief 3 (9A.48.090)	E
14	E Tampering with Fire Alarm Apparatus	E
15	(9.40.100)	
16	E Tampering with Fire Alarm Apparatus	E
17	with Intent to Commit Arson (9.40.105)	
18	A Possession of Incendiary Device	B+
19	(9.40.120)	
20	Assault and Other Crimes Involving	
21	Physical Harm	
22	A Assault 1 (9A.36.011)	B+
23	B+ Assault 2 (9A.36.021)	C+
24	C+ Assault 3 (9A.36.031)	D+
25	D+ Assault 4 (9A.36.041)	E
26	B+ Drive-By Shooting (9A.36.045)	C+
27	committed at age 15 or under	
28	A++ Drive-By Shooting (9A.36.045)	A
29	committed at age 16 or 17	
30	D+ Reckless Endangerment (9A.36.050)	E
31	C+ Promoting Suicide Attempt (9A.36.060)	D+
32	D+ Coercion (9A.36.070)	E
33	C+ Custodial Assault (9A.36.100)	D+
34	Burglary and Trespass	
35	B+ Burglary 1 (9A.52.020) committed at	C+
36	age 15 or under	

1	A-	Burglary 1 (9A.52.020) committed at	B+
2		age 16 or 17	
3	B	Residential Burglary (9A.52.025)	C
4	B	Burglary 2 (9A.52.030)	C
5	D	Burglary Tools (Possession of)	E
6		(9A.52.060)	
7	D	Criminal Trespass 1 (9A.52.070)	E
8	E	Criminal Trespass 2 (9A.52.080)	E
9	C	Mineral Trespass (78.44.330)	C
10	C	Vehicle Prowling 1 (9A.52.095)	D
11	D	Vehicle Prowling 2 (9A.52.100)	E
12		Drugs	
13	E	Possession/Consumption of Alcohol	E
14		(66.44.270)	
15	C	Illegally Obtaining Legend Drug	D
16		(69.41.020)	
17	C+	Sale, Delivery, Possession of Legend	D+
18		Drug with Intent to Sell (69.41.030(2)(a))	
19	E	Possession of Legend	E
20		Drug (69.41.030(2)(b))	
21	B+	Violation of Uniform Controlled	B+
22		Substances Act - Narcotic,	
23		Methamphetamine, or Flunitrazepam	
24		Sale (69.50.401(2) (a) or (b))	
25	C	Violation of Uniform Controlled	C
26		Substances Act - Nonnarcotic Sale	
27		(69.50.401(2)(c))	
28	E	Possession of Marihuana <40 grams	E
29		(69.50.4014)	
30	C	Fraudulently Obtaining Controlled	C
31		Substance (69.50.403)	
32	C+	Sale of Controlled Substance for Profit	C+
33		(69.50.410)	
34	E	Unlawful Inhalation (9.47A.020)	E

1	B	Violation of Uniform Controlled	B
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Counterfeit Substances (69.50.4011(2)	
5		(a) or (b))	
6	C	Violation of Uniform Controlled	C
7		Substances Act - Nonnarcotic Counterfeit	
8		Substances (69.50.4011(2) (c), (d), or (e))	
9	((E)) E	Violation of Uniform Controlled	((E)) E
10		Substances Act - Possession of a	
11		Controlled Substance (69.50.4013)	
12	C	Violation of Uniform Controlled	C
13		Substances Act - Possession of a	
14		Controlled Substance (69.50.4012)	
15		Firearms and Weapons	
16	B	Theft of Firearm (9A.56.300)	C
17	B	Possession of Stolen Firearm	C
18		(9A.56.310)	
19	E	Carrying Loaded Pistol Without Permit	E
20		(9.41.050)	
21	C	Possession of Firearms by Minor (<18)	C
22		(9.41.040(2)(a) (vi))	
23	D+	Possession of Dangerous Weapon	E
24		(9.41.250)	
25	D	Intimidating Another Person by use of	E
26		Weapon (9.41.270)	
27		Homicide	
28	A+	Murder 1 (9A.32.030)	A
29	A+	Murder 2 (9A.32.050)	B+
30	B+	Manslaughter 1 (9A.32.060)	C+
31	C+	Manslaughter 2 (9A.32.070)	D+
32	B+	Vehicular Homicide (46.61.520)	C+
33		Kidnapping	
34	A	Kidnap 1 (9A.40.020)	B+
35	B+	Kidnap 2 (9A.40.030)	C+
36	C+	Unlawful Imprisonment (9A.40.040)	D+
37		Obstructing Governmental Operation	

1	D	Obstructing a Law Enforcement Officer	E
2		(9A.76.020)	
3	E	Resisting Arrest (9A.76.040)	E
4	B	Introducing Contraband 1 (9A.76.140)	C
5	C	Introducing Contraband 2 (9A.76.150)	D
6	E	Introducing Contraband 3 (9A.76.160)	E
7	B+	Intimidating a Public Servant	C+
8		(9A.76.180)	
9	B+	Intimidating a Witness (9A.72.110)	C+
10		Public Disturbance	
11	C+	Criminal Mischief with Weapon	D+
12		(9A.84.010(2)(b))	
13	D+	Criminal Mischief Without Weapon	E
14		(9A.84.010(2)(a))	
15	E	Failure to Disperse (9A.84.020)	E
16	E	Disorderly Conduct (9A.84.030)	E
17		Sex Crimes	
18	A	Rape 1 (9A.44.040)	B+
19	B++	Rape 2 (9A.44.050) committed at age 14	B+
20		or under	
21	A-	Rape 2 (9A.44.050) committed at age 15	B+
22		through age 17	
23	C+	Rape 3 (9A.44.060)	D+
24	B++	Rape of a Child 1 (9A.44.073)	B+
25		committed at age 14 or under	
26	A-	Rape of a Child 1 (9A.44.073)	B+
27		committed at age 15	
28	B+	Rape of a Child 2 (9A.44.076)	C+
29	B	Incest 1 (9A.64.020(1))	C
30	C	Incest 2 (9A.64.020(2))	D
31	D+	Indecent Exposure (Victim <14)	E
32		(9A.88.010)	
33	E	Indecent Exposure (Victim 14 or over)	E
34		(9A.88.010)	
35	B+	Promoting Prostitution 1 (9A.88.070)	C+
36	C+	Promoting Prostitution 2 (9A.88.080)	D+

1	E	O & A (Prostitution) (9A.88.030)	E
2	B+	Indecent Liberties (9A.44.100)	C+
3	B++	Child Molestation 1 (9A.44.083)	B+
4		committed at age 14 or under	
5	A-	Child Molestation 1 (9A.44.083)	B+
6		committed at age 15 through age 17	
7	B	Child Molestation 2 (9A.44.086)	C+
8	C	Failure to Register as a Sex Offender	D
9		(9A.44.132)	
10		Theft, Robbery, Extortion, and	
11		Forgery	
12	B	Theft 1 (9A.56.030)	C
13	C	Theft 2 (9A.56.040)	D
14	D	Theft 3 (9A.56.050)	E
15	B	Theft of Livestock 1 and 2 (9A.56.080	C
16		and 9A.56.083)	
17	C	Forgery (9A.60.020)	D
18	A	Robbery 1 (9A.56.200) committed at	B+
19		age 15 or under	
20	A++	Robbery 1 (9A.56.200) committed at	A
21		age 16 or 17	
22	B+	Robbery 2 (9A.56.210)	C+
23	B+	Extortion 1 (9A.56.120)	C+
24	C+	Extortion 2 (9A.56.130)	D+
25	C	Identity Theft 1 (9.35.020(2))	D
26	D	Identity Theft 2 (9.35.020(3))	E
27	D	Improperly Obtaining Financial	E
28		Information (9.35.010)	
29	B	Possession of a Stolen Vehicle	C
30		(9A.56.068)	
31	B	Possession of Stolen Property 1	C
32		(9A.56.150)	
33	C	Possession of Stolen Property 2	D
34		(9A.56.160)	
35	D	Possession of Stolen Property 3	E
36		(9A.56.170)	

1	B	Taking Motor Vehicle Without	C
2		Permission 1 (9A.56.070)	
3	C	Taking Motor Vehicle Without	D
4		Permission 2 (9A.56.075)	
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		Motor Vehicle Related Crimes	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	D
14		Vehicle (46.61.024)	
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	E
17		(46.61.502 and 46.61.504)	
18	B+	Felony Driving While Under the	B
19		Influence (46.61.502(6))	
20	B+	Felony Physical Control of a Vehicle	B
21		While Under the Influence (46.61.504(6))	
22		Other	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 ¹ (9A.76.110)	C
26	C	Escape 2 ¹ (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	E
29		(9.61.230)	
30	A	Other Offense Equivalent to an Adult	B+
31		Class A Felony	
32	B	Other Offense Equivalent to an Adult	C
33		Class B Felony	
34	C	Other Offense Equivalent to an Adult	D
35		Class C Felony	

1	D	Other Offense Equivalent to an Adult	E
2		Gross Misdemeanor	
3	E	Other Offense Equivalent to an Adult	E
4		Misdemeanor	
5	V	Violation of Order of Restitution,	V
6		Community Supervision, or Confinement	
7		(13.40.200) ²	

8 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
9 and the standard range is established as follows:

- 10 1st escape or attempted escape during 12-month period - 28 days
- 11 confinement
- 12 2nd escape or attempted escape during 12-month period - 8 weeks
- 13 confinement
- 14 3rd and subsequent escape or attempted escape during 12-month
- 15 period - 12 weeks confinement

16 ²If the court finds that a respondent has violated terms of an order,
17 it may impose a penalty of up to 30 days of confinement.

18 **JUVENILE SENTENCING STANDARDS**

19 This schedule must be used for juvenile offenders. The court may
20 select sentencing option A, B, C, or D.

21 **OPTION A**

22 **JUVENILE OFFENDER SENTENCING GRID**

23 **STANDARD RANGE**

24	A++	129 to 260 weeks for all category A++ offenses					
25	A+	180 weeks to age 21 for all category A+ offenses					
26	A	103-129 weeks for all category A offenses					
27	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
28	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks	
29	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
30	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
31	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
32		C	LS	LS	LS	LS	15-36 weeks
33		D+	LS	LS	LS	LS	LS

1	D	LS	LS	LS	LS	LS
2	E	LS	LS	LS	LS	LS
3	PRIOR	0	1	2	3	4 or more
4	ADJUDICATIONS					

5 NOTE: References in the grid to days or weeks mean periods of
6 confinement. "LS" means "local sanctions" as defined in RCW
7 13.40.020.

8 (1) The vertical axis of the grid is the current offense
9 category. The current offense category is determined by the offense
10 of adjudication.

11 (2) The horizontal axis of the grid is the number of prior
12 adjudications included in the juvenile's criminal history. Each prior
13 felony adjudication shall count as one point. Each prior violation,
14 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
15 point. Fractional points shall be rounded down.

16 (3) The standard range disposition for each offense is determined
17 by the intersection of the column defined by the prior adjudications
18 and the row defined by the current offense category.

19 (4) RCW 13.40.180 applies if the offender is being sentenced for
20 more than one offense.

21 (5) A current offense that is a violation is equivalent to an
22 offense category of E. However, a disposition for a violation shall
23 not include confinement.

24 **OR**

25 **OPTION B**

26 **SUSPENDED DISPOSITION ALTERNATIVE**

27 (1) If the offender is subject to a standard range disposition
28 involving confinement by the department, the court may impose the
29 standard range and suspend the disposition on condition that the
30 offender comply with one or more local sanctions and any educational
31 or treatment requirement. The treatment programs provided to the
32 offender must be either research-based best practice programs as
33 identified by the Washington state institute for public policy or the
34 joint legislative audit and review committee, or for chemical
35 dependency treatment programs or services, they must be evidence-
36 based or research-based best practice programs. For the purposes of
37 this subsection:

1 (a) "Evidence-based" means a program or practice that has had
2 multiple site random controlled trials across heterogeneous
3 populations demonstrating that the program or practice is effective
4 for the population; and

5 (b) "Research-based" means a program or practice that has some
6 research demonstrating effectiveness, but that does not yet meet the
7 standard of evidence-based practices.

8 (2) If the offender fails to comply with the suspended
9 disposition, the court may impose sanctions pursuant to RCW 13.40.200
10 or may revoke the suspended disposition and order the disposition's
11 execution.

12 (3) An offender is ineligible for the suspended disposition
13 option under this section if the offender:

14 (a) Is adjudicated of an A+ or A++ offense;

15 (b) Is fourteen years of age or older and is adjudicated of one
16 or more of the following offenses:

17 (i) A class A offense, or an attempt, conspiracy, or solicitation
18 to commit a class A offense;

19 (ii) Manslaughter in the first degree (RCW 9A.32.060);

20 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
21 the first degree (RCW 9A.56.120), kidnapping in the second degree
22 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular
23 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or
24 manslaughter 2 (RCW 9A.32.070); or

25 (iv) Violation of the uniform controlled substances act (RCW
26 69.50.401(2) (a) and (b)), when the offense includes infliction of
27 bodily harm upon another or when during the commission or immediate
28 withdrawal from the offense the respondent was armed with a deadly
29 weapon;

30 (c) Is ordered to serve a disposition for a firearm violation
31 under RCW 13.40.193;

32 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;
33 or

34 (e) Has a prior option B disposition.

35 **OR**

36 **OPTION C**

37 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

38 If the juvenile offender is subject to a standard range
39 disposition of local sanctions or 15 to 36 weeks of confinement and

1 has not committed a B++ or B+ offense, the court may impose a
2 disposition under RCW 13.40.160(4) and 13.40.165.

3 OR

4 OPTION D

5 **MANIFEST INJUSTICE**

6 If the court determines that a disposition under option A, B, or C
7 would effectuate a manifest injustice, the court shall impose a
8 disposition outside the standard range under RCW 13.40.160(2).

9 **Sec. 17.** RCW 2.24.010 and 2013 c 27 s 3 are each amended to read
10 as follows:

11 (1) There may be appointed in each county or judicial district,
12 by the judges of the superior court having jurisdiction therein, one
13 or more court commissioners for said county or judicial district.
14 Each such commissioner shall be a citizen of the United States and
15 shall hold the office during the pleasure of the judges making the
16 appointment.

17 (2)(a) There may be appointed in counties with a population of
18 more than four hundred thousand, by the presiding judge of the
19 superior court having jurisdiction therein, one or more attorneys to
20 act as criminal commissioners to assist the superior court in
21 disposing of adult criminal cases. Such criminal commissioners shall
22 have power, authority, and jurisdiction, concurrent with the superior
23 court and the judges thereof, in adult criminal cases, to preside
24 over arraignments, preliminary appearances, initial extradition
25 hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or
26 9.94B.040; accept pleas if authorized by local court rules; appoint
27 counsel; make determinations of probable cause; set, amend, and
28 review conditions of pretrial release; set bail; set trial and
29 hearing dates; authorize continuances; accept waivers of the right to
30 speedy trial; and authorize and issue search warrants and orders to
31 intercept, monitor, or record wired or wireless telecommunications or
32 for the installation of electronic taps or other devices to include,
33 but not be limited to, vehicle global positioning system or other
34 mobile tracking devices with all the powers conferred upon the judge
35 of the superior court in such matters.

36 (b) Criminal commissioners shall also have the authority to
37 conduct resentencing hearings and to vacate convictions related to
38 State v. Blake, No. 96873-0 (Feb. 25, 2021). Criminal commissioners

1 may be appointed for this purpose regardless of the population of the
2 county served by the appointing court.

3 (c) The county legislative authority must approve the creation of
4 criminal commissioner positions.

5 **Sec. 18.** RCW 2.24.040 and 2009 c 28 s 1 are each amended to read
6 as follows:

7 Such court commissioner shall have power, authority, and
8 jurisdiction, concurrent with the superior court and the judge
9 thereof, in the following particulars:

10 (1) To hear and determine all matters in probate, to make and
11 issue all proper orders therein, and to issue citations in all cases
12 where same are authorized by the probate statutes of this state.

13 (2) To grant and enter defaults and enter judgment thereon.

14 (3) To issue temporary restraining orders and temporary
15 injunctions, and to fix and approve bonds thereon.

16 (4) To act as referee in all matters and actions referred to him
17 or her by the superior court as such, with all the powers now
18 conferred upon referees by law.

19 (5) To hear and determine all proceedings supplemental to
20 execution, with all the powers conferred upon the judge of the
21 superior court in such matters.

22 (6) To hear and determine all petitions for the adoption of
23 children and for the dissolution of incorporations.

24 (7) To hear and determine all applications for the commitment of
25 any person to the hospital for the insane, with all the powers of the
26 superior court in such matters: PROVIDED, That in cases where a jury
27 is demanded, same shall be referred to the superior court for trial.

28 (8) To hear and determine all complaints for the commitments of
29 minors with all powers conferred upon the superior court in such
30 matters.

31 (9) To hear and determine ex parte and uncontested civil matters
32 of any nature.

33 (10) To grant adjournments, administer oaths, preserve order,
34 compel attendance of witnesses, and to punish for contempts in the
35 refusal to obey or the neglect of the court commissioner's lawful
36 orders made in any matter before the court commissioner as fully as
37 the judge of the superior court.

1 (11) To take acknowledgments and proofs of deeds, mortgages and
2 all other instruments requiring acknowledgment under the laws of this
3 state, and to take affidavits and depositions in all cases.

4 (12) To provide an official seal, upon which shall be engraved
5 the words "Court Commissioner," and the name of the county for which
6 he or she may be appointed, and to authenticate his official acts
7 therewith in all cases where same is necessary.

8 (13) To charge and collect, for his or her own use, the same fees
9 for the official performance of official acts mentioned in
10 subsections (4) and (11) of this section as are provided by law for
11 referees and notaries public.

12 (14) To hear and determine small claims appeals as provided in
13 chapter 12.36 RCW.

14 (15) In adult criminal cases, to preside over arraignments,
15 preliminary appearances, initial extradition hearings, and
16 noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040;
17 accept pleas if authorized by local court rules; appoint counsel;
18 make determinations of probable cause; set, amend, and review
19 conditions of pretrial release; set bail; set trial and hearing
20 dates; authorize continuances; ~~(and)~~ accept waivers of the right to
21 speedy trial; and conduct resentencing hearings and hearings to
22 vacate convictions related to *State v. Blake*, No. 96873-0 (Feb. 25,
23 2021).

24 **Sec. 19.** RCW 9.94A.728 and 2018 c 166 s 2 are each amended to
25 read as follows:

26 (1) No person serving a sentence imposed pursuant to this chapter
27 and committed to the custody of the department shall leave the
28 confines of the correctional facility or be released prior to the
29 expiration of the sentence except as follows:

30 (a) An offender may earn early release time as authorized by RCW
31 9.94A.729;

32 (b) An offender may leave a correctional facility pursuant to an
33 authorized furlough or leave of absence. In addition, offenders may
34 leave a correctional facility when in the custody of a corrections
35 officer or officers;

36 (c) (i) The secretary may authorize an extraordinary medical
37 placement for an offender when all of the following conditions exist:

38 (A) The offender has a medical condition that is serious and is
39 expected to require costly care or treatment;

1 (B) The offender poses a low risk to the community because he or
2 she is currently physically incapacitated due to age or the medical
3 condition or is expected to be so at the time of release; and

4 (C) It is expected that granting the extraordinary medical
5 placement will result in a cost savings to the state.

6 (ii) An offender sentenced to death or to life imprisonment
7 without the possibility of release or parole is not eligible for an
8 extraordinary medical placement.

9 (iii) The secretary shall require electronic monitoring for all
10 offenders in extraordinary medical placement unless the electronic
11 monitoring equipment interferes with the function of the offender's
12 medical equipment or results in the loss of funding for the
13 offender's medical care, in which case, an alternative type of
14 monitoring shall be utilized. The secretary shall specify who shall
15 provide the monitoring services and the terms under which the
16 monitoring shall be performed.

17 (iv) The secretary may revoke an extraordinary medical placement
18 under this subsection (1)(c) at any time.

19 (v) Persistent offenders are not eligible for extraordinary
20 medical placement;

21 (d) The governor, upon recommendation from the clemency and
22 pardons board, may grant an extraordinary release for reasons of
23 serious health problems, senility, advanced age, extraordinary
24 meritorious acts, or other extraordinary circumstances;

25 (e) No more than the final twelve months of the offender's term
26 of confinement may be served in partial confinement for aiding the
27 offender with: Finding work as part of the work release program under
28 chapter 72.65 RCW; or reestablishing himself or herself in the
29 community as part of the parenting program in RCW 9.94A.6551. This is
30 in addition to that period of earned early release time that may be
31 exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

32 (f) No more than the final six months of the offender's term of
33 confinement may be served in partial confinement as home detention as
34 part of the graduated reentry program developed by the department
35 under RCW 9.94A.733;

36 (g) The governor may pardon any offender;

37 (h) The department may release an offender from confinement any
38 time within ten days before a release date calculated under this
39 section;

1 (i) An offender may leave a correctional facility prior to
2 completion of his or her sentence if the sentence has been reduced as
3 provided in RCW 9.94A.870;

4 (j) Notwithstanding any other provisions of this section, an
5 offender sentenced for a felony crime listed in RCW 9.94A.540 as
6 subject to a mandatory minimum sentence of total confinement shall
7 not be released from total confinement before the completion of the
8 listed mandatory minimum sentence for that felony crime of conviction
9 unless allowed under RCW 9.94A.540; and

10 (k) Any person convicted of one or more crimes committed prior to
11 the person's eighteenth birthday may be released from confinement
12 pursuant to RCW 9.94A.730.

13 (2) Notwithstanding any other provision of this section, an
14 offender entitled to vacation of a conviction or the recalculation of
15 his or her offender score pursuant to *State v. Blake*, No. 96873-0
16 (Feb. 25, 2021), may be released from confinement pursuant to a court
17 order if the offender has already served a period of confinement that
18 exceeds his or her new standard range. This provision does not create
19 an independent right to release from confinement prior to
20 resentencing.

21 (3) Offenders residing in a juvenile correctional facility
22 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
23 limitations in this section.

24 **Sec. 20.** RCW 10.64.110 and 1977 ex.s. c 259 s 1 are each amended
25 to read as follows:

26 (1) Following June 15, 1977, except as provided in subsection (3)
27 of this section, there shall be affixed to the original of every
28 judgment and sentence of a felony conviction in every court in this
29 state and every order adjudicating a juvenile to be a delinquent
30 based upon conduct which would be a felony if committed by an adult,
31 a fingerprint of the defendant or juvenile who is the subject of the
32 order. When requested by the clerk of the court, the actual affixing
33 of fingerprints shall be done by a representative of the office of
34 the county sheriff.

35 (2) The clerk of the court shall attest that the fingerprints
36 appearing on the judgment in sentence, order of adjudication of
37 delinquency, or docket, is that of the individual who is the subject
38 of the judgment or conviction, order, or docket entry.

1 (3) Amended judgment and sentences issued pursuant to *State v.*
2 *Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the
3 fingerprinting requirements in subsection (1) of this section when
4 there are no additional offenses of conviction from the original
5 judgment and sentence and the defendant is in custody in a
6 correctional facility. In such cases, the amended judgment and
7 sentence shall reference the original judgment and sentence and the
8 fingerprints affixed thereto.

9 NEW SECTION. Sec. 21. The *State v. Blake* reimbursement account
10 is created in the state treasury. Moneys in the account may be spent
11 only after appropriation. Expenditures from the account may be used
12 only for state and local government costs resulting from the supreme
13 court's decision in *State v. Blake*, No. 96873-0 (Feb. 25, 2021), and
14 to reimburse individuals for legal financial obligations paid in
15 connection with sentences that have been invalidated as a result of
16 the decision.

17 NEW SECTION. Sec. 22. The appropriations in this section are
18 provided to the health care authority community behavioral health
19 program and are subject to the following conditions and limitations:

20 (1) The following sums, or so much thereof as may be necessary,
21 are each appropriated: \$25,000,000 from the state general fund for
22 the fiscal year ending June 30, 2022; and \$20,000,000 from the state
23 general fund for the fiscal year ending June 30, 2023. The amounts in
24 this subsection are provided solely for the authority to contract
25 with behavioral health administrative service organizations to
26 implement the statewide recovery navigator program established in
27 section 2 of this act and for related technical assistance to support
28 this implementation. This includes funding for recovery navigator
29 teams to provide community-based outreach and case management
30 services based on the law enforcement assisted diversion model and
31 for technical assistance support from the law enforcement assisted
32 diversion national support bureau.

33 (2) The following sums, or so much thereof as may be necessary,
34 are each appropriated: \$1,673,000 from the state general fund for the
35 fiscal year ending June 30, 2022; \$3,114,000 from the state general
36 fund for the fiscal year ending June 30, 2023; and \$3,890,000, from
37 the general fund-federal account for the fiscal biennium ending June
38 30, 2023. The amounts in this subsection are provided solely for the

1 authority to implement clubhouse services in every region of the
2 state.

3 (3) The following sums, or so much thereof as may be necessary,
4 are each appropriated: \$5,000,000 from the state general fund for the
5 fiscal year ending June 30, 2022; and \$7,500,000 from the state
6 general fund for the fiscal year ending June 30, 2023. The amounts in
7 this subsection are provided solely for the authority to implement
8 the homeless outreach stabilization team program, pursuant to section
9 5(1) of this act.

10 (4) The following sums, or so much thereof as may be necessary,
11 are each appropriated: \$2,500,000 from the state general fund for the
12 fiscal year ending June 30, 2022; and \$2,500,000 from the state
13 general fund for the fiscal year ending June 30, 2023. The amounts in
14 this subsection are provided solely for the authority to expand
15 efforts to provide opioid use disorder medication in city, county,
16 regional, and tribal jails.

17 (5) The following sums, or so much thereof as may be necessary,
18 are each appropriated: \$500,000 from the state general fund for the
19 fiscal year ending June 30, 2022; and \$500,000 from the state general
20 fund for the fiscal year ending June 30, 2023. The amounts in this
21 subsection are provided solely for the authority to expand opioid
22 treatment network programs for people with co-occurring opioid and
23 stimulant use disorder.

24 (6) The following sums, or so much thereof as may be necessary,
25 are each appropriated: \$1,400,000 from the state general fund for the
26 fiscal year ending June 30, 2022; and \$1,400,000 from the state
27 general fund for the fiscal year ending June 30, 2023. The amounts in
28 this subsection are provided solely for behavioral health
29 administrative service organizations to develop regional recovery
30 navigator program plans pursuant to section 2 of this act and to
31 establish positions focusing on regional planning to improve access
32 to and quality of regional behavioral health services with a focus on
33 integrated care.

34 (7) The following sums, or so much thereof as may be necessary,
35 are each appropriated: \$75,000 from the state general fund for the
36 fiscal year ending June 30, 2022; and \$75,000 from the state general
37 fund for the fiscal year ending June 30, 2023. The amounts in this
38 subsection are provided solely for the authority to contract with an
39 organization with expertise in supporting efforts to increase access
40 to and improve quality in recovery housing and recovery residences.

1 This funding shall be used to increase recovery housing availability
2 through partnership with private landlords, increase accreditation of
3 recovery residences statewide, operate a grievance process for
4 resolving challenges with recovery residences, and conduct a recovery
5 capital outcomes assessment for individuals living in recovery
6 residences.

7 (8) The following sums, or so much thereof as may be necessary,
8 are each appropriated: \$500,000 from the state general fund for the
9 fiscal year ending June 30, 2022; and \$500,000 from the state general
10 fund for the fiscal year ending June 30, 2023. The amounts in this
11 subsection are provided solely for the authority to provide short-
12 term housing vouchers for individuals with substance use disorders.

13 (9) The following sums, or so much thereof as may be necessary,
14 are each appropriated: \$250,000 from the state general fund for the
15 fiscal year ending June 30, 2022; and \$250,000 from the state general
16 fund for the fiscal year ending June 30, 2023. The amounts in this
17 subsection are provided solely for the authority to issue grants for
18 substance use disorder family navigator services.

19 (10) The following sums, or so much thereof as may be necessary,
20 are each appropriated: \$200,000 from the state general fund for the
21 fiscal year ending June 30, 2022; and \$200,000 from the state general
22 fund for the fiscal year ending June 30, 2023. The amounts in this
23 subsection are provided solely for the authority to convene and
24 provide staff and contracted services support to the recovery
25 oversight committee established in section 1 of this act.

26 (11) The following sums, or so much thereof as may be necessary,
27 are each appropriated: \$2,565,000 from the state general fund for the
28 fiscal year ending June 30, 2022; and \$2,565,000 from the state
29 general fund for the fiscal year ending June 30, 2023. The amounts in
30 this subsection are provided solely for staff and contracted services
31 support for the authority to develop and implement the recovery
32 services plan established in section 1 of this act and to carry out
33 other requirements of this act. Within these amounts, funding is
34 provided for the authority to:

35 (a) Establish an occupational nurse consultant position within
36 the authority to provide contract oversight, accountability,
37 performance improvement activities, and to ensure medicaid managed
38 care organization plan compliance with provisions in law and contract
39 related to care transitions work with local jails.

1 (b) Establish a position within the authority to create and
2 oversee a program to initiate and support emergency department
3 programs for inducing medications for patients with opioid use
4 disorder paired with a referral to community-based outreach and case
5 management programs.

6 NEW SECTION. **Sec. 23.** The appropriation in this section is
7 provided to the administrative office of the courts and is subject to
8 the following conditions and limitations:

9 The following sums, or so much thereof as may be necessary, are
10 each appropriated: \$2,250,000 from the state general fund for the
11 fiscal year ending June 30, 2022; and \$2,250,000 from the state
12 general fund for the fiscal year ending June 30, 2023. The amounts in
13 this subsection are provided solely to fund grants for therapeutic
14 courts operated by municipalities and district courts. The
15 administrative office of the courts must allocate grant funding based
16 upon a formula established by the administrative office of the
17 courts. The formula must distribute the grant funding equitably
18 between those therapeutic courts located east of the crest of the
19 Cascade mountains and those therapeutic courts located west of the
20 crest of the Cascade mountains. Multiple jurisdictions served by a
21 single municipal court or district court may apply for funds as a
22 single entity. Local jurisdictions receiving grant funding for
23 therapeutic courts must use funding to identify individuals before
24 the courts with substance use disorders or other behavioral health
25 needs and engage those individuals with community-based therapeutic
26 interventions.

27 NEW SECTION. **Sec. 24.** The appropriation in this section is
28 provided to the department of commerce and is subject to the
29 following conditions and limitations:

30 The following sums, or so much thereof as may be necessary, are
31 each appropriated: \$500,000 from the state general fund for the
32 fiscal year ending June 30, 2022; and \$1,000,000 from the state
33 general fund for the fiscal year ending June 30, 2023. The amounts in
34 this subsection are provided solely for the department to provide
35 grants for the operational costs of new staffed recovery residences
36 which serve individuals with substance use disorders who require more
37 support than a level 1 recovery residence.

1 NEW SECTION. **Sec. 25.** The appropriation in this section is
2 provided to the criminal justice training commission and is subject
3 to the following conditions and limitations:

4 The following sums, or so much thereof as may be necessary, are
5 each appropriated: \$150,000 from the state general fund for the
6 fiscal year ending June 30, 2022; and \$150,000 from the state general
7 fund for the fiscal year ending June 30, 2023. The amounts in this
8 subsection are provided solely for the commission to compensate
9 trainer time to deliver the curriculum related to law enforcement
10 interactions with persons with a substance use disorder pursuant to
11 section 7 of this act.

12 NEW SECTION. **Sec. 26.** Sections 1 through 11 and 13 through 21
13 of this act are necessary for the immediate preservation of the
14 public peace, health, or safety, or support of the state government
15 and its existing public institutions, and take effect immediately.

16 NEW SECTION. **Sec. 27.** Section 11 of this act expires July 1,
17 2022.

18 NEW SECTION. **Sec. 28.** Section 12 of this act takes effect July
19 1, 2022.

20 NEW SECTION. **Sec. 29.** Sections 8 through 10, 12, 15, and 16 of
21 this act expire July 1, 2023.

22 NEW SECTION. **Sec. 30.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected."

26 Correct the title.

--- END ---