

5476.E AMH APP HARO 554

By Representative Macri

ESB 5476 - H COMM AMD TO APP COMM AMD (H-1608.1/21)
By Committee on Appropriations

1 On page 15, beginning on line 7 of the striking amendment, after
2 "misdemeanor" strike all material through "treatment" on line 11

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4 On page 15, beginning on line 22 of the striking amendment, after
5 "(3)" strike all material through "(4)" on line 27

6
7 Renumber the remaining subsections consecutively and correct any
8 internal references accordingly.

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10 On page 18, beginning on line 2 of the striking amendment, after
11 "misdemeanor." strike all material through "treatment." on line 6

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13 On page 19, beginning on line 16 of the striking amendment, after
14 "misdemeanor." strike all material through "treatment." on line 20

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16 On page 19, after line 20 of the striking amendment, insert the
17 following:

18 "NEW SECTION. Sec. 12. A new section is added to chapter 10.31
19 RCW to read as follows:

20 (1) For all individuals who otherwise would be subject to arrest
21 under RCW 69.50.4011, RCW 69.50.4013, or RCW 69.41.030, in lieu of
22 jail booking and referral to the prosecutor, law enforcement shall
23 offer a referral to assessment and services available pursuant to RCW
24 10.31.110 or other program or entity responsible for receiving
25 referrals in lieu of legal system involvement.

26 (2) If law enforcement agency records reflect that an individual
27 has been diverted to referral for assessment and services twice or

1 more previously, officers may, but are not required to, make
2 additional diversion efforts.

3 (3) Nothing in this section precludes prosecutors from diverting
4 or declining to file any charges that are referred under RCW
5 69.50.4011, RCW 69.50.4013, or RCW 69.41.030 in the exercise of their
6 discretion."

7
8 Renumber the remaining sections consecutively and correct any
9 internal references accordingly.

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11 On page 52, beginning on line 21 of the striking amendment, after
12 "12," strike all material through "26" on line 22 and insert "13, 19,
13 20, 22 through 25, and 27"

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15 On page 52, line 30 of the striking amendment, after "11," strike
16 "19, and 24" and insert "12, 20, and 25"

17
18 On page 52, line 32 of the striking amendment, after "Sections"
19 strike all material through "25" and insert "14 through 18, 21, and
20 26"

21

EFFECT: Removes provisions requiring or encouraging a prosecutor to divert to treatment alleged violations of possession of a controlled substance, possession of a counterfeit substance, or possession of a legend drug. Requires, instead, that for such violations law enforcement officers must offer a referral to available assessment and services in lieu of jail booking and referral to the prosecutor. Provides that if law enforcement records indicate that a person has previously been diverted at least twice, the officer may, but is not required to, make additional diversion efforts. Provides that prosecutors are not precluded from exercising discretion to divert or decline to file charges when referred drug possession cases.

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