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**SENATE BILL 6297**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Gildon

1 AN ACT Relating to recognizing a court's authority to authorize a  
2 defendant's direct transfer from jail to inpatient or residential  
3 substance use disorder treatment; and adding a new section to chapter  
4 10.21 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.21  
7 RCW to read as follows:

8 (1) A judicial officer who establishes conditions of release for  
9 a defendant under RCW 10.21.020 and 10.21.030 which includes payment  
10 of bail may indicate on the order that the court will change the  
11 release condition to a personal recognizance release with nonmonetary  
12 conditions if:

13 (a) The defendant has an offer of admission to a facility for  
14 inpatient or residential substance use disorder treatment; and

15 (b) A trusted individual is available to escort the defendant  
16 directly from jail to the treatment facility.

17 (2) The court or defense shall immediately notify the recovery  
18 navigator program under RCW 71.24.115 when an order is entered under  
19 subsection (1) of this section.

20 (3) A defendant with an order under subsection (1) of this  
21 section may bring the court a motion for pretrial release at any time

1 the defendant is able to satisfy the conditions specified under  
2 subsection (1) of this section, including any additional conditions  
3 established by the court. The defendant must state to the court  
4 orally or in writing that the defendant agrees to participate in the  
5 treatment program and that the defendant will authorize the release  
6 of information to satisfy the requirements of this section. If the  
7 court is satisfied, the court shall immediately stay the criminal  
8 proceedings and order the defendant's release consistent with this  
9 section. The release shall be for a specific time when the defendant  
10 may be released directly to the trusted individual for escort to the  
11 inpatient or residential treatment facility.

12 (4) A jail receiving a release order under this section shall  
13 release the defendant only to the custody of the trusted individual  
14 and at the time indicated on the court order. A court order under  
15 this section shall supersede any other holds on the defendant or  
16 warrants from other jurisdictions.

17 (5) The inpatient or residential substance use disorder treatment  
18 program shall notify the court when the defendant is admitted to the  
19 program using a form supplied by the court and shall notify the court  
20 and the parties by form again upon the defendant's discharge from the  
21 program. The notification upon discharge shall indicate whether the  
22 defendant has transitioned successfully to the next level of care.

23 (6) Upon notification of the defendant's discharge from the  
24 inpatient or residential substance use disorder treatment program,  
25 the prosecutor may make a motion to lift the stay and summon the  
26 defendant to court for further proceedings. If the notice indicates  
27 the defendant has transitioned successfully to the next level of  
28 care, the prosecutor is encouraged to consider whether diversion or  
29 dismissal of the charge is appropriate.

30 (7) A judicial officer may issue an order under subsection (1) of  
31 this section on its own motion or the motion of any party in any  
32 circumstance in which the judicial officer finds that there are  
33 indications that the defendant would benefit from inpatient or  
34 residential substance use disorder treatment and that the defendant  
35 can be released safely to a residential or inpatient substance use  
36 disorder treatment program. The court is not limited to circumstances  
37 in which the defendant is charged with an offense under chapter 69.50  
38 RCW.

39 (8) For the purposes of this section, "trusted individual"  
40 includes but is not limited to a person whose relation to the

1 defendant is that of a family member, member of the defense team,  
2 health care worker, social worker, peer support specialist, case  
3 manager, employee of the inpatient or residential treatment facility,  
4 or other supportive individual.

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