

FINAL BILL REPORT

ESSB 6487

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Synopsis as Enacted

Brief Description: Providing for the release of mental health information under certain circumstances.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Sheahan and Winsley; by request of Department of Social and Health Services and Department of Corrections).

Senate Committee on Human Services & Corrections
House Committee on Criminal Justice & Corrections

Background: Current law mandates cooperation between the Department of Corrections (DOC) and state mental health service providers. Part of the cooperation, with regard to the supervision of offenders in the community, is the sharing of mental health information between the departments and those responsible for assisting mentally ill offenders in the community.

Summary: The Department of Social and Health Services Mental Health Division and mental health providers are permitted to share relevant mental health records with DOC employees for whom the information is necessary to their employment duties. Information under this act may be provided only for completing pre-sentence investigations, risk assessment, supervising of incarcerated offenders, and planning for and supervising offenders in the community.

DOC may disclose mental health information to the Indeterminate Sentence Review Board, which is bound by DOC's provisions on redisclosure. DOC may disclose to state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger presented by a particular offender. State and local agencies may redisclose the information only as permitted by chapters 70.02, 71.05, and 71.34 to the extent that the information is to counteract the danger presented by a particular offender. DOC may provide all relevant and necessary information to law enforcement agencies, on request, in a crisis or emergent situation that poses a public safety risk.

DOC may disclose mental health information to individuals as relevant and necessary for those individuals to take reasonable steps for self protection, but not to engage the public in a system of supervising, monitoring, and reporting offender behavior to DOC. Nothing prevents a member of the public from reporting behavior believed to create a public safety risk to either DOC or law enforcement.

In sentencing hearings or any other hearings in which DOC presents mental health information, the court may close those portions of the hearing that include disclosure of mental health information to the public, seal those portions of the record, or grant other

relief to prevent the inappropriate disclosure of mental health information to the public. Sealing a record under this provision does not prevent the subsequent release of the information as authorized in the act.

Votes on Final Passage:

Senate	44	2	
House	98	0	(House amended)
Senate	39	4	(Senate concurred)

Effective: June 8, 2000