

SB 5533 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Finds that RCW 10.77.090 contains laws relating to three discrete subjects. Therefore, one purpose of this act is to reorganize some of those laws by creating new sections in the Revised Code of Washington that clarify and identify these discrete subjects.

Finds that there are disproportionate numbers of individuals with mental illness in jail. The needs of individuals with mental illness and the public safety needs of society at large are better served when individuals with mental illness are provided an opportunity to obtain treatment and support.

Declares that if reasonable cause exists to believe that an individual with a mental disorder has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092, in lieu of charging the prosecutor may refer the individual to a mental health professional for evaluation for initial detention and proceeding under chapter 71.05 RCW or voluntary participation in outpatient treatment.

Provides that any jurisdiction that establishes a mental health treatment alternative pursuant to this act shall establish minimum requirements for the participation of individuals in the program. The mental health treatment alternative may adopt local requirements that are more stringent than the minimum. The minimum requirements are: (1) Psychiatric treatment is clinically indicated by history or upon consultation with a mental health professional as defined in RCW 71.05.020;

(2) The individual has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(3) Without regard to whether proof of any of these elements is required to convict, the individual is not currently charged with or convicted of an offense: (a) that is a sex offense; (b) that is a serious violent offense; (c) during which the individual used a firearm; or (d) during which the individual caused substantial or great bodily harm or death to another person.

Creates a joint task force on decreasing the number of individuals with mental illness entering the criminal justice system.

Requires the task force to review and make recommendations to the legislature and the governor regarding increased access to mental health services for those within the criminal justice system and strategies that will decrease

the number of people with mental health illness entering and reentering the criminal justice system.

Requires the task force to report its findings and recommendations to the legislature by November 15, 2007.

Repeals RCW 10.77.090.