

FINAL BILL REPORT

SHB 1201

C 319 L 09
Synopsis as Enacted

Brief Description: Establishing the community integration assistance program.

Sponsors: House Committee on Human Services (originally sponsored by Representatives O'Brien, Dickerson, Hurst and Appleton).

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

Background:

As of the late 1990s, the Department of Corrections (DOC) did not have a way of providing wraparound services for offenders who completed their criminal sentence under the Sentencing Reform Act, but who were mentally ill and potentially posed a threat to public safety.

In 1999 legislation was enacted that requires the DOC to identify offenders in its custody who are believed to be dangerous to themselves and others and who have a mental disorder or illness. Once identified, the DOC is required to develop a release plan for treatment and support services that may be needed once the offender leaves the custody of the DOC. A team which includes representatives from the DOC, the Division of Mental Health and other appropriate divisions of the Department of Social and Health Services (DSHS), and other treatment providers are required to help develop the offender's release plan for delivery of treatment and support services.

An offender is eligible for the wraparound services upon release if the offender is determined to be likely to have a major mental disorder and has been assessed as a high risk to be a danger to himself or others. The program that provides services to a mentally ill offender is administered through the DSHS. The person who has been identified for these wraparound services is eligible to receive them for five years after his or her release. Between July 1, 2000, and June 30, 2008, 517 individuals were designated as eligible for the wraparound services. While participation in the program is considered voluntary by the DSHS, the DOC may require that the offender participate in services as a part of his or her supervision in the community. Under the 1999 legislation, these offenders were designated as "dangerous mentally ill offenders."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

As a result of a work group which met throughout 2008, mental health professionals, law enforcement, county representatives, prosecutors, defense attorneys, legislators and others gathered proposals and information that may be used to increase the effectiveness of the program which provides wraparound services to mentally ill offenders. One proposal was to have an offender who is designated as needing the wraparound services for mentally ill offenders execute a mental health advanced directive (MHAD) before being released from the custody of the DOC.

Any person, mentally ill or not, can sign a MHAD. In a MHAD, a person, while not in a decompensated state, can indicate what type of mental health treatment they are willing to undergo should they decompensate. A valid MHAD can provide consent for mental health treatment in situations where the person is in a decompensated mental state and is either not consenting to treatment or is unable to give direction regarding treatment. A MHAD may be revoked by the person, even as their mental health deteriorates.

Summary:

If the offender has been designated as having a mental illness and assessed as a high risk to be a danger to himself or herself or others, the members of the DOC and other mental health professionals must offer assistance to the offender in executing a mental health directive as a part of the development of a plan for the delivery of treatment and support services to the offender upon release. Such assistance must be offered after the offender has been fully informed of the benefits, scope, and purpose of a mental health directive.

The name of the program which provides wraparound services to offenders who have a mental illness is changed to the Offender Re-entry Community Safety Program.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 2009