

# SENATE BILL REPORT

## SHB 2865

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As of February 25, 2010

**Title:** An act relating to offenders with developmental disabilities or traumatic brain injuries.

**Brief Description:** Concerning offenders with developmental disabilities or traumatic brain injuries.

**Sponsors:** House Committee on Human Services (originally sponsored by Representatives Roberts, Dickerson, Walsh, O'Brien, White, Seaquist, Green, Williams, Moeller, Appleton and Orwall).

**Brief History:** Passed House: 2/12/10, 95-0.

**Committee Activity:** Human Services & Corrections: 2/25/10.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kevin Black (786-7747)

**Background:** A developmental disability is a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition which originates before the individual turns 18, can be expected to continue indefinitely, and constitutes a substantial handicap to the individual.

A traumatic brain injury (TBI) is a head injury caused by an impact, which may be the result of a fall, motor vehicle accident, or the head being struck by an object. A TBI may sometimes be caused by assault, and TBI is known to be present among the population of veterans returning from war. TBI is a subcategory of acquired brain injuries which also result from causes such as strokes, brain tumors, poisoning, hypoxia, and so on. While most brain injuries are attended by mild symptoms which may recede or disappear over time, some brain injuries are the cause of physical and emotional impairments which produce long-lasting or permanent disability.

A mental health court is a therapeutic court which seeks to reduce recidivism by providing supervised treatment to defendants with mental disorders and co-occurring disorders through a special court docket. Defendants who succeed in treatment may be rewarded by the reduction or dismissal of criminal charges.

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*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.*

In 2009 a work group chaired by the Washington Association of Sheriffs and Police Chiefs and the Washington State Developmental Disabilities Council released a report concerning persons with developmental disabilities and TBI in correctional facilities and jails.

**Summary of Bill:** The definition of mental health court in chapter 2.28 RCW is expanded to allow participation by offenders who may benefit from treatment related to an intellectual or developmental disability or TBI.

Jails must adopt policies providing for notification to other corrections or jail facilities of any necessary accommodations upon the transfer of a person in custody who has been identified through screening procedures as having an intellectual or developmental disability or TBI.

The Department of Social and Health Services must ensure that expedited medical assistance programs which are designed to provide persons who were enrolled in medical assistance programs at the time of incarceration with access to medical assistance programs at the time of release include persons with intellectual or developmental disabilities or TBI.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: These are recommendations from the work group report which were chosen because they were expected to have no fiscal impact. Access to mental health courts could provide constructive opportunities to persons with developmental disabilities or TBI.

**Persons Testifying:** PRO: Jo Arlow, Washington Association of Sheriffs & Police Chiefs; Ed Holen, Washington State Developmental Disabilities Council; David Lord, Disability Rights Washington.