
HOUSE BILL 1201

State of Washington 61st Legislature 2009 Regular Session

By Representatives O'Brien, Dickerson, Hurst, and Appleton

Read first time 01/15/09. Referred to Committee on Human Services.

1 AN ACT Relating to the community integration assistance program;
2 and amending RCW 71.24.470, 71.24.480, and 72.09.370.

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

4 **Sec. 1.** RCW 71.24.470 and 1999 c 214 s 9 are each amended to read
5 as follows:

6 (1) The secretary shall contract, to the extent that funds are
7 appropriated for this purpose, for case management services and such
8 other services as the secretary deems necessary to assist offenders
9 identified under RCW 72.09.370 for participation in the community
10 integration assistance program. The contracts may be with regional
11 support networks or any other qualified and appropriate entities.

12 (2) The case manager has the authority to assist these offenders in
13 obtaining the services, as set forth in the plan created under RCW
14 72.09.370(2), for up to five years. The services may include
15 coordination of mental health services, assistance with unfunded
16 medical expenses, obtaining chemical dependency treatment, housing,
17 employment services, educational or vocational training, independent
18 living skills, parenting education, anger management services, and such
19 other services as the case manager deems necessary.

1 (3) The legislature intends that funds appropriated for the
2 purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section
3 and distributed to the regional support networks are to supplement and
4 not to supplant general funding. Funds appropriated to implement RCW
5 72.09.370, 71.05.145, and 71.05.212, and this section are not to be
6 considered available resources as defined in RCW 71.24.025 and are not
7 subject to the (~~statutory distribution formula~~) priorities, terms, or
8 conditions in the appropriations act established pursuant to RCW
9 71.24.035.

10 **Sec. 2.** RCW 71.24.480 and 2002 c 173 s 1 are each amended to read
11 as follows:

12 (1) A licensed service provider or regional support network, acting
13 in the course of the provider's or network's duties under this chapter,
14 is not liable for civil damages resulting from the injury or death of
15 another caused by a (~~dangerous mentally ill offender~~) participant in
16 the community integration assistance program who is a client of the
17 provider or network, unless the act or omission of the provider or
18 network constitutes:

19 (a) Gross negligence;

20 (b) Willful or wanton misconduct; or

21 (c) A breach of the duty to warn of and protect from a client's
22 threatened violent behavior if the client has communicated a serious
23 threat of physical violence against a reasonably ascertainable victim
24 or victims.

25 (2) In addition to any other requirements to report violations, the
26 licensed service provider and regional support network shall report an
27 offender's expressions of intent to harm or other predatory behavior,
28 regardless of whether there is an ascertainable victim, in progress
29 reports and other established processes that enable courts and
30 supervising entities to assess and address the progress and
31 appropriateness of treatment.

32 (3) A licensed service provider's or regional support network's
33 mere act of treating a (~~dangerous mentally ill offender~~) participant
34 in the community integration assistance program is not negligence.
35 Nothing in this subsection alters the licensed service provider's or
36 regional support network's normal duty of care with regard to the
37 client.

1 (4) The limited liability provided by this section applies only to
2 the conduct of licensed service providers and regional support networks
3 and does not apply to conduct of the state.

4 (5) For purposes of this section, (~~"dangerous mentally ill~~
5 ~~offender"~~) "participant in the community integration assistance
6 program" means a person who has been identified under RCW 72.09.370 as
7 an offender who: (a) Is reasonably believed to be dangerous to himself
8 or herself or others; and (b) has a mental disorder.

9 **Sec. 3.** RCW 72.09.370 and 2001 2nd sp.s. c 12 s 362 are each
10 amended to read as follows:

11 (1) The community integration assistance program is established to
12 provide intensive services to offenders identified under this
13 subsection and to thereby promote public safety. The secretary shall
14 identify offenders in confinement or partial confinement who: (a) Are
15 reasonably believed to be dangerous to themselves or others; and (b)
16 have a mental disorder. In determining an offender's dangerousness,
17 the secretary shall consider behavior known to the department and
18 factors, based on research, that are linked to an increased risk for
19 dangerousness of (~~mentally ill~~) offenders with mental illnesses and
20 shall include consideration of an offender's chemical dependency or
21 abuse.

22 (2) Prior to release of an offender identified under this section,
23 a team consisting of representatives of the department of corrections,
24 the division of mental health, and, as necessary, the indeterminate
25 sentence review board, other divisions or administrations within the
26 department of social and health services, specifically including the
27 division of alcohol and substance abuse and the division of
28 developmental disabilities, the appropriate regional support network,
29 and the providers, as appropriate, shall develop a plan, as determined
30 necessary by the team, for delivery of treatment and support services
31 to the offender upon release. The plan must include a mental health
32 advance directive to be executed by the offender under chapter 71.32
33 RCW prior to release from confinement. The team may include a school
34 district representative for offenders under the age of twenty-one. The
35 team shall consult with the offender's counsel, if any, and, as
36 appropriate, the offender's family and community. The team shall
37 notify the crime victim/witness program, which shall provide notice to

1 all people registered to receive notice under RCW 9.94A.612 or
2 72.09.712 of the proposed release plan developed by the team. Victims,
3 witnesses, and other interested people notified by the department may
4 provide information and comments to the department on potential safety
5 risk to specific individuals or classes of individuals posed by the
6 specific offender. The team may recommend: (a) That the offender be
7 evaluated by the ((~~county~~)) designated mental health professional, as
8 defined in chapter 71.05 RCW; (b) department-supervised community
9 treatment; or (c) voluntary community mental health or chemical
10 dependency or abuse treatment.

11 (3) Prior to release of an offender identified under this section,
12 the team shall determine whether or not an evaluation by a ((~~county~~))
13 designated mental health professional is needed. If an evaluation is
14 recommended, the supporting documentation shall be immediately
15 forwarded to the appropriate ((~~county~~)) designated mental health
16 professional. The supporting documentation shall include the
17 offender's criminal history, history of judicially required or
18 administratively ordered involuntary antipsychotic medication while in
19 confinement, and any known history of involuntary civil commitment.

20 (4) If an evaluation by a ((~~county~~)) designated mental health
21 professional is recommended by the team, such evaluation shall occur
22 not more than ten days, nor less than five days, prior to release.

23 (5) A second evaluation by a ((~~county~~)) designated mental health
24 professional shall occur on the day of release if requested by the
25 team, based upon new information or a change in the offender's mental
26 condition, and the initial evaluation did not result in an emergency
27 detention or a summons under chapter 71.05 RCW.

28 (6) If the ((~~county~~)) designated mental health professional
29 determines an emergency detention under chapter 71.05 RCW is necessary,
30 the department shall release the offender only to a state hospital or
31 to a consenting evaluation and treatment facility. The department
32 shall arrange transportation of the offender to the hospital or
33 facility.

34 (7) If the ((~~county~~)) designated mental health professional
35 believes that a less restrictive alternative treatment is appropriate,
36 he or she shall seek a summons, pursuant to the provisions of chapter
37 71.05 RCW, to require the offender to appear at an evaluation and
38 treatment facility. If a summons is issued, the offender shall remain

1 within the corrections facility until completion of his or her term of
2 confinement and be transported, by corrections personnel on the day of
3 completion, directly to the identified evaluation and treatment
4 facility.

5 (8) The secretary shall adopt rules to implement this section.

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