
SUBSTITUTE HOUSE BILL 2078

State of Washington

61st Legislature

2009 Regular Session

By House Human Services (originally sponsored by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney, and Haler)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to persons with developmental disabilities who are
2 in correctional facilities or jails; and adding a new chapter to Title
3 71A RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) A small number of persons with developmental disabilities
7 commit crimes, are held in jail, are tried for their offenses, and are
8 sentenced to serve time in our correctional system;

9 (b) Persons with developmental disabilities are often confused with
10 persons with mental illness. These populations are different and must
11 be understood as distinct groups, with different reasonable
12 accommodation needs; and

13 (c) A developmental disability often stems from a mix of causes and
14 many with developmental disabilities have cognitive impairments that
15 require reasonable accommodations to assure they understand what is
16 happening to them and what is expected of them.

17 (2) The legislature intends to ensure that persons with
18 developmental disabilities are identified early in the confinement

1 process and that staff in correctional facilities and jails are trained
2 in how to best support persons with developmental disabilities during
3 confinement.

4 NEW SECTION. **Sec. 2.** For the purposes of this chapter, persons
5 with developmental disabilities are those persons over the age of
6 eighteen who are eligible to receive services under this title. If a
7 person was eligible for services by the division of developmental
8 disabilities at the time of admission to a jail facility, he or she
9 shall remain eligible for those services as long as he or she remains
10 continuously confined to a jail facility, and upon release. Prior to
11 or upon release, a person with a developmental disability shall receive
12 an assessment by the division of developmental disabilities to
13 determine the level of support he or she requires.

14 NEW SECTION. **Sec. 3.** Within state funds appropriated for this
15 purpose, the developmental disabilities council shall contract for the
16 development and implementation of a simple screening tool by July 1,
17 2010.

18 Jail staff shall use the screening tool to identify persons with
19 developmental disabilities at the time of booking. If a person is
20 identified as having a developmental disability, or is likely to have
21 a developmental disability, the jail staff shall contact the local
22 office of the department of social and health services division of
23 developmental disabilities and request a determination as to whether or
24 not the person is already a client of the division of developmental
25 disabilities. The department of social and health services shall
26 respond within twenty-four hours of receipt of the inquiry as to
27 whether or not the person is a client of the division. In the event
28 that the person is not a client, the department shall, within forty-
29 eight hours of receipt of the inquiry, perform an in-person eligibility
30 determination, unless the department has previously determined the
31 person ineligible.

32 If the person has a developmental disability, jail staff shall
33 determine the reasonable accommodations required while the person is in
34 the correctional facility or jail. If the person is eligible for
35 services by the division of developmental disabilities, jail or

1 correctional staff shall consult with the division in determining what
2 accommodations are necessary.

3 NEW SECTION. **Sec. 4.** Within state funds appropriated for this
4 purpose, the developmental disabilities council shall, in consultation
5 with the department of corrections, the department of social and health
6 services, representatives of local jails, a representative of the state
7 designated protection and advocacy system, and other advocates, develop
8 training tools for correctional and jail staff regarding identifying
9 persons with developmental disabilities and how to best support them
10 during confinement. The training tools shall be short and concise so
11 it does not take unreasonable time when used.

12 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
13 a new chapter in Title 71A RCW.

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