

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1201

61st Legislature
2009 Regular Session

Passed by the House April 18, 2009
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 2, 2009
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1201** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1201

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By House Human Services (originally sponsored by Representatives O'Brien, Dickerson, Hurst, and Appleton)

READ FIRST TIME 02/10/09.

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 offender
10 reentry community safety 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 (4) The offender reentry community safety program was formerly
11 known as the community integration assistance program.

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

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

21 (a) Gross negligence;

22 (b) Willful or wanton misconduct; or

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

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

34 (3) A licensed service provider's or regional support network's
35 mere act of treating a (~~dangerous mentally ill offender~~) participant
36 in the offender reentry community safety program is not negligence.

1 Nothing in this subsection alters the licensed service provider's or
2 regional support network's normal duty of care with regard to the
3 client.

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

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

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

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

25 (2) Prior to release of an offender identified under this section,
26 a team consisting of representatives of the department of corrections,
27 the division of mental health, and, as necessary, the indeterminate
28 sentence review board, other divisions or administrations within the
29 department of social and health services, specifically including the
30 division of alcohol and substance abuse and the division of
31 developmental disabilities, the appropriate regional support network,
32 and the providers, as appropriate, shall develop a plan, as determined
33 necessary by the team, for delivery of treatment and support services
34 to the offender upon release. In developing the plan, the offender
35 shall be offered assistance in executing a mental health directive
36 under chapter 71.32 RCW, after being fully informed of the benefits,
37 scope, and purposes of such directive. The team may include a school

1 district representative for offenders under the age of twenty-one. The
2 team shall consult with the offender's counsel, if any, and, as
3 appropriate, the offender's family and community. The team shall
4 notify the crime victim/witness program, which shall provide notice to
5 all people registered to receive notice under RCW 9.94A.612 of the
6 proposed release plan developed by the team. Victims, witnesses, and
7 other interested people notified by the department may provide
8 information and comments to the department on potential safety risk to
9 specific individuals or classes of individuals posed by the specific
10 offender. The team may recommend: (a) That the offender be evaluated
11 by the ((~~county~~)) designated mental health professional, as defined in
12 chapter 71.05 RCW; (b) department-supervised community treatment; or
13 (c) voluntary community mental health or chemical dependency or abuse
14 treatment.

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

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

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

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

1 (7) If the ((~~county~~)) designated mental health professional
2 believes that a less restrictive alternative treatment is appropriate,
3 he or she shall seek a summons, pursuant to the provisions of chapter
4 71.05 RCW, to require the offender to appear at an evaluation and
5 treatment facility. If a summons is issued, the offender shall remain
6 within the corrections facility until completion of his or her term of
7 confinement and be transported, by corrections personnel on the day of
8 completion, directly to the identified evaluation and treatment
9 facility.

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

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