

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2078

Chapter 447, Laws of 2009

61st Legislature
2009 Regular Session

DEVELOPMENTAL DISABILITIES SERVICES--JAILS AND CORRECTIONS

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 9, 2009
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 11, 2009, 3:03 p.m.

CHRISTINE GREGOIRE

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 **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2078** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 11, 2009

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2078

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

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

READ FIRST TIME 03/02/09.

1 AN ACT Relating to persons with developmental disabilities who are
2 in correctional facilities or jails; creating new sections; and
3 providing an expiration date.

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 persons with developmental disabilities have cognitive impairments
15 that require reasonable accommodations to assist them in understanding
16 what is happening to them and what is expected of them when they
17 encounter the criminal justice system.

18 (2) The legislature intends to improve the ability of corrections

1 institutions to better identify and provide safe, appropriate
2 accommodations for persons with developmental disabilities.

3 NEW SECTION. **Sec. 2.** (1) Within state and federal funds
4 appropriated or otherwise available for this purpose, a work group is
5 established, to be cochaired by representatives of the developmental
6 disabilities council and the Washington association of sheriffs and
7 police chiefs, to address issues relating to persons with developmental
8 disabilities who are confined in correctional facilities.

9 (2) In addition to representatives from the developmental
10 disabilities council and the Washington association of sheriffs and
11 police chiefs, the work group shall consult with:

- 12 (a) The department of social and health services;
- 13 (b) The department of corrections;
- 14 (c) The Washington traumatic brain injury strategic partnership
15 advisory council as defined in RCW 74.31.020;
- 16 (d) Disability rights Washington;
- 17 (e) Consumer advocates; and
- 18 (f) Other interested organizations as identified by the
19 developmental disabilities council and the Washington association of
20 sheriffs and police chiefs.

21 (3) By December 1, 2009, the work group shall develop
22 recommendations and report to the appropriate committees of the
23 legislature relating to:

24 (a) Expeditiously reviewing and determining eligibility for
25 developmental disabilities services provided through the department of
26 social and health services prior to a person's release from confinement
27 from jail or confinement in the department of corrections;

28 (b) The appropriate role of the department of social and health
29 services in providing potential alternatives to confinement for persons
30 with developmental disabilities and consultation and technical
31 assistance to jails and the department of corrections in their efforts
32 to provide reasonable accommodations for persons with developmental
33 disabilities who are confined in their facility;

34 (c) Increasing the appropriate use of the authority granted the
35 courts under current sentencing reform act provisions, chapter 9.94A
36 RCW, to order alternatives to confinement prior to trial or following
37 conviction in cases with a sentence of twelve months or less;

1 (d) The establishment of new options under the sentencing reform
2 act to divert persons with developmental disabilities from the criminal
3 justice system while maintaining public safety;

4 (e) The feasibility of developing and adopting law enforcement
5 training for responding to persons with developmental disabilities that
6 is analogous to the crisis intervention training currently provided to
7 law enforcement officers for responding to alleged criminal behavior by
8 persons with mental illness;

9 (f) The feasibility of adopting standardized statewide screening
10 and application practices and forms designed to facilitate the
11 application of a confined person who is likely to be eligible for
12 medical assistance services by the division of developmental
13 disabilities;

14 (g) The need for and feasibility of developing a screening tool and
15 training for corrections staff to be used to identify persons with
16 developmental disabilities who are confined in prison with the
17 department of corrections similar to the tool to be developed for jails
18 under subsection (4) of this section; and

19 (h) The feasibility of developing a screening tool for traumatic
20 brain injuries, and information on best practices and training
21 regarding appropriate accommodations for persons with traumatic brain
22 injuries.

23 (4) By July 1, 2010, the work group shall develop:

24 (a) A simple screening tool that may be used by jails as part of a
25 jail's intake and/or classification process and which will assist in
26 the identification of offenders with the most common types of
27 developmental disabilities;

28 (b) A model policy for the use of the screening tool;

29 (c) A cost-effective means to provide concise training to jail
30 staff on the use of the tool; and

31 (d) Information on best practices and training regarding
32 appropriate accommodations for persons with developmental disabilities
33 during their confinement.

34 NEW SECTION. **Sec. 3.** The definitions in this section apply
35 throughout sections 1 and 2 of this act unless the context clearly
36 requires otherwise.

37 (1) "Jail" has the same meaning as provided in RCW 70.48.020; and

1 (2) "Confined" means incarcerated in a jail.

2 NEW SECTION. **Sec. 4.** This act expires December 1, 2010.

Passed by the House April 20, 2009.

Passed by the Senate April 9, 2009.

Approved by the Governor May 11, 2009.

Filed in Office of Secretary of State May 11, 2009.