

SHB 1718 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/12/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 2.28.180 and 2005 c 504 s 501 are each amended to
4 read as follows:

5 (1) Counties may establish and operate mental health courts.

6 (2) For the purposes of this section, "mental health court" means
7 a court that has special calendars or dockets designed to achieve a
8 reduction in recidivism and symptoms of mental illness among
9 nonviolent, (~~mentally ill~~) felony and nonfelony offenders with mental
10 illnesses and recidivism among nonviolent felony and nonfelony
11 offenders who have developmental disabilities as defined in RCW
12 71A.10.020 or who have suffered a traumatic brain injury by increasing
13 their likelihood for successful rehabilitation through early,
14 continuous, and intense judicially supervised treatment including drug
15 treatment for persons with co-occurring disorders; mandatory periodic
16 reviews, including drug testing if indicated; and the use of
17 appropriate sanctions and other rehabilitation services.

18 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
19 mental health court program must first:

20 (i) Exhaust all federal funding that is available to support the
21 operations of its mental health court and associated services; and

22 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
23 for mental health court programs with local cash or in-kind resources.
24 Moneys allocated by the state must be used to supplement, not supplant,
25 other federal, state, and local funds for mental health court
26 operations and associated services.

27 (b) Any county that establishes a mental health court pursuant to
28 this section shall establish minimum requirements for the participation
29 of offenders in the program. The mental health court may adopt local

1 requirements that are more stringent than the minimum. The minimum
2 requirements are:

3 (i) The offender would benefit from psychiatric treatment or
4 treatment related to his or her developmental disability or traumatic
5 brain injury;

6 (ii) The offender has not previously been convicted of a serious
7 violent offense or sex offense as defined in RCW 9.94A.030; and

8 (iii) Without regard to whether proof of any of these elements is
9 required to convict, the offender is not currently charged with or
10 convicted of an offense:

- 11 (A) That is a sex offense;
- 12 (B) That is a serious violent offense;
- 13 (C) During which the defendant used a firearm; or
- 14 (D) During which the defendant caused substantial or great bodily
15 harm or death to another person.

16 NEW SECTION. Sec. 2. A new section is added to chapter 70.48 RCW
17 to read as follows:

18 When a jail has determined that a person in custody has or may have
19 a developmental disability as defined in RCW 71A.10.020 or a traumatic
20 brain injury, upon transfer of the person to a department of
21 corrections facility or other jail facility, every reasonable effort
22 shall be made by the transferring jail staff to communicate to
23 receiving staff the nature of the disability, as determined by the jail
24 and any necessary accommodation for the person as identified by the
25 transferring jail staff."

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26 On page 1, line 2 of the title, after "injuries;" strike the
27 remainder of the title and insert "amending RCW 2.28.180; and adding a
28 new section to chapter 70.48 RCW."

EFFECT: Removes the section requiring DSHS to expand the expedited medical assistance program to allow participation by offenders with developmental disabilities and traumatic brain injuries.

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