
**Public Safety & Emergency Preparedness
Committee**

HB 1718

Brief Description: Concerning offenders with developmental disabilities or traumatic brain injuries.

Sponsors: Representatives Roberts, Moeller, Dammeier and Green.

Brief Summary of Bill

- Expands eligibility for mental health court to nonviolent offenders who have an intellectual or developmental disability (I/DD) or who have suffered a traumatic brain injury (TBI).
- Requires jail staff to make a reasonable effort to communicate the nature of a person's I/DD or TBI to a receiving facility's staff.
- Requires the Department of Social and Health Services to adopt rules to expedite enrollment in Medical Assistance for a person with an I/DD or TBI who is released from confinement.

Hearing Date: 2/11/11

Staff: Alexa Silver (786-7190).

Background:

Mental Health Courts: Counties may operate mental health courts, which have a special docket designed to reduce recidivism and symptoms of mental illness for nonviolent, mentally ill offenders. Mental health courts aim to increase the likelihood of a mentally ill offender's successful rehabilitation through treatment, periodic reviews, and other rehabilitation services. Minimum requirements for establishment of a mental health court are that the offender: (1) would benefit from psychiatric treatment; (2) does not have a prior conviction for a serious violent or sex offense; and (3) is not currently charged with a sex offense, a serious violent

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offense, an offense during which the offender used a firearm, or an offense during which the offender caused substantial or great bodily harm or death.

Medical Assistance Benefits: Medical Assistance benefits allow for medical care under the federal Social Security Act. When an eligible person is booked into a correctional facility, the person stops receiving state-funded services while in custody and is no longer eligible for Medical Assistance.

In 2005 the Department of Social and Health Services (DSHS) began adopting policies and rules providing that upon release of a person with a mental disorder who was enrolled in Medical Assistance immediately prior to confinement, his or her Medical Assistance coverage be fully reinstated on the date of release from confinement. In January 2009 the DSHS published a report proposing a five-phase model for promptly reinstating eligibility for a previous Medical Assistance recipient who is released from incarceration.

House Bill 2078 Work Group: During the 2009 interim, a work group made up of representatives from the Department of Corrections (DOC), jails, advocates for persons with intellectual and developmental disabilities (I/DD) and traumatic brain injuries (TBI), and others met to address the special needs of persons with I/DD and TBI when they come into contact with local and state correctional facilities. The work group published a report in August 2010 that provided a sample screening tool, a model policy, and training materials.

Summary of Bill:

Mental Health Courts: Counties may establish and operate mental health courts to reduce recidivism and symptoms of mental illness for nonviolent offenders who have I/DD or who have suffered a TBI. Among the requirements for participation is that the offender would benefit from psychiatric treatment or treatment related to his or her I/DD or TBI.

Transfer to a Correctional Facility: When a jail determines that a person in custody may have an I/DD or TBI and the person is transferred to a DOC facility or another jail, jail staff must make every reasonable effort to communicate the nature of the disability and any necessary accommodations to the receiving facility's staff.

Re-Enrollment in Medical Assistance: The DSHS must adopt policies and rules providing that upon release of a person with an I/DD or TBI who was enrolled in Medical Assistance immediately prior to confinement, his or her Medical Assistance coverage be fully reinstated on the date of release from confinement.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.