

SENATE BILL REPORT

SHB 1718

As of March 18, 2011

Title: An act relating to offenders with developmental disabilities or traumatic brain injuries.

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

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Roberts, Moeller, Dammeier and Green).

Brief History: Passed House: 3/05/11, 97-0.

Committee Activity: Human Services & Corrections: 3/17/11.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: A developmental disability is a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition which originates before the individual turns 18, can be expected to continue indefinitely, and constitutes a substantial handicap to the individual.

A traumatic brain injury (TBI) is a head injury caused by an impact, which may be the result of a fall, motor vehicle accident, or the head being struck by an object. A TBI may sometimes be caused by an assault, and TBI is known to be present among veterans returning from war. TBI is a subcategory of acquired brain injuries which also result from causes such as strokes, brain tumors, poisoning, hypoxia, and so on. While most brain injuries are attended by mild symptoms which may recede or disappear over time, some brain injuries are the cause of physical and emotional impairments which produce long-lasting or permanent disability.

A mental health court is a therapeutic court which seeks to reduce recidivism by providing supervised treatment to nonviolent defendants with mental disorders and co-occurring disorders through a special court docket. Defendants who succeed in treatment may be rewarded by the reduction or dismissal of criminal charges.

Summary of Bill: The definition of mental health court provided in chapter 2.28 RCW is expanded to allow participation by a nonviolent defendant who has a developmental

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disability or who has suffered a TBI, provided that the defendant would benefit from treatment related to the developmental disability or TBI.

A jail which determines that a person in its custody has a developmental disability or TBI must make every reasonable effort to communicate the nature of this disability and any necessary accommodation for the person to the Department of Corrections or the staff of another jail upon transfer of the person.

The Department of Social and Health Services must include persons with developmental disabilities or TBI in its expedited medical assistance program which connects offenders with mental disorders with public assistance benefits upon release from incarceration.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill represents recommendations from an interdisciplinary task force in 2009 which studied issues related to individuals with developmental disabilities in jail. This legislation is consistent with national standards relating to the transfer of inmates and will promote the safety of officers and inmates. TBI is often hidden and not properly diagnosed or treated, and is a special concern for veterans returning from war. Section three involves only clients who qualified for public assistance before their incarceration. The fiscal note seems to be too high.

Persons Testifying: PRO: Representative Roberts, prime sponsor; Ed Holen, Developmental Disabilities Council; David Lord, Bette Fleishman, Disability Rights Washington.