

E2SHB 2078 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 04/09/2009

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) A small number of persons with developmental disabilities
5 commit crimes, are held in jail, are tried for their offenses, and are
6 sentenced to serve time in our correctional system;

7 (b) Persons with developmental disabilities are often confused with
8 persons with mental illness. These populations are different and must
9 be understood as distinct groups, with different reasonable
10 accommodation needs; and

11 (c) A developmental disability often stems from a mix of causes and
12 many persons with developmental disabilities have cognitive impairments
13 that require reasonable accommodations to assist them in understanding
14 what is happening to them and what is expected of them when they
15 encounter the criminal justice system.

16 (2) The legislature intends to improve the ability of corrections
17 institutions to better identify and provide safe, appropriate
18 accommodations for persons with developmental disabilities.

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

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

28 (a) The department of social and health services;

29 (b) The department of corrections;

1 (c) The Washington traumatic brain injury strategic partnership
2 advisory council as defined in RCW 74.31.020;

3 (d) Disability rights Washington;

4 (e) Consumer advocates; and

5 (f) Other interested organizations as identified by the
6 developmental disabilities council and the Washington association of
7 sheriffs and police chiefs.

8 (3) By December 1, 2009, the work group shall develop
9 recommendations and report to the appropriate committees of the
10 legislature relating to:

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

15 (b) The appropriate role of the department of social and health
16 services in providing potential alternatives to confinement for persons
17 with developmental disabilities and consultation and technical
18 assistance to jails and the department of corrections in their efforts
19 to provide reasonable accommodations for persons with developmental
20 disabilities who are confined in their facility;

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

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

28 (e) The feasibility of developing and adopting law enforcement
29 training for responding to persons with developmental disabilities that
30 is analogous to the crisis intervention training currently provided to
31 law enforcement officers for responding to alleged criminal behavior by
32 persons with mental illness;

33 (f) The feasibility of adopting standardized statewide screening
34 and application practices and forms designed to facilitate the
35 application of a confined person who is likely to be eligible for
36 medical assistance services by the division of developmental
37 disabilities;

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

6 (h) The feasibility of developing a screening tool for traumatic
7 brain injuries, and information on best practices and training
8 regarding appropriate accommodations for persons with traumatic brain
9 injuries.

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

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

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

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

18 (d) Information on best practices and training regarding
19 appropriate accommodations for persons with developmental disabilities
20 during their confinement.

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

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

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

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

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27 On page 1, line 2 of the title, after "jails;" strike the remainder
28 of the title and insert "creating new sections; and providing an

1 expiration date."

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