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**HOUSE BILL 2045**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Bronoske, Leavitt, and Fey

AN ACT Relating to equitable geographic distribution of community placements for persons releasing from a state hospital to a less restrictive placement after committing acts constituting a violent felony; amending RCW 71.05.365; and adding a new section to chapter 71.05 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 71.05 RCW to read as follows:

(1) In a case where the court has made an affirmative special finding under RCW 71.05.280(3)(b), at the time when it becomes appropriate to develop an individualized discharge plan for the person, the secretary shall work with the entity or entities responsible for the community treatment of the person to develop an individualized discharge plan that is within the person's county of origin, unless it is determined by the secretary that the person's return to his or her county of origin would be inappropriate considering any court-issued protection orders, victim safety concerns, the availability of appropriate treatment, negative influences on the person, or the location of family or other persons or organizations offering support to the person.

(2) If an individualized discharge plan under subsection (1) of this section calls for placement outside of the county of origin, and there are two or more options for placement, the secretary shall develop the individualized discharge plan in a manner that does not have a disproportionate effect on a single county. The secretary shall additionally provide the law and justice council of the county in which the person is to be discharged with a written explanation as to why the placement was chosen.

(3) For purposes of this section, "county of origin" means the county in which the person was most recently enrolled in services prior to the current commitment, another county within the same regional service area, or, if the person was not enrolled in services prior to the current commitment, a county within the same regional service area as the county where the person was criminally charged prior to commitment.

**Sec.**  RCW 71.05.365 and 2019 c 325 s 3008 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ((~~ninety~~)) 90 or ((~~one hundred eighty~~)) 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within ((~~fourteen~~)) 14 days of the determination. An individualized discharge plan in any case where the court has made an affirmative special finding under RCW 71.05.280(3)(b) shall be developed in compliance with the requirements of section 1 of this act.

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