

HOUSE BILL REPORT

HB 2847

*As Reported By House Committee on:
Human Services*

Title: An act relating to the placement of mentally disordered offenders.

Brief Description: Providing for alternative sentencing for offenders with mental illness.

Sponsor(s): Representatives Leonard, Hargrove, Prentice, Winsley, H. Myers, Beck, Riley, Anderson, Brekke, Wineberry and Basich.

Brief History:

Reported by House Committee on:
Human Services, February 6, 1992, DPS.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Antonio Sanchez (786-7383).

Background:

Sentences for mentally ill offenders are established by the courts according to the severity of the crime and the offender's prior criminal history. The Department of Corrections does not have authority to set or modify special terms of incarceration or community supervision for a mentally ill offender. However, the Department of Corrections Division of Community Corrections has the capacity to accommodate both mentally ill offenders and the developmentally disabled. Within the division, the structure for serving mentally ill and developmentally disabled offenders includes designated work release facilities such as Lincoln Park/Rap House and, to a limited degree, other work release facilities and field offices in communities throughout the state. Staff at Lincoln Park/Rap House receive specialized training in managing mentally ill

and developmentally disabled offenders. Community corrections officers are trained in managing mentally ill and developmentally disabled offenders, including: identification of decompensation, familiarity with commonly used medications and their side effects, case management and referral procedures, and intervention techniques. The division receives offenders who have served time in prison and require transitional services, supervision, and support as they re-integrate into the community. Currently, no alternatives are available at the time of sentencing for mentally ill felony offenders that will allow the sentencing court to divert the offender to a community based treatment and supervision program without first serving time in prison.

Currently, approximately 465 persons are in a Department of Corrections facility who have a sentence of between one and six years, are not violent or sex offenders, and have a major mental illness.

Summary of Substitute Bill:

The Sentencing Guidelines Commission in cooperation with the Department of Social and Health Services, Division of Mental Health, the Department of Corrections, Washington Institute of Public Policy, and appropriate advocacy groups are required to identify and suggest appropriate sentencing options for offenders with mental disorders. In their recommendations, the Sentencing Guidelines Commission shall consider the types of offenders who may qualify for suggested alternatives, type and source of the mental disorder diagnosis, methods for assurance of public safety, and other necessary information.

The Sentencing Guidelines Commission is also required to submit a written report to the appropriate committees of the House of Representatives and the Senate by December 12, 1992.

Substitute Bill Compared to Original Bill: The substitute bill eliminated all references to alternative sentences for mentally ill offenders and the alternative sentencing process and structure for mentally ill offenders. The substitute bill replaced the sentencing language with a required study of mentally ill offenders. Provisions for the transfer of funds related to this issue were also eliminated in the substitute bill.

Fiscal Note: Not requested.

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

Testimony For: Mentally ill offenders do not have to be in prisons. There should be community alternatives that assist them while also protecting society. Prisons should be a last resort and are a more expensive system than community mental health. Our prisons should not be used as a alternative for a mental health system.

Testimony Against: None.

Witnesses: Susan Rotenberg and Cheryl Davidson, Community Action for the Mentally Ill Offender; Mike Redman, Washington Prosecuting Attorneys Association; David Haney, State Mental Hospital Association; Jeannie Stevens-Taylor, Mental Health Community; Dave Savage, Department of Corrections; Eleanor Owen, Washington Advocates for the Mentally Ill; and Ted Wilson, Department of Corrections, Mental Health Division.