

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 6002

Chapter 342, Laws of 1997

(partial veto)

55th Legislature
1997 Regular Session

SUPERVISION OF MENTALLY ILL OFFENDERS--PILOT PROGRAM

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 22, 1997
YEAS 43 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 1997
YEAS 87 NAYS 7

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 13, 1997, with the
exception of section 3, which is
vetoed.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SECOND SUBSTITUTE SENATE BILL 6002 as
passed by the Senate and the House of
Representatives on the dates hereon
set forth.

MIKE O'CONNELL

Secretary

FILED

May 13, 1997 - 2:27 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 6002

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Long, Hargrove and Oke)

Read first time 03/10/97.

1 AN ACT Relating to supervision of mentally ill offenders; adding
2 new sections to chapter 71.24 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** (1) Many acute and chronically mentally ill
5 offenders are delayed in their release from Washington correctional
6 facilities due to their inability to access reasonable treatment and
7 living accommodations prior to the maximum expiration of their
8 sentences. Often the offender reaches the end of his or her sentence
9 and is released without any follow-up care, funds, or housing. These
10 delays are costly to the state, often lead to psychiatric relapse, and
11 result in unnecessary risk to the public.

12 These offenders rarely possess the skills or emotional stability to
13 maintain employment or even complete applications to receive
14 entitlement funding. Nation-wide only five percent of diagnosed
15 schizophrenics are able to maintain part-time or full-time employment.
16 Housing and appropriate treatment are difficult to obtain.

17 This lack of resources, funding, treatment, and housing creates
18 additional stress for the mentally ill offender, impairing self-control
19 and judgment. When the mental illness is instrumental in the

1 offender's patterns of crime, such stresses may lead to a worsening of
2 his or her illness, reoffending, and a threat to public safety.

3 (2) It is the intent of the legislature to create a pilot program
4 to provide for postrelease mental health care and housing for a select
5 group of mentally ill offenders entering community living, in order to
6 reduce incarceration costs, increase public safety, and enhance the
7 offender's quality of life.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24 RCW
9 to read as follows:

10 (1) The secretary shall select and contract with a regional support
11 network or private provider to provide specialized access and services
12 to mentally ill offenders upon release from total confinement within
13 the department of corrections who have been identified by the
14 department of corrections and selected by the regional support network
15 or private provider as high-priority clients for services and who meet
16 service program entrance criteria. The program shall enroll no more
17 than twenty-five offenders at any one time, or a number of offenders
18 that can be accommodated within the appropriated funding level, and
19 shall seek to fill any vacancies that occur.

20 (2) Criteria shall include a determination by department of
21 corrections staff that:

22 (a) The offender suffers from a major mental illness and needs
23 continued mental health treatment;

24 (b) The offender's previous crime or crimes have been determined by
25 either the court or department of corrections staff to have been
26 substantially influenced by the offender's mental illness;

27 (c) It is believed the offender will be less likely to commit
28 further criminal acts if provided ongoing mental health care;

29 (d) The offender is unable or unlikely to obtain housing and/or
30 treatment from other sources for any reason; and

31 (e) The offender has at least one year remaining before his or her
32 sentence expires but is within six months of release to community
33 housing and is currently housed within a work release facility or any
34 department of corrections' division of prisons facility.

35 (3) The regional support network or private provider shall provide
36 specialized access and services to the selected offenders. The
37 services shall be aimed at lowering the risk of recidivism. An
38 oversight committee composed of a representative of the department, a

1 representative of the selected regional support network or private
2 provider, and a representative of the department of corrections shall
3 develop policies to guide the pilot program, provide dispute resolution
4 including making determinations as to when entrance criteria or
5 required services may be waived in individual cases, advise the
6 department of corrections and the regional support network or private
7 provider on the selection of eligible offenders, and set minimum
8 requirements for service contracts. The selected regional support
9 network or private provider shall implement the policies and service
10 contracts. The following services shall be provided:

11 (a) Intensive case management to include a full range of intensive
12 community support and treatment in client-to-staff ratios of not more
13 than ten offenders per case manager including: (i) A minimum of weekly
14 group and weekly individual counseling; (ii) home visits by the program
15 manager at least two times per month; and (iii) counseling focusing on
16 relapse prevention and past, current, or future behavior of the
17 offender.

18 (b) The case manager shall attempt to locate and procure housing
19 appropriate to the living and clinical needs of the offender and as
20 needed to maintain the psychiatric stability of the offender. The
21 entire range of emergency, transitional, and permanent housing and
22 involuntary hospitalization must be considered as available housing
23 options. A housing subsidy may be provided to offenders to defray
24 housing costs up to a maximum of six thousand six hundred dollars per
25 offender per year and be administered by the case manager. Additional
26 funding sources may be used to offset these costs when available.

27 (c) The case manager shall collaborate with the assigned prison,
28 work release, or community corrections staff during release planning,
29 prior to discharge, and in ongoing supervision of the offender while
30 under the authority of the department of corrections.

31 (d) Medications including the full range of psychotropic
32 medications including atypical antipsychotic medications may be
33 required as a condition of the program. Medication prescription,
34 medication monitoring, and counseling to support offender
35 understanding, acceptance, and compliance with prescribed medication
36 regimens must be included.

37 (e) A systematic effort to engage offenders to continuously involve
38 themselves in current and long-term treatment and appropriate
39 rehabilitative activities shall be made.

1 (f) Classes appropriate to the clinical and living needs of the
2 offender and appropriate to his or her level of understanding.

3 (g) The case manager shall assist the offender in the application
4 and qualification for entitlement funding, including medicaid, state
5 assistance, and other available government and private assistance at
6 any point that the offender is qualified and resources are available.

7 (h) The offender shall be provided access to daily activities such
8 as drop-in centers, prevocational and vocational training and jobs, and
9 volunteer activities.

10 (4) Once an offender has been selected into the pilot program, the
11 offender shall remain in the program until the end of his or her
12 sentence or unless the offender is released from the pilot program
13 earlier by the department of corrections.

14 (5) Specialized training in the management and supervision of high-
15 crime risk mentally ill offenders shall be provided to all
16 participating mental health providers by the department and the
17 department of corrections prior to their participation in the program
18 and as requested thereafter.

19 (6) The pilot program provided for in this section must be
20 providing services by July 1, 1998.

21 ****NEW SECTION. Sec. 3. The department shall indemnify and hold***
22 ***harmless the regional support network, private provider, and any mental***
23 ***health center, housing facility, or other mental health provider from***
24 ***all claims or suits arising in any manner from any acts committed by an***
25 ***enrolled offender during his or her period of enrollment.***

26 ****Sec. 3 was vetoed. See message at end of chapter.***

27 ***NEW SECTION. Sec. 4.*** A new section is added to chapter 71.24 RCW
28 to read as follows:

29 The department, in collaboration with the department of corrections
30 and the oversight committee created in section 2 of this act, shall
31 track outcomes and submit to the legislature a report of services and
32 outcomes by December 1, 1998, and annually thereafter as may be
33 necessary. The reports shall include the following: (1) A statistical
34 analysis regarding the reoffense and reinstitutionalization rate by the
35 enrollees in the program set forth in section 2 of this act; (2) a
36 quantitative description of the services provided in the program set
37 forth in section 2 of this act; and (3) recommendations for any needed

1 modifications in the services and funding levels to increase the
2 effectiveness of the program set forth in section 2 of this act. By
3 December 1, 2003, the department shall certify the reoffense rate for
4 enrollees in the program authorized by section 2 of this act to the
5 office of financial management and the appropriate legislative
6 committees. If the reoffense rate exceeds fifteen percent, the
7 authorization for the department to conduct the program under section
8 2 of this act is terminated on January 1, 2004.

9 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this
10 act, referencing this act by bill or chapter number, is not provided by
11 June 30, 1997, in the omnibus appropriations act, this act is null and
12 void.

13 NEW SECTION. **Sec. 6.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

Passed the Senate April 22, 1997.

Passed the House April 14, 1997.

Approved by the Governor May 13, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 13, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,
3 Second Substitute Senate Bill No. 6002 entitled:

4 "AN ACT Relating to supervision of mentally ill offenders;"

5 This legislation establishes a pilot program to provide specialized
6 access and follow up care to mentally ill offenders after they are
7 released from confinement. Under this program, the offenders will get
8 help finding employment, housing and treatment services. I believe
9 this type of program will serve the public well by insuring that
10 mentally ill offenders get the help they need to successfully
11 reintegrate into the community.

12 Section 3 would require that the state "shall indemnify and hold
13 harmless the regional support network, private provider, and any mental
14 health provider, housing facility or other mental health provider from
15 all claims or suits arising in any manner from acts committed by an
16 enrolled offender during his or her period of enrollment." As drafted,
17 section 3 would expose the state to an undue risk of liability. To
18 address concerns that program enrollees may present special liability
19 risks for service providers, the Department of Social and Health
20 Services shall consider all reasonable and appropriate means to help
21 limit service provider exposure to liability.

1 For this reason, I have vetoed section 3 of Second Substitute
2 Senate Bill No. 6002.

3 With the exception of section 3, I am approving Second Substitute
4 Senate Bill No. 6002."