

# HOUSE BILL REPORT

## HB 2433

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**As Reported by House Committee On:**  
Human Services

**Title:** An act relating to general assistance benefits for incarcerated persons.

**Brief Description:** Suspending general assistance benefits of incarcerated persons.

**Sponsors:** Representatives O'Brien, Ross, Goodman, Warnick, Hankins, Clibborn, Hinkle, Eddy, McCoy, Roberts, Takko, Flannigan, Eickmeyer, Ericks, Sullivan, Sells, Linville, VanDeWege, Blake, Hurst, Morrell, Campbell, Kessler, Roach, Rolfes, Dunn, Simpson, Barlow, Kelley and McDonald.

**Brief History:**

**Committee Activity:**

Human Services: 1/22/08, 1/23/08 [DPS].

**Brief Summary of Substitute Bill**

- Suspends, instead of terminates, general assistance if a person, otherwise eligible for benefits, is incarcerated and automatically reinstates suspended benefits upon release.
- Permits incarcerated persons to continue to receive medical care services allowed under general assistance even if general assistance benefits are suspended due to incarceration.
- Determines that amounts paid to medical providers by the Department of Social and Health Services for medical care services provided during incarceration are considered payment in full.

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**HOUSE COMMITTEE ON HUMAN SERVICES**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Linda Merelle (786-7092).

**Background:**

General assistance is aid to persons who are not eligible to receive federal-aid assistance other than food stamps and medical aid. Under current law, persons who are confined for any length of time in a state penitentiary or county jail, including under the options of work release and home detention, are not eligible to receive general assistance. Once the Department of Social and Health Services (Department) learns that a person is confined, their benefits, including medical benefits under general assistance, are terminated.

Under current law, the city or county that operates a jail is financially responsible for emergency or necessary health care, except that the Department shall directly reimburse the medical care provider if the person confined is eligible under the Department's medical care programs. The financial responsibility for any remaining balance, after the Department has reimbursed the medical provider, lies with the city or county and the medical provider to be split by agreement or, if no agreement, to be split equally.

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**Summary of Substitute Bill:**

The Department may no longer terminate general assistance benefits for persons because they are confined in jail. If the person is confined in jail and otherwise eligible for benefits, general assistance benefits are suspended and automatically reinstated upon release. Regardless of whether their general assistance-unemployable benefits are suspended, persons confined shall continue to receive medical services under the provisions of general assistance.

Once the Department reimburses a medical provider for emergency or necessary health services, the city or county are no longer financially responsible for any remaining balance. The payment by the Department is deemed payment in full.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes the requirement of the original bill that an offender must be incarcerated for a period of more than 30 days before their cash grant benefits are suspended, rather than terminated. The resulting bill requires that the Department suspend, rather than terminate, general assistance cash grant benefits regardless of the length of incarceration.

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**Appropriation:** None.

**Fiscal Note:** New fiscal note for substitute bill requested on January 24, 2008.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed, except section 4 which reinstates prior law related to payment for emergency or necessary health care after a scheduled expiration date and takes effect June 30, 2009.

**Staff Summary of Public Testimony:**

(In support) When persons receiving general assistance are incarcerated, they lose their housing benefits, and the scope of the bill should be broadened to extend housing benefits so that individuals do not become homeless while they are incarcerated; the 30-day requirement should also be eliminated if possible. The bill is acceptable even if it is not broadened to include housing benefits and the 30-day requirement remains. The bill would relieve the burden on cities and counties who have to pay for medical services provided to incarcerated persons.

(Opposed) The issues regarding financial responsibilities for a person in custody are complex and they demand more review and study. The broader policy regarding medical care for persons in custody needs to be examined. The bill needs an amendment to assure that the hospital is paid for the services received by the individual in custody.

**Persons Testifying:** (In support) Representative O'Brien, prime sponsor; Seth Dawson, Washington State Coalition for the Homeless and National Alliance on Mental Health; and Tammy Fellin, Association of Washington Cities.

(Opposed) Jeff Mero, Washington State Hospital Association.

**Persons Signed In To Testify But Not Testifying:** None.