

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1718

Chapter 236, Laws of 2011

62nd Legislature
2011 Regular Session

OFFENDERS WITH DEVELOPMENTAL DISABILITIES--TRAUMATIC BRAIN INJURIES

EFFECTIVE DATE: 07/22/11

Passed by the House April 14, 2011
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2011
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved May 3, 2011, 2:39 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1718** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 4, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1718

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Ways & Means (originally sponsored by Representatives Roberts, Moeller, Dammeier, and Green)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to offenders with developmental disabilities or
2 traumatic brain injuries; amending RCW 2.28.180; and adding a new
3 section to chapter 70.48 RCW.

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

5 **Sec. 1.** RCW 2.28.180 and 2005 c 504 s 501 are each amended to read
6 as follows:

7 (1) Counties may establish and operate mental health courts.

8 (2) For the purposes of this section, "mental health court" means
9 a court that has special calendars or dockets designed to achieve a
10 reduction in recidivism and symptoms of mental illness among
11 nonviolent, (~~mentally ill~~) felony and nonfelony offenders with mental
12 illnesses and recidivism among nonviolent felony and nonfelony
13 offenders who have developmental disabilities as defined in RCW
14 71A.10.020 or who have suffered a traumatic brain injury by increasing
15 their likelihood for successful rehabilitation through early,
16 continuous, and intense judicially supervised treatment including drug
17 treatment for persons with co-occurring disorders; mandatory periodic
18 reviews, including drug testing if indicated; and the use of
19 appropriate sanctions and other rehabilitation services.

1 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
2 mental health court program must first:

3 (i) Exhaust all federal funding that is available to support the
4 operations of its mental health court and associated services; and

5 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
6 for mental health court programs with local cash or in-kind resources.
7 Moneys allocated by the state must be used to supplement, not supplant,
8 other federal, state, and local funds for mental health court
9 operations and associated services.

10 (b) Any county that establishes a mental health court pursuant to
11 this section shall establish minimum requirements for the participation
12 of offenders in the program. The mental health court may adopt local
13 requirements that are more stringent than the minimum. The minimum
14 requirements are:

15 (i) The offender would benefit from psychiatric treatment or
16 treatment related to his or her developmental disability or traumatic
17 brain injury;

18 (ii) The offender has not previously been convicted of a serious
19 violent offense or sex offense as defined in RCW 9.94A.030; and

20 (iii) Without regard to whether proof of any of these elements is
21 required to convict, the offender is not currently charged with or
22 convicted of an offense:

23 (A) That is a sex offense;

24 (B) That is a serious violent offense;

25 (C) During which the defendant used a firearm; or

26 (D) During which the defendant caused substantial or great bodily
27 harm or death to another person.

28 NEW SECTION. Sec. 2. A new section is added to chapter 70.48 RCW
29 to read as follows:

30 When a jail has determined that a person in custody has or may have
31 a developmental disability as defined in RCW 71A.10.020 or a traumatic
32 brain injury, upon transfer of the person to a department of
33 corrections facility or other jail facility, every reasonable effort
34 shall be made by the transferring jail staff to communicate to
35 receiving staff the nature of the disability, as determined by the jail

1 and any necessary accommodation for the person as identified by the
2 transferring jail staff.

Passed by the House April 14, 2011.

Passed by the Senate April 12, 2011.

Approved by the Governor May 3, 2011.

Filed in Office of Secretary of State May 4, 2011.