

---

SECOND SUBSTITUTE HOUSE BILL 2078

---

State of Washington

61st Legislature

2009 Regular Session

**By** House Health & Human Services Appropriations (originally sponsored by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney, and Haler)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to persons with developmental disabilities who are  
2 in correctional facilities or jails; and adding a new chapter to Title  
3 71A RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) A small number of persons with developmental disabilities  
7 commit crimes, are held in jail, are tried for their offenses, and are  
8 sentenced to serve time in our correctional system;

9 (b) Persons with developmental disabilities are often confused with  
10 persons with mental illness. These populations are different and must  
11 be understood as distinct groups, with different reasonable  
12 accommodation needs; and

13 (c) A developmental disability often stems from a mix of causes and  
14 many persons with developmental disabilities have cognitive impairments  
15 that require reasonable accommodations to assure they understand what  
16 is happening to them and what is expected of them when they encounter  
17 the criminal justice system.

18 (2) The legislature intends to ensure that persons with  
19 developmental disabilities are identified early in the confinement

1 process, that staff in local correctional facilities are trained in how  
2 to best support persons with developmental disabilities during  
3 confinement, and that persons with developmental disabilities remain  
4 safe when confined in a correctional facility.

5 NEW SECTION. **Sec. 2.** (1) Within state and federal funds  
6 appropriated or otherwise available for this purpose, the developmental  
7 disabilities council and the Washington association of sheriffs and  
8 police chiefs shall jointly develop a simple screening tool, a model  
9 policy for the use of the screening tool, and a cost-effective means to  
10 provide concise training to local correctional facility staff on the  
11 use of the tool and how to accommodate the needs of persons with  
12 developmental disabilities during their confinement. This work shall  
13 be completed by July 1, 2010, in consultation with the department of  
14 social and health services, the department of corrections, disability  
15 rights Washington, consumer advocates, and other interested  
16 organizations.

17 (2) On or before January 1, 2011, local correctional facilities  
18 shall provide the training developed under subsection (1) of this  
19 section, and shall begin use of the screening tool to identify persons  
20 likely to have a developmental disability at the time of booking or  
21 risk classification.

22 NEW SECTION. **Sec. 3.** The work group consisting of the  
23 developmental disabilities council, the Washington association of  
24 sheriffs and police chiefs, in consultation with the department of  
25 corrections, disability rights Washington, consumer advocates, and  
26 other interested organizations, shall develop recommendations to the  
27 legislature related to:

28 (1) Expeditiously reviewing and determining eligibility for  
29 developmental disabilities services provided through the department of  
30 social and health services prior to a person's release from  
31 confinement;

32 (2) The appropriate role of the department of social and health  
33 services in providing consultation and technical assistance to local  
34 correctional facilities in their efforts to provide reasonable  
35 accommodations for persons with developmental disabilities who are  
36 confined in their facility;

1           (3) Increasing the appropriate use of the authority granted the  
2 courts under current sentencing reform act provisions, chapter 9.94A  
3 RCW, to order alternatives to confinement prior to trial or following  
4 conviction in cases with a sentence of twelve months or less;

5           (4) The establishment of new options under the sentencing reform  
6 act to divert persons with developmental disabilities from the criminal  
7 justice system while maintaining public safety; and

8           (5) The feasibility of developing and adopting law enforcement  
9 training for responding to persons with developmental disabilities that  
10 is analogous to the crisis intervention training currently provided to  
11 law enforcement officers for responding to alleged criminal behavior by  
12 persons with mental illness.

13           NEW SECTION.   **Sec. 4.** Sections 1 through 3 of this act constitute  
14 a new chapter in Title 71A RCW.

--- END ---