WEST VIRGINIA CODE: §27-6A-12

§27-6A-12. Development of a strategic plan for a sequential intercept model to divert adults and juveniles with mental illness, developmental disabilities, cognitive disabilities, and substance use disorders away from the criminal justice system into treatment and to promote continuity of care and interventions; directing submission of a report to the Legislature.

(a) The Legislature finds that the state's adult and juvenile forensic patient populations continue to increase and that the placement of forensic patients at state health care facilities, diversion facilities, group homes, transitional living facilities, in the community, and other settings continues to rapidly escalate. The Legislature further finds that persons with mental illness, developmental disabilities, cognitive disabilities including, but not limited to, brain injuries, and/or substance use disorder may be overrepresented in the criminal justice system, and many of these people might not present a danger to the public if they could participate in a functioning community behavioral health continuum of care. The Legislature further finds that the increasing adult and juvenile forensic patient populations, the placement and treatment of adult and juvenile forensic patients, and the release of persons with mental illness, developmental disabilities, and other disabilities creates significant clinical, public safety, staffing, and fiscal needs and burdens for the judiciary, law enforcement, state health care facilities, correctional facilities, behavioral health professionals, hospitals, and the public. The Legislature further finds that there is a need for improved coordination among the Department of Human Services, the Department of Health Facilities, the Division of Corrections and Rehabilitation, and the Division of Rehabilitation Services to promote the identification, safe discharge, and effective community intervention and placement of persons who suffer from mental illness, a developmental disability, a cognitive disability including, but not limited to, a brain injury, and/or substance use disorder. The Legislature further finds that there is a need to develop functional standards and protocols for the identification, management, qualified assessment, and treatment of adult and juvenile forensic patients.

(b) The Chairman of the Dangerousness Assessment Advisory Board shall convene a multi-disciplinary study group of the following persons:

(1) The Statewide Forensic Clinical Director;

(2) The Statewide Forensic Coordinator;

(3) The two forensic psychiatrists who are members of the Dangerousness Assessment Advisory Board;

(4) The two psychologists who are members of the Dangerousness Assessment Advisory Board;

WVLegislature

(5) The Director of the Office of Drug Control Policy within the Department of Human Services;

(6) A designee of the Supreme Court of Appeals;

(7) A designee of the Bureau for Social Services within the Department of Human Services with experience in juvenile forensic matters;

(8) A designee of the Division of Corrections and Rehabilitation within the Department of Homeland Security;

(9) A designee of the Division of Rehabilitation Services within the Department of Commerce;

(10) A designee of the Prosecuting Attorneys Institute;

(11) A designee of the Public Defender Services;

(12) A designee of the West Virginia Behavioral Healthcare Providers Association who is a licensed clinician with forensic patient experience;

(13) A designee of the West Virginia Hospital Association;

(14) A designee of the West Virginia Housing Development Fund;

(15) A designee of Disability Rights of West Virginia;

(16) A designee of the West Virginia Sheriff's Association;

(17) A designee of the Juvenile Justice Commission;

(18) A designee of the West Virginia University Center for Excellence in Disabilities;

(19) A designee of the Department of Veterans Assistance;

(20) A designee of the Department of Health Facilities;

(21) A senator appointed by the President of the Senate; and

(22) A delegate appointed by the Speaker of the House.

(c) The purpose of the multi-disciplinary study group is to provide opinion, guidance, and informed objective expertise to the Legislature regarding each of the following areas:

(1) The development and implementation of a sequential intercept model to divert adults and juveniles with mental illness, developmental disabilities, cognitive disabilities including, but not limited to, brain injuries, and/or substance use disorders away from the criminal justice

WV Legislature

system and into community-based treatment or other settings where appropriate;

(2) The review and recommendation of standards and protocols for the evaluation, treatment, management, and stabilization of adult and juvenile forensic patients;

(3) A recommendation regarding standards and protocols to promote continuity of care and interventions for adult and juvenile forensic patients and inmates released from correctional facilities;

(4) The recommendation of a model to coordinate services and interventions among the Department of Human Services, the Department of Health Facilities, the Division of Corrections and Rehabilitation, the Division of Rehabilitation Services, behavioral healthcare providers, law enforcement, and the court system to facilitate the appropriate diversion, identification, evaluation, assessment, management, and placement of adults and juveniles who suffer from mental illness, a development disability, a cognitive disability including, but not limited to, a brain injury, and/or substance use disorder to ensure public safety and the effective clinical management of such persons;

(5) The identification of potential funding sources and the scope of resources needed for the implementation of the study group's recommendations; and

(6) Any other issues related to addressing the Legislature's findings.

(d) The provisions of §6-9A-1 *et seq*. and §29B-1-1 *et seq*. of this code are inapplicable to the operation of the study group.

(e) The study group established in this section is hereby continued. The study group shall submit a supplemental report containing its findings and recommendations to the President of the Senate and the Speaker of the House of Delegates on or before November 30, 2024. Thereafter, the study group shall submit an annual report to the President of the Senate and the Speaker of the House of Delegates updating its findings and recommendations on topics specified by the Joint Standing Committee on the Judiciary, the Joint Standing Committee on Finance, the Joint Standing Committee on Health, or the Legislative Oversight Committee on Regional Jail and Correctional Facility Authority.

(f) Each member of the multi-disciplinary study group whose regular salary is not paid by the State of West Virginia shall be paid the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. Reimbursement for expenses shall not be made, except upon an itemized account, properly certified by the members of the study group. All reimbursement for expenses shall be paid out of the State Treasury upon a requisition of the State Auditor.

(g) The study group steering committee comprised of the Chairman of the Dangerousness

WVLegislature

Assessment Advisory Board, the Statewide Forensic Clinical Director, and the Statewide Forensic Coordinator may:

(1) Enter into any contract for administrative support services as necessary to accomplish the purposes of this section: *Provided*, That such services may only be paid for through grant funding;

(2) Enter into a memorandum of understanding with and between any of the members of the study group as necessary to accomplish the purposes of this section; and

(3) Seek grant funding to accomplish the purposes of this section.

WV Legislature