

Senate Judiciary Committee

Matthew Schelzi 271-3266

SB 508-FN, relative to the duties of the superintendent of the county department of corrections concerning mental health and substance use disorder screening of inmates and coordination for services upon reentry into the community.

Hearing Date: January 18, 2024

Time Opened: 2:35 p.m.

Time Closed: 2:55 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill requires the superintendent of the county department of corrections to require his or her contracted behavioral health treatment providers to use validated screening tools for mental health and substance use disorder and to, where such providers exist, permit licensed community-based treatment providers who meet the security criteria for access to the facility to have contact with people in custody for the purpose of coordinating services upon reentry into the community.

Sponsors:

Sen. Whitley

Sen. Watters

Sen. Perkins Kwoka

Sen. D'Allesandro

Sen. Fenton

Sen. Altschiller

Sen. Prentiss

Sen. Carson

Sen. Chandley

Rep. Wheeler

Who supports the bill: In total, **63** individuals signed in, in support of SB 508-FN. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who opposes the bill: In total, **1** individual signed in, in opposition to SB 508-FN. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Becky Whitley said this bill was developed with stakeholders and the Council of State Governments (CSG) Justice Center. They have been working diligently to study and address the high utilization of public health and county office

resources by people with mental health and substance use disorders. This bill would address what CSG has identified as one of the issues, which is a lack of care coordinating and validated screening for those with behavioral health needs in county jails. Jail contractors in the state would use validated screening tools for mental health and substance use disorders. In addition, this bill would encourage warm handoffs from incarceration to the community. Jail superintendents would establish a process for personnel from community mental health centers, who meet security criteria, to meet with incarcerated individuals before they are released. This would align all county jails to best practice standards and ensure those who are housed are properly screened. It would provide resources and connections sooner to promote successful re-entry, an increased likelihood of engagement with treatment, and decreased recidivism rates.

Jake Berry, Vice President of Policy at New Futures, supported SB 508-FN. As the state continues to battle against the mental health and substance abuse issues, the criminal justice system has been a key partner. Data has shown that a vast majority of individuals held in county jails face mental health and substance misuse issues. According to recent data from CSG, between 2019 and 2021, 84 percent of high utilizers were diagnosed with a substance use disorder, 73 percent had a mental health diagnosis, and 66 percent had co-occurring mental health and substance use disorders. This bill would increase access to critical substance use and mental health treatment for individuals. County jails have worked with state prison systems to increase access to treatment services, but screenings and treatments vary from county to county. Between 2019 and 2021, it cost county jails \$93.7 million to house high utilizers. Two-thirds of those costs were borne by the counties themselves.

Senator Gannon asked if there were statistics to back up that this bill would reduce recidivism.

Mr. Berry said he was sure there was specific data that could be provided to the Committee. Given the connection between incarceration and substance use disorder, it has been well demonstrated.

Sen. Whitley said she would provide the Committee with information from CSG.

Holly Stevens, Director of Public Policy at NAMI NH, supported SB 508-FN. The high utilizers of jail services are likely to have serious mental illness, suicidal ideations, suicidal attempts, or intentional self-harm. Both local and national data on the intersection between criminal justice and mental health has been spotty at best. It is estimated that 2 out of 5 people who are incarcerated have a mental illness, specifically 37 percent in the state and federal prisons and 44 percent in local jails. In addition, 66 percent of women in prison reported having a history of mental illness. According to the *Union Leader*, more than half of those in New Hampshire prisons have a mental health diagnosis. In addition, 67 percent of women have been prescribed psychiatric medication. In Rockingham County, 51 percent of the 170 people residing in their jail require an active treatment plan or had a mental health diagnosis. She said we need to reduce criminal justice system involvement and increase investment in mental health care for inmates. There has been some evidence that shows a reduction in recidivism if people are connected with services before they leave prison. Currently,

Commissioner Hanks is working with the Department of Health and Human Services on a 1115 waiver for the state prisons to allow providers to bill Medicaid for their services within 90 days of discharge. SB 508-FN would ensure that proper screening tools are used while inmates are in the county jails, it would ensure continuity of care, and it could reduce recidivism rates. She urged the Committee to vote OTP on SB 508-FN.

Sen. Gannon asked what percentage of the general public has a history of mental illness.

Ms. Stevens said 1 in 5 in the general public have a mental illness, and it is 1 in 6 children from ages 6 to 19.

Senator Carson said many of the high utilizers of the county prison systems offend so they can get into the prison in the wintertime. Once the weather is nice, however, they will go back into homelessness. She asked if Ms. Stevens saw this as a multi-tiered problem, and she asked how this bill would help these individuals.

Ms. Stevens said this bill would help individuals get connected with services to help with homelessness and social determinants of health. If an individual is connected with a case manager, therapist, and psychiatrist, issues can be addressed to prevent homelessness.

Sen. Carson said most organizations are doing a lot to address these issues, and the homeless do have case managers to try to get them off the streets. She asked what this bill would do differently compared to what is already being done.

Ms. Stevens said there is legislation in the House and Senate to address the housing issue. If you cannot find an apartment, then you are more likely to be homeless. For some, living in a home or an apartment is not an option. She believed connecting people with services is important because they are less likely to have psychiatric symptoms if they cycle back into the prison system. If you are able to address psychiatric symptoms, it may alleviate self-harm and suicide.

Sen. Whitley asked if she was aware of SB 410 that expands access to supportive housing in the mental health system.

Ms. Stevens said yes, and it would provide money to community mental health centers to help them with housing needs.

Sen. Whitley said this bill would allow community mental health centers to go into the jails rather than relying on individuals who are released to make that connection. She asked if people are more likely to be connected in the jails rather than doing it on their own.

Ms. Stevens said if people are connected with a provider prior to their release, then they are more likely to see that provider on the outside. Individuals with substance use disorders are at a higher risk of overdose in the first few days of release from jail or prison.

Sen. Gannon asked what percentage of those incarcerated suffer from substance use disorder.

Ms. Stevens said she would have to look into that.

Representative Latha Mangipudi, Hillsborough District 11, said they have a program in her county that addresses pre-release, which has shown a huge success in the reduction of recidivism. Currently, there are over 90 people signed up for the program. It is more cost effective when inmates do not reoffend. Housing has become an increasing crisis. This bill takes it in the right direction by allowing inmates to seek mental health and substance use treatment while in jail, so they can become a productive member upon release. This bill would be one piece of the puzzle.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

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Date Hearing Report completed: January 24, 2024