

Submitter: Jessa Reinhardt
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB4088

Chair Kropf, Vice-Chairs Andersen and Wellan, and Members of the Committee,

HB 4088's -2 amendment removes the following language:

“A person may not be charged under subsection (1)(i) of this section if the person, at the time of the alleged offense, is experiencing an intellectual disability, developmental disability, delirium, dementia, traumatic brain injury, severe and persistent mental illness or other condition that significantly impairs the person’s judgment or behavior.”

The removal of this passage does nothing to provide safeguards for workers but it does negatively impact people experiencing brain-based disabilities. People in active crisis are unable to think critically or logically and are unable to change their behavior to fit societal norms and expectations. Threats, no matter the severity, will never work to curve this unwanted behavior.

A Class C Felony carries a maximum of 5 years in prison and/or a \$125,000 fine. A confused Autistic adult or senior with dementia who has no idea where they are or what is happening to them should not face prison time for scratching or grabbing a hospital worker.

Everyone deserves to be safe in their workplace, however, sentencing someone to prison after the fact does not mitigate the risk of injury to the workers or the patients. Instead, hospitals should be focusing on preventative measures such as reducing staffing ratios, increasing social worker and advocate staffing, crafting sensory-friendly exam rooms, training staff on brain based disabilities, and developing patient-first strategies to handle patients experiencing crisis.

This system is failing in neighboring Washington where an elderly autistic man suffering from schizophrenia was found guilty of two felony counts of assault after he was admitted to the ER while suffering a mental health crisis. Multiple emergency staff members attempted to restrain him on a gurney when he fought back in an attempt to leave as he called 911 to be transferred to a mental health facility, not the ER. In the process, he struck one employee in the face and one in the chest, neither employee required any medical attention for their injuries.

Felonies prevent an individual from securing employment and housing, in addition, it perpetuates trauma in individuals who have already experienced years of trauma in

the hands of systems meant to care for them. Hospitals cannot put the burden of an underfunded, overworked system onto the backs of disabled people. The problem is not humans who require additional support, the problem is the system that is unwilling to adequately support them.

My young children require substantial support for even the most routine of medical appointments. I have seen how the medical system is failing those with brain-based disabilities firsthand. A few months ago I scheduled a sedated blood draw for one of my children, the nurse refused to give her the prescribed amount of sedation medication because my daughter appeared typical and the nurse believed she did not need it. Once the nurse came to draw her blood, my daughter immediately went into a fight response that required multiple staff to hold her down, she clawed at them and myself in an attempt to flee. Her body literally went into crisis mode where no amount of threats would have calmed her down. If she were a few years older, she would be facing up to 5 years in prison due to the failure of the staff to adequately support her.

If this bill were to pass, it would make hospitals completely inaccessible for any adult with a brain-based disability. No one would feel safe, supported, or cared for in a system that sends people to prison for just existing.

HB 4088 is nothing but a scapegoat for the hospital systems inability to correctly fund and support their staff and patients. I wholeheartedly oppose HB 4088 and I urge you to vote NO.

In advocacy,
Jessa Reinhardt