

## An Act To Provide Intensive Case Managers to Counties That Do Not Have County Jails or Regional Jails

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 34-B MRSA §1227** is enacted to read:

### **§1227. Intensive case manager**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Condition" means an intellectual disability, a mental health condition or ~~substance misuse, at any level substance use disorder that adversely affects a person's daily functions, as determined by a qualified mental health professional using appropriate screening tools or assessments.~~

B. "Diversion plan" means a plan ~~implemented pre-trial or post-conviction~~ to reduce or eliminate the time a person with a condition is ~~incarcerated or~~ detained by a law enforcement officer ~~or incarcerated~~ by redirecting the person from the criminal justice system to community-based treatment and support.

C. "Intensive case manager" means a person who coordinates and oversees mental health support and services for persons with a condition who are incarcerated in a county or regional jail or detained by a law enforcement officer.

**2. Assignment to counties.** The department shall assign at least one ~~full-time~~ intensive case manager to work in each county. ~~An Each~~ intensive case manager must be based in a county or regional jail or, in the absence of a county or regional jail, in the county sheriff's office.

**3. Intensive case manager duties.** The duties of intensive case managers include but are not limited to:

A. Overseeing all persons detained by a law enforcement officer ~~or incarcerated in a county or regional jail or reentry center~~ who are evaluated for a condition, including:

(1) Connecting a person with a condition to services provided at the county or regional jail;

(2) Developing and implementing ~~a diversion plan or~~ a reentry-focused treatment plan for a person with a condition to be implemented upon the person's release ~~from incarceration~~ and ensuring adequate monitoring of the person's ~~compliance~~ adherence with the treatment plan for at least 60 days after the person reenters the community; and

(3) For a person with a condition who is incarcerated for a Class D or Class E crime or is otherwise detained by a law enforcement officer, developing and implementing a diversion plan;

B. Identifying any person with a condition ~~detained by a law enforcement officer~~ ~~incarcerated pre-trial or post-conviction in a county or regional jail or reentry center~~ who may be eligible for services through the MaineCare program, completing an application for MaineCare coverage with that person and ~~confirming~~ ~~securing~~ activation of MaineCare benefits or the continuation of MaineCare benefits pursuant to Title 22, section 3174-CC prior to that person's release from the county or regional jail ~~or reentry center~~ and during the implementation of any diversion plan or reentry-focused treatment plan; and

C. Working with the court system to ensure that all persons detained by a law enforcement officer who are identified as having a condition are provided due process and a speedy trial.

**4. Rulemaking.** The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Department of Health and Human Services to increase the number of the State's intensive case manager positions.** The Department of Health and Human Services shall increase the number of intensive case manager positions currently serving county jails and regional jails to meet the requirements of the Maine Revised Statutes, Title 34-B, section 1227.