

# SENATE BILL REPORT

## HB 2652

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As Reported By Senate Committee On:  
Human Services & Corrections, February 20, 1996

**Title:** An act relating to the costs of hospitalizing criminally insane patients.

**Brief Description:** Clarifying existing law on the costs of hospitalizing criminally insane patients.

**Sponsors:** Representatives Ballasiotes, Costa and Scott.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/14/96, 2/20/96 [DP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Strannigan and Zarelli.

**Staff:** Jodi Walker (786-7464)

**Background:** Defendants found not guilty by reason of insanity are hospitalized at a state mental hospital if they pose a substantial danger to other persons or present a substantial likelihood of committing certain felonies.

State hospitals housing these criminally insane persons are operated by the Department of Social and Health Services (DSHS). Criminally insane persons are responsible for reimbursing DSHS for hospitalization costs.

DSHS makes determinations regarding the patient's ability to pay hospitalization costs according to general standards established by the department. The general standards are recomputed periodically to reflect changes in cost of living and other pertinent factors. Currently, items included in "pertinent factors" are not specified.

**Summary of Bill:** When establishing its reimbursement standards, DSHS is to take into account judgments owed by the criminally insane person to any victim of an act that would have resulted in a criminal conviction but for the finding of criminal insanity.

When DSHS obtains a superior court judgment against a criminally insane person for payment of hospitalization expenses, DSHS may not collect on the judgment until the victims of the criminally insane person have been fully compensated.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There is a conflict between DSHS and the victim when DSHS collects hospitalization costs before victims collect compensation. DSHS never intended this result. If prisoners must pay monies to victims first, so should the criminally insane.

**Testimony Against:** None.

**Testified:** Representative Ballasiotes, prime sponsor (pro); Franklin W. Shoichet (pro).