

SENATE BILL REPORT

SB 6539

As of January 23, 1996

Title: An act relating to appeal of orders releasing persons committed for mental health treatment.

Brief Description: Providing for appeal of orders releasing persons committed for mental health treatment.

Sponsors: Senator Prentice.

Brief History:

Committee Activity: Human Services & Corrections: 1/24/96.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jodi Walker (786-7464)

Background: Washington State's Involuntary Treatment Act provides for evaluation and commitment procedures of persons with serious mental disorders.

The superior court can become involved at several stages of the commitment process. At a probable cause hearing, the court determines whether there is probable cause to detain a person for a period of 14, 90, or 180 days, depending on the seriousness of the person's condition. Hearings may also be conducted on petitions for additional treatment. Additionally, the prosecutor can, in certain cases, petition against early release.

Appellate review may be sought from a final judgment in the superior court. However, the Involuntary Treatment Act does not specifically provide for an appeal of a judicial decision not to commit.

Summary of Bill: The petitioner from a commitment hearing may appeal a superior court or mental health commissioner's order releasing a person from commitment under this chapter. The burden of clear, cogent, and convincing evidence is on the petitioner to show one of four factors, including serious harm or threat of harm if the person is released, or that the person continues to be gravely disabled.

Appropriation: None.

Fiscal Note: Not requested.

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