
SENATE BILL 6539

State of Washington

54th Legislature

1996 Regular Session

By Senator Prentice

Read first time 01/17/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to appeal of orders releasing persons committed for
2 mental health treatment; and adding a new section to chapter 71.05 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.05 RCW
5 to read as follows:

6 (1) The petitioner from a commitment hearing may appeal a superior
7 court or mental health commissioner's order releasing a person from
8 commitment under this chapter on the grounds that the committed person:

9 (a) During the period of court-ordered treatment:

10 (i) Threatened, attempted to inflict, or inflicted physical harm
11 upon the person of another or substantial damage upon the property of
12 another; and

13 (ii) As a result of mental disorder or developmental disability,
14 presents a likelihood of serious harm to others; or

15 (b) Was taken into custody as a result of conduct in which he or
16 she attempted to inflict or inflicted serious physical harm upon the
17 person of another and continues to present, as a result of mental
18 disorder or developmental disability, a likelihood of serious harm to
19 others; or

1 (c) Is in custody pursuant to RCW 71.05.280(3) and, as a result of
2 mental disorder or developmental disability, presents a substantial
3 likelihood of repeating similar acts considering the charged criminal
4 behavior, life history, progress in treatment, and the public safety;
5 or

6 (d) Continues to be gravely disabled.

7 (2) The burden shall be on the petitioner to show by clear, cogent,
8 and convincing evidence that at least one of the elements of subsection
9 (1) of this section is satisfied.

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