

HOUSE BILL REPORT

HB 2265

*As Passed House
February 11, 1992*

Title: An act relating to the references to responsibilities of departments and corrections officers dealing with criminal procedure for the criminally insane.

Brief Description: Clarifying responsibilities for criminal procedure for the criminally insane.

Sponsor(s): Representatives H. Myers, Riley, Leonard, Hargrove, Winsley, Ludwig, Bowman and Van Luven; by request of Department of Corrections.

Brief History:

Reported by House Committee on:
Human Services, January 20, 1992, DP;
Passed House, February 11, 1992, 95-0.

**HOUSE COMMITTEE ON
HUMAN SERVICES**

Majority Report: *Do pass.* Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

Staff: Antonio Sanchez (786-7383).

Background: The term criminal insanity refers to persons that have been acquitted of a crime by reason of insanity and are found to be of danger to others or are likely to jeopardize public safety unless they are under some form of control by the court or other persons or institutions. Anyone determined by the court to be criminally insane can petition the secretary of the Department of Social and Health Services for conditional release. If the release is granted, the court can specify the conditions of the release, or release the offender to the custody of the secretary of the Department of Social and Health Services. Currently, the court is not required to place the criminally insane offender under supervision by the Department of Corrections. If a criminally insane offender is required to take medication or medical treatment as part of his or her conditional release, he or she can be required to report to

a physician monthly or as otherwise directed. If the offender fails to appear for his or her required medication or treatment, the offence must be reported to the prosecuting attorney in the county where the released person was committed. The physician or person ordered by the court to medically supervise the offender is required to submit monthly progress reports to the secretary of the Department of Social and Health Services, the institution from which they were released, and to the prosecuting attorney where the offender was committed. It is unclear to what extent health care professionals, other than physicians, can be formally involved in the plan of care and the reporting role for the offender. The conditionally released criminally insane offender is required to have his or her case reviewed within one year after release and every two years thereafter. The offender can have his or her case reviewed prior to one year and more frequently than every two years, if requested by the secretary of the Department of Social and Health Services or the prosecuting attorney.

Prior to 1981, the Department of Corrections was part of the Department of Social and Health Services. Some statutes, however, continue to inappropriately reflect this past relationship and contain incorrect or antiquated references.

Summary of Bill: All conditionally released criminally insane offenders that are required by the court to report to a community corrections officer, must also be under the supervision of the secretary of the Department of Corrections. The secretary of the Department of Corrections can further specify conditions to be followed by the criminally insane, including reporting directly to the community corrections officer, remaining within defined geographical boundaries, and notifying the community corrections officer prior to making any change in address or employment.

Clarification is provided so that medical or mental health practitioners, other than just physicians, can medically supervise the offender's medication or treatment and be deemed responsible for reporting conditional infractions. The mandatory frequency that departments must report on the status of the criminally insane offender is modified. The offender's assigned medical supervisor is given a broader role in determining how often the offender's case reviews are conducted. The secretary of the Department of Corrections is included in all levels of the offender's conditional release review and participates in the determination of conditional infractions. The secretary of the Department of Corrections is also allowed to consider all legally mandated reports concerning the criminally

insane offender and can consult with professionals familiar with the case.

Clarification is provided so that the Department of Corrections is no longer part of the Department of Social and Health Services and that the reference to the job title of probation and parole officer is eliminated and replaced with the title of Community Corrections Officer. Other technical changes are made.

Fiscal Note: Not requested.

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

Testimony For: This legislation will clarify and update outdated language and insure that the Department of Corrections will have the ability to supervise the criminally insane offender as needed.

Testimony Against: None.

Witnesses: Dave Savage, DOC.