

SENATE BILL REPORT

HB 2265

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 28, 1992

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

**SPONSORS:** Representatives H. Myers, Riley, Leonard, Hargrove, Winsley, Ludwig, Bowman and Van Luven; by request of Department of Corrections

**HOUSE COMMITTEE ON HUMAN SERVICES**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; M. Kreidler, Rasmussen, and A. Smith.

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** February 28, 1992

**BACKGROUND:**

A criminally insane person may petition the Secretary of the Department of Social and Health Services for conditional release from commitment. If the release is granted, the court is not required to place the criminally insane offender under supervision by the Department of Corrections (DOC). A conditionally released person can be required to report regularly to a physician or probation officer.

The Secretary of the Department of Social and Health Services (DSHS) determines whether or not reasonable grounds exist for final discharge of a criminally insane person.

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:**

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 conditionally released person, 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.

DOC community correction officers, physicians, or medical or mental health practitioners supervising a conditionally released person are responsible for reporting monthly for the first six months of conditional release and semi-annually thereafter to the court, the Secretary of DSHS, the releasing institution, and the prosecuting attorney. The Secretary of DSHS may consider all legally mandated reports concerning the criminally insane offender and other reports or evaluations by professionals familiar with the case when considering final discharge.

Other technical corrections are made.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:** None

**TESTIMONY AGAINST:** None

**TESTIFIED:** No one