

HOUSE BILL REPORT

SB 6532

As Passed House
March 4, 1994

Title: An act relating to release of criminally insane persons.

Brief Description: Changing provisions relating to release of criminally insane persons.

Sponsors: Senators Wojahn, Talmadge, Deccio, Moore, Moyer, Spanel, M. Rasmussen and Oke.

Brief History:

Reported by House Committee on:
Judiciary, February 25, 1994, DP.
Passed House, March 4, 1994, 94-0.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 17 members:
Representatives Appelwick, Chair; Johanson, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Eide; Forner;
J. Kohl; Long; Morris; H. Myers; Riley; Schmidt; Scott; Tate
and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: If a person is found not guilty of a crime by reason of insanity, the person is committed to a mental institution if the person is found to be a substantial danger to other persons or presents a substantial likelihood of committing felonies jeopardizing public safety.

A committed person may petition the secretary of the Department of Social and Health Services (DSHS) for conditional release. The secretary reviews the petition and then forwards the petition to the court with a recommendation either approving or disapproving the release. The court must set a hearing if the secretary approves the release. The court may set a hearing on petitions for conditional release recommended for disapproval. The prosecuting attorney has a right to participate in any hearing on conditional release. This provision does not expressly govern granting furloughs.

Before a person committed to a mental institution is permitted to temporarily leave a mental hospital without constant accompaniment by a staff member, the hospital must notify designated law enforcement officials, including prosecutors of the county where the person will be released, and the county in which the original charges resulting in commitment were filed. Either prosecutor may seek a temporary restraining order to prevent the person's furlough.

Apparently, a person committed to a mental hospital recently obtained an ex parte order from a judge granting the person's furlough. The order was obtained without notice to DSHS, and consequently the department and prosecutors did not have an opportunity to object to the release. The person escaped while on furlough.

Summary of Bill: A court may not enter an order conditionally releasing or authorizing the furlough of a person committed to a mental hospital unless the secretary has recommended the release or furlough. If the secretary has not recommended the release or furlough, a hearing must be held as provided under current law.

Fiscal Note: Available.

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

Testimony For: Although no tragedy resulted from the patient's escape, DSHS would have opposed letting the person out on furlough because of a substantial record of assaultive behavior. Adoption of this bill will prevent further incidents which could have more tragic consequences and will allow DSHS and prosecutors the opportunity to participate in the hearing, and law enforcement officers to be advised if the furlough is granted.

Testimony Against: None.

Witnesses: Senator Wojahn, prime sponsor (pro).