

**SENATE BILL REPORT**

**SB 6532**

**AS PASSED SENATE, FEBRUARY 14, 1994**

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

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

**SENATE COMMITTEE ON HEALTH & HUMAN SERVICES**

**Majority Report:** Do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley and Winsley.

**Staff:** Richard Rodger (786-7461)

**Hearing Dates:** February 3, 1994

**BACKGROUND:**

Chapter 10.77 RCW deals with persons who have been acquitted of a crime by reason of insanity. If such persons are found to be a danger to themselves or present a risk to the public safety or security, the person may be committed to a mental institution.

Recently, a "criminally insane" person obtained an "ex parte order" from a court authorizing the person's conditional release from a state mental institution. An "ex parte order" means the order was signed without notice to the Department of Social and Health Services (DSHS). If DSHS had been given notice of the order, it would have objected on the basis of the risk of the person escaping.

There is a belief that the law should be clarified to ensure that the court is fully informed before entering a release order.

**SUMMARY:**

A court may not release a "criminally insane" person from an institution, for either a conditional release or furlough, without a hearing, unless the Secretary of DSHS agrees to the release. If the Secretary of DSHS does not agree with the release, the court must hold a hearing regarding the conditional release or furlough.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 26, 1994

**TESTIMONY FOR:**

This bill closes a loophole in the law and ensures that the court is fully informed on the issues relating to the release of a person from a mentally ill offender program.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Senator Lorraine Wojahn (prime sponsor); David Hang, DSHS (pro)