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HOUSE BILL 3027

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Chase and Green

Read first time 01/18/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to persons with developmental disabilities or  
2 traumatic brain injury who commit crimes; and amending RCW 71A.12.025.

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

4 **Sec. 1.** RCW 71A.12.025 and 1998 c 297 s 5 are each amended to read  
5 as follows:

6 The legislature finds that among those persons who endanger the  
7 safety of others by committing crimes are a small number of persons  
8 with developmental disabilities or traumatic brain injury. While their  
9 conduct is not typical of the vast majority of persons with  
10 developmental disabilities or traumatic brain injury who are  
11 responsible citizens, for their own welfare and for the safety of  
12 others the state may need to exercise control over those few dangerous  
13 individuals who are developmentally disabled or who have traumatic  
14 brain injury, have been charged with crimes that involve a threat to  
15 public safety or security, and have been found either incompetent to  
16 stand trial or not guilty by reason of insanity.

17 The legislature finds, however, that the use of civil commitment  
18 procedures under chapter 71.05 RCW to effect state control over  
19 dangerous developmentally disabled persons or dangerous persons with

1 traumatic brain injury has resulted in their commitment to institutions  
2 for the mentally ill. The legislature finds that existing programs in  
3 mental institutions may be inappropriate for persons who are  
4 developmentally disabled or who have traumatic brain injury because the  
5 services provided in mental institutions are oriented to persons with  
6 mental illness, a condition not necessarily associated with  
7 developmental disabilities or traumatic brain injury.

8 Therefore, the legislature believes that, where appropriate, and  
9 subject to available funds, persons with developmental disabilities or  
10 traumatic brain injury who have been charged with crimes that involve  
11 a threat to public safety or security and have been found incompetent  
12 to stand trial or not guilty by reason of insanity should receive state  
13 services addressing their needs, that such services must be provided in  
14 conformance with an individual habilitation plan, and that their  
15 initial treatment should be separate and discrete from treatment for  
16 persons involved in any other treatment or habilitation program in a  
17 manner consistent with the needs of public safety.

18 The legislature intends to transfer all individuals who meet the  
19 criteria specified in this section to Fircrest school, Seattle, King  
20 county.

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