
Human Services Committee

HB 1275

Brief Description: Concerning the consideration of respondents' recent and past acts in involuntary commitment proceedings.

Sponsors: Representatives Dickerson, O'Brien, Cody, Hurst, Green and Dammeier.

Brief Summary of Bill

- Allows a designated mental health professional to access other available treatment records in addition to history of commitments, violent acts, and determinations of competency when conducting an initial 72-hour evaluation.
- Allows the trier of fact, during a hearing pursuant a petition for a 14-day commitment, to consider recent history of an act that may be associated with the likelihood of serious harm based upon the past behavior of the respondent. This information may be considered in addition to recent history of violent acts or commitments.
- Requires the Department of Corrections, upon receipt of notice of a petition for involuntary commitment of an offender in its custody or under its supervision and designated as a high risk or high needs offender, to provide to the designated mental health provider a history of the respondent's compliance with any conditions of sentencing or community supervision (or community custody).

Hearing Date: 1/28/09

Staff: Linda Merelle (786-7092)

Background:

The Involuntary Treatment Act (ITA) sets for the procedures, rights, and requirements for an involuntary civil commitment. Persons can be initially detained for up to 72 hours for evaluation and treatment, and upon a petition to the court and subsequent order, the person may be held for a further 14 days. Upon a further petition and order by a court, a person may be held for a period of 90 days. If a person has been determined to be incompetent and criminal charges have been

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dismissed, and the person has committed acts constituting a felony as a result of a mental disorder and presents a substantial likelihood of repeating similar acts, the person may be further committed for a period of up to 180 days. No order of commitment under the ITA may exceed 180 days.

The ITA sets forth the kinds of information that may be considered by a court in determining whether a petition for an evaluation and treatment for 72 hours, for a commitment of 14 days, or a commitment of 90 days should be granted.

For a 72-hour evaluation and treatment, the designated mental health professional who is conducting the evaluation shall include all reasonably available information regarding: (1) prior recommendations for evaluation of the need for civil commitments when made pursuant to criminal allegations; (2) a history of one or more violent acts; (3) prior determinations of incompetency or insanity; and (4) prior commitments under the ITA.

For a petition for a 14-day commitment following a 72-hour evaluation and treatment, the court is required to give great weight to: (1) a recent history of one or more violent acts; or (2) a recent history of one or more commitments under the ITA or its equivalent provisions under the laws of another state. The existence of prior violent acts may not be the sole basis of determining whether a person presents a likelihood of serious harm. The statute defines "recent" as a period of time not exceeding three years prior to the current hearing.

If a petition for involuntary civil commitment is filed for a person who is in the custody of the Department of Corrections (DOC), the petition shall notify the DOC, and the DOC shall provide documentation of its risk assessment or other concerns to the petitioner and to the court if the respondent has been classified as a high risk or high needs offender.

Summary of Bill:

The designated mental health professional will be permitted to use treatment records other than just history of commitments, violent acts, and prior determinations of competency when conducting a 72-hour evaluation. When a petition is filed for a probable cause hearing for a further 14-day commitment, the trier of fact may consider in addition to the recent history of violent acts and/or commitments, recent history of an act that based upon past behavior of the respondent may be associated with the likelihood of serious harm.

If a petition for involuntary commitment is sought for a respondent who is in the custody of a state correctional facility or is under the supervision of the DOC in the community, upon notification by the petitioner, the DOC shall provide records of the offender's compliance with any conditions of his or her sentence or community supervision related to participating in mental health treatment. This information would be supplied only if the DOC has classified the offender as a high risk or high needs offender.

Appropriation: None.

Fiscal Note: Requested on January 16, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.