

HOUSE BILL REPORT

HB 1589

As Passed Legislature

Title: An act relating to venue for hearings to modify or revoke an order for conditional release.

Brief Description: Addressing venue for hearings to modify or revoke an order for conditional release.

Sponsors: Representatives Green, Dickerson and O'Brien.

Brief History:

Committee Activity:

Human Services: 2/5/09 [DP].

Floor Activity:

Passed House: 2/23/09, 97-0.

Senate Amended.

Passed Senate: 4/14/09, 47-0.

House Concurred.

Passed House: 4/20/09, 98-0.

Passed Legislature.

Brief Summary of Bill

- Allows a designated mental health provider to file a petition for the revocation of a less restrictive alternative (LRA) in either the court that originally ordered the LRA or in the superior court in the county in which the respondent is located.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the Involuntary Treatment Act, a court may order a person to be civilly committed if there is sufficient evidence that they are gravely disabled or have a likelihood to cause serious harm to themselves or others. In some circumstances, rather than involuntarily confining a person to a facility for inpatient treatment, the court may decide that it is in the best interest of a person to be released to a less restrictive alternative (LRA), which is effectively involuntary outpatient treatment.

The hospital or facility which provides the involuntary outpatient care may petition to revoke the LRA if it determines that the person ordered by the court to complete the outpatient treatment: (1) is failing to adhere to the terms and conditions of that order; (2) that there is evidence of substantial decompensation which may be reversed by further inpatient treatment; (3) that substantial deterioration of functioning has occurred; or (4) the person poses a likelihood of serious harm. The designated mental health professional or the Secretary of the Department of Social and Health Services may order that the conditionally released person be apprehended and taken into custody. Pending a hearing for a revocation of a LRA order, the person shall be temporarily detained, not more than five days, in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment. Proceedings for revocation of a LRA can be initiated without detaining the person prior to the hearing. In that case, a court hearing must take place not less than five days from the date of service of the petition upon the conditionally released person.

Summary of Bill:

As an alternative to filing a petition for revocation of a LRA in the court that originally ordered the LRA, a petition may be filed in a county court in the county in which the respondent is present.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Less restrictive alternatives (LRA) are sort of like mental health probation. The person who is ordered to participate in a LRA must abide by conditions. If there is a LRA that originated in Pierce County and the person moves to Snohomish County, it is difficult to get an order for revocation if the designated mental health provider sees the need. Because of the difficulty, many designated mental health providers are not willing to try the LRA option. The ability to file a petition in the county where the respondent is located saves money because the costs of filing a motion to change venue and additional filing costs will be avoided.

(Opposed) None.

Persons Testifying: Representative Green, prime sponsor; and Eleanor Owen, National Alliance on Mental Illness-Greater Seattle.

Persons Signed In To Testify But Not Testifying: None.