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## Human Services Committee

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### HB 2533

**Brief Description:** Adopting the interstate compact on mental health.

**Sponsors:** Representatives Pearson, Hurst, Kelley and Morrell.

#### Brief Summary of Bill

- Allows the executive authority of another state to demand and requires the Governor of Washington to comply with the extradition of a person not charged with a crime who has left the state after being determined to be of unsound mind in a legal proceeding or while a legal proceeding to make such determination was pending.

**Hearing Date:** 1/21/10

**Staff:** Linda Merelle (786-7092).

#### **Background:**

##### Extradition for Persons Charged with or Convicted of a Crime.

The executive authority of another state may make a demand to Washington for the extradition of a person charged with a crime. However, no such demand will be recognized by Washington's Governor unless evidence in writing is provided that the accused person was present in the demanding state at the time of the commission of the alleged crime and that the accused has fled. The writing must be accompanied by a copy of an indictment or information supported by an affidavit in the state having jurisdiction over the crime. The writing may also be supported by other evidentiary documents in support of a warrant issued by the demanding state, such as a judgment and sentence.

If the Governor of Washington decides to comply with the demand for extradition and issues a warrant for arrest, the person arrested has a right to a hearing before a court, a right to counsel, and a right to challenge the legality of his or her arrest before being extradited. The individual may also waive those rights.

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*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.*

## Extradition for Persons Not Charged with a Crime.

There are currently no extradition procedures in place in Washington for individuals who have not committed a crime but who have fled a state after having been assessed as having some kind of mental disorder or while a hearing is pending to determine whether there is a mental disorder and whether the person should be taken into custody because of his or her mental disorder. At least eight states have enacted the "Uniform Act for the Extradition of Persons of Unsound Mind." They are: Hawaii, Illinois, Indiana, Louisiana, Maryland, Vermont, Alaska, and Colorado. This act gives states the authority to extradite a person of "unsound mind" if requested by another state.

### **Summary of Bill:**

The Uniform Act for the Extradition of Persons of Unsound Mind will be enacted in Washington. Under this act, the executive authority of another state may demand extradition of a person of unsound mind who is located in Washington. Upon such demand, the executive authority of Washington must apprehend and turn over a person who is alleged to be of unsound mind and who has fled from the demanding state after being:

1. under detention by law in a hospital, asylum, or other institution for the insane as a person of unsound mind; or
2. determined by legal proceedings to be of unsound mind and being under control of a court of competent jurisdiction from the state from which he or she has fled; or
3. subject to detention after personal service has been made based upon proceedings pending to have him or her declared to be of unsound mind.

The executive authority of the demanding state must produce copies, which have been certified as authentic, of the commitment, decree, or other judicial process and proceedings. If after 40 days of making the demand for the person sought by the demanding state, no agent appears to receive the person, the person may be discharged. The power granted to the executive authority of the demanding state is reciprocal, and is, thus, also granted to the executive authority of Washington.

All costs and expenses incurred in the apprehension, securing, maintaining, and transmitting the person who has fled the state which has demanded his or her return, shall be paid by the state making the demand.

Any proceedings for return of a person who has fled must begin within in one year after the flight from the demanding state.

**Appropriation:** None.

**Fiscal Note:** Available.

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