
Human Services Committee

HB 2717

Brief Description: Restricting outings from state facilities.

Sponsors: Representatives Shea, Parker, Ross, Haler, Klippert, Taylor, McCune, Short, Kristiansen, Kretz, Crouse, Hinkle, Johnson, Rodne, Bailey, Orcutt, Angel, Fagan, Smith, Condotta, Pearson and Warnick.

Brief Summary of Bill

- Restricts the circumstances under which a person committed to a state institution or facility to determine competency, restore competency, or the result of a finding of not guilty by reason of insanity may leave that institution.
- Requires the Secretary of the Department of Social and Health Services to notify local law enforcement of any authorized leave granted to a person committed to a state institution or facility.

Hearing Date: 1/25/10

Staff: Linda Merelle (786-7092).

Background:

Commitment to State Facilities.

A court may order that a person be committed to a state hospital facility in order to determine whether the person is competent to stand trial, to restore a person's competence so that the person may stand trial, or as a result of a finding of not guilty by reason of insanity.

Authorized Absences.

Once committed to a state hospital facility, the court may order a conditional release, allowing release from the state hospital or facility under certain conditions. A conditional release may be

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allowed for work release, training, or education purposes. A person may also be granted a furlough which would allow him or her to leave the facility for a period of time unescorted.

Notice of Authorized Absences.

County Prosecutors

Before a person is authorized to leave on an unescorted leave or furlough, the superintendent or professional person in charge of the state facility must notify in writing the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. Notice must be given at least 45 days in advance of the anticipated release and must describe the conditions under which the release is to occur. The prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

Law Enforcement

At least 30 days prior to release on furlough, the superintendent of each state institution must notify appropriate law enforcement agencies. Notification must include the places to which the person has permission to go, and the dates and times during which the person will be on furlough. If the person to be released has been found not guilty by reason of insanity of a sex, violent, or felony harassment offense, the superintendent must notify the Chief of Police of the city in which the person will reside, the Sheriff of the county, and if it has been requested in writing, the victim of the crime for which the person was committed. If the crime was a homicide, the victim's next of kin must be notified, if a request has been made in writing, as well as any person specified in writing by the prosecuting attorney.

Summary of Bill:

A person committed to a state facility for the purpose of determining competency, restoring competency, or as the result of a finding of not guilty by reason of insanity, is not allowed to leave the state institution where he or she has been committed except for:

- necessary medical or legal proceedings not available in the facility where he or she is confined;
- visits to the bedside of a member of an immediate family member who is seriously ill; or
- attendance at the funeral of an immediate family member.

If a person is authorized to leave the facility for one of these reasons, he or she must be escorted by a person approved by the Secretary of the Department of Social and Health Services (Secretary), and must be in visual or auditory contact at all times.

Prior to the authorization of any outing, the Secretary must give notification to any county or city law enforcement agency having jurisdiction in the location of the outing destination.

Appropriation: None.

Fiscal Note: Available.

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