

# SENATE BILL REPORT

## SHB 2717

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As Reported by Senate Committee On:  
Human Services & Corrections, February 25, 2010

**Title:** An act relating to restricting outings from state facilities.

**Brief Description:** Restricting leave from state facilities.

**Sponsors:** House Committee on Human Services (originally sponsored by 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 History:** Passed House: 2/10/10, 97-0.

**Committee Activity:** Human Services & Corrections: 2/19/10, 2/25/10 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

**Staff:** Kevin Black (786-7747)

**Background:** A conditional release from a state mental health facility is a court order permitting a person who has been committed to the facility to be released under specified conditions. A furlough is an authorized leave of absence for a committed person without the requirement that the committed person be accompanied by law enforcement or institutional staff. Sometimes a conditional release order may require the committed person to remain in the custody of a state facility but permits the facility to grant certain privileges to the committed person, such as periodic furloughs or movement around the grounds of the facility.

Before a furlough is granted, a state facility must provide 45 days notice to the prosecuting attorney and 30 days notice to law enforcement. The prosecutor is authorized to seek a temporary restraining order to prevent the furlough. Prior to conditional release, the facility must provide 30 days notice to the prosecuting attorney, law enforcement, and any victims, witnesses, or next of kin who have requested notification.

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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.*

**Summary of Bill (Recommended Amendments):** No person committed to a state facility under chapter 10.77 RCW may leave the state facility in absence of a conditional release or furlough ordered by the court, except for necessary medical and legal proceedings, for bedside visits to a member of the person's immediate family who is seriously ill, or for attendance at the funeral of a member of the person's immediate family. Immediate family is defined to mean a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner. No leave will be permitted without an escort in constant visual or auditory contact except under court order. Notice must be provided to law enforcement in the area of the leave.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments):** Travel beyond the borders of the state of Washington is permitted to visit the bedside or funeral of an immediate family member, for legal or medical purposes, or pursuant to court order.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute House Bill:** PRO: This bill would codify some of the recommendations made by the safety review panel which reviewed state hospital policy after the escape of a patient from the Spokane County Fair. There is no more important value than the safety of our citizens.

OTHER: The Department of Social and Health Services (DSHS) is generally in support because this comports with the interim policy relating to hospital leaves. One concern is that the bill does not leave enough flexibility to respond to emergency situations, and more work needs to be done on the provision relating to travel out of state.

CON: The 30- or 45-day notice requirement around hospital furloughs is not sufficiently flexible to deal with the situation of a medical emergency. There needs to be flexibility in dealing with long-term forensic patients to allow for incremental integration back into society. This gives the best chance for safety and success after discharge. The error committed in the escape of the patient from the Spokane County Fair was in the lack of a current risk assessment, not in the leave policy. Transition programs which grant limited freedoms to persons committed to the state hospital are an appropriate and safe part of hospital treatment. These freedoms permit treatment options which promote stability, employment, and therapeutic integration of patients back into the community.

**Persons Testifying:** PRO: Representative Shea, prime sponsor; Representative Johnson, co-sponsor.

OTHER: Richard Kellogg, DSHS.

CON: Greg Davis, Eastern State Hospital employee; Craig Gibelyon, Western State Hospital employee.