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HOUSE BILL 2533

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Pearson, Hurst, Kelley, and Morrell

Prefiled 01/05/10. Read first time 01/11/10. Referred to Committee on Human Services.

1            AN ACT Relating to adopting the interstate compact on mental  
2 health; and adding a new chapter to Title 71 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** This chapter may be cited as the uniform act  
5 for the extradition of persons of unsound mind.

6            NEW SECTION.    **Sec. 2.** The terms "flight" and "fled" as used in  
7 this chapter must be construed to mean any voluntary or involuntary  
8 departure from the jurisdiction of the court where the proceedings  
9 hereinafter mentioned may have been instituted and are still pending,  
10 with the effect of avoiding, impeding, or delaying the action of the  
11 court in which such proceedings may have been instituted or be pending,  
12 or any such departure from the state where the person demanded then  
13 was, if the person then was under detention by law as a person of  
14 unsound mind and subject to detention. The word "state," as used in  
15 this chapter, includes states, territories, districts, and insular and  
16 other possessions of the United States. As applied to a request to  
17 return any person within the purview of this chapter to or from the

1 District of Columbia, the words "executive authority," "governor," and  
2 "chief magistrate" respectively shall include a justice of the supreme  
3 court of the District of Columbia and other authority.

4 NEW SECTION. **Sec. 3.** A person alleged to be of unsound mind found  
5 in this state, who has fled from another state, in which at the time of  
6 his or her flight:

7 (1) He or she was under detention by law in a hospital, asylum, or  
8 other institution for the insane as a person of unsound mind; or

9 (2) He or she had been theretofore determined by legal proceedings  
10 to be of unsound mind, the finding being unreversed and in full force  
11 and effect, and the control of his or her person having been acquired  
12 by a court of competent jurisdiction of the state from which he or she  
13 fled; or

14 (3) He or she was subject to detention in such state, being then  
15 his or her legal domicile, personal service of process having been  
16 made, based on legal proceedings there pending to have him or her  
17 declared of unsound mind shall on demand of the executive authority of  
18 the state from which he or she fled, be delivered up to be removed  
19 thereto.

20 NEW SECTION. **Sec. 4.** Whenever the executive authority of any  
21 state demands of the executive authority of this state, any fugitive  
22 within the purview of section 3 of this act and produces a copy of the  
23 commitment, decree, or other judicial process and proceedings,  
24 certified as authentic by the governor or chief magistrate of the state  
25 whence the person so charged has fled, with an affidavit made before a  
26 proper officer showing the person to be a fugitive, it is the duty of  
27 the executive authority of this state to cause him or her to be  
28 apprehended, and secured, if found in this state, and to cause  
29 immediate notice of the apprehension to be given to the executive  
30 authority making such demand, or to the agent of such authority  
31 appointed to receive the fugitive, and to cause the fugitive to be  
32 delivered to such agent when he or she shall appear. If no such agent  
33 appears within forty days from the time of apprehension, the fugitive  
34 may be discharged. All costs and expense incurred in the apprehension,  
35 securing, maintaining, and transmitting such fugitive to the state  
36 making such demand shall be paid by such state. Any agent so appointed

1 who receives the fugitive into his or her custody shall be empowered to  
2 transmit him or her to the state from which he or she has fled. The  
3 executive authority of this state is hereby vested with the power on  
4 the application of any person interested, to demand the return to this  
5 state of any fugitive within the purview of this chapter.

6 NEW SECTION. **Sec. 5.** Any proceedings under this chapter must  
7 begin within one year after the flight referred to in this chapter.

8 NEW SECTION. **Sec. 6.** This chapter shall be so interpreted and  
9 construed as to effectuate its general purpose to make uniform the law  
10 of those states which enact it.

11 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute  
12 a new chapter in Title 71 RCW.

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