

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2533

61st Legislature
2010 Regular Session

Passed by the House March 6, 2010
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2533** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2533

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Human Services (originally sponsored by Representatives Pearson, Hurst, Kelley, and Morrell)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to the detention and interstate transfer of persons
2 found not guilty by reason of insanity; and adding a new section to
3 chapter 71.05 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.05 RCW
6 to read as follows:

7 (1) A civil commitment may be initiated under the procedures
8 described in RCW 71.05.150 or 71.05.153 for a person who has been found
9 not guilty by reason of insanity in a state other than Washington and
10 who has fled from detention, commitment, or conditional release in that
11 state, on the basis of a request by the state in which the person was
12 found not guilty by reason of insanity for the person to be detained
13 and transferred back to the custody or care of the requesting state.
14 A finding of likelihood of serious harm or grave disability is not
15 required for a commitment under this section. The detention may occur
16 at either an evaluation and treatment facility or a state hospital.
17 The petition for seventy-two hour detention filed by the designated
18 mental health professional must be accompanied by the following
19 documents:

1 (a) A copy of an order for detention, commitment, or conditional
2 release of the person in a state other than Washington on the basis of
3 a judgment of not guilty by reason of insanity;

4 (b) A warrant issued by a magistrate in the state in which the
5 person was found not guilty by reason of insanity indicating that the
6 person has fled from detention, commitment, or conditional release in
7 that state and authorizing the detention of the person within the state
8 in which the person was found not guilty by reason of insanity;

9 (c) A statement from the executive authority of the state in which
10 the person was found not guilty by reason of insanity requesting that
11 the person be returned to the requesting state and agreeing to
12 facilitate the transfer of the person to the requesting state.

13 (2) The person shall be entitled to a probable cause hearing within
14 the time limits applicable to other detentions under this chapter and
15 shall be afforded the rights described in this chapter including the
16 right to counsel. At the probable cause hearing, the court shall
17 determine the identity of the person and whether the other requirements
18 of this section are met. If the court so finds, the court may order
19 continued detention in a treatment facility for up to thirty days for
20 the purpose of the transfer of the person to the custody or care of the
21 requesting state. The court may order a less restrictive alternative
22 to detention only under conditions which ensure the person's safe
23 transfer to the custody or care of the requesting state within thirty
24 days without undue risk to the safety of the person or others.

25 (3) For the purposes of this section, "not guilty by reason of
26 insanity" shall be construed to include any provision of law which is
27 generally equivalent to a finding of criminal insanity within the state
28 of Washington; and "state" shall be construed to mean any state,
29 district, or territory of the United States.

--- END ---