
ENGROSSED SUBSTITUTE SENATE BILL 6010

State of Washington

62nd Legislature

2012 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Carrell, Roach, Becker, Conway, Schoesler, Regala, Delvin, Stevens, and Shin)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to state hospitals; amending RCW 9A.36.100; adding
2 a new section to chapter 70.48 RCW; and adding a new section to chapter
3 10.77 RCW.

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

5 **Sec. 1.** RCW 9A.36.100 and 1988 c 151 s 1 are each amended to read
6 as follows:

7 (1) A person is guilty of custodial assault if that person is not
8 guilty of an assault in the first or second degree and where the
9 person:

10 (a) Assaults a full or part-time staff member or volunteer, any
11 educational personnel, any personal service provider, or any vendor or
12 agent thereof at any juvenile corrections institution or local juvenile
13 detention facilities who was performing official duties at the time of
14 the assault;

15 (b) Assaults a full or part-time staff member or volunteer, any
16 educational personnel, any personal service provider, or any vendor or
17 agent thereof at any adult corrections institution or local adult
18 detention facilities who was performing official duties at the time of
19 the assault;

1 (c)((+i)) Assaults a full or part-time community corrections
2 officer, other full or part-time community corrections office employee,
3 or volunteer while the officer, employee, or volunteer is performing
4 official duties; or

5 ~~((+ii) Assaults any other full or part-time employee who is
6 employed in a community corrections office while the employee is
7 performing official duties; or))~~

8 (d) Assaults ~~((any volunteer who was assisting a person described
9 in (c) of this subsection))~~ a full or part-time staff member or
10 volunteer, any educational personnel, any personal service provider, or
11 any vendor or agent thereof at any state hospital under RCW 72.23.010
12 who was performing official duties at the time of the assault.

13 (2) Custodial assault is a class C felony.

14 NEW SECTION. Sec. 2. A new section is added to chapter 70.48 RCW
15 to read as follows:

16 A jail may not refuse to book a patient of a state hospital solely
17 based on the patient's status as a state hospital patient, but may
18 consider other relevant factors that apply to the individual
19 circumstances in each case.

20 NEW SECTION. Sec. 3. A new section is added to chapter 10.77 RCW
21 to read as follows:

22 (1) A state hospital may administer antipsychotic medication
23 without consent to an individual who is committed under this chapter as
24 criminally insane by following the same procedures applicable to the
25 administration of antipsychotic medication without consent to a civilly
26 committed patient under RCW 71.05.217, except for the following:

27 (a) The maximum period during which the court may authorize the
28 administration of medication without consent under a single involuntary
29 medication petition shall be the time remaining on the individual's
30 current order of commitment or one hundred eighty days, whichever is
31 shorter; and

32 (b) A petition for involuntary medication may be filed in either
33 the superior court of the county that ordered the commitment or the
34 superior court of the county in which the individual is receiving
35 treatment, provided that a copy of any order that is entered must be
36 provided to the superior court of the county that ordered the

1 commitment following the hearing. The superior court of the county of
2 commitment shall retain exclusive jurisdiction over all hearings
3 concerning the release of the patient.

4 (2) The state has a compelling interest in providing antipsychotic
5 medication to a patient who has been committed as criminally insane
6 when refusal of antipsychotic medication would result in a likelihood
7 of serious harm or substantial deterioration or substantially prolong
8 the length of involuntary commitment and there is no less intrusive
9 course of treatment than medication in the best interest of the
10 patient.

--- END ---