

**E2SHB 1114** - S COMM AMD  
By Committee on Ways & Means

ADOPTED 04/17/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that persons with a  
4 mental illness or developmental disability are more likely to be  
5 victimized by crime than to be perpetrators of crime. The legislature  
6 further finds that there are a small number of individuals who commit  
7 repeated violent acts against others while suffering from the effects  
8 of a mental illness and/or developmental disability that both  
9 contributes to their criminal behaviors and renders them legally  
10 incompetent to be held accountable for those behaviors. The  
11 legislature further finds that the primary statutory mechanisms  
12 designed to protect the public from violent behavior, either criminal  
13 commitment to a corrections institution, or long-term commitment as not  
14 guilty by reason of insanity, are unavailable due to the legal  
15 incompetence of these individuals to stand trial. The legislature  
16 further finds that the existing civil system of short-term commitments  
17 under the Washington's involuntary treatment act is insufficient to  
18 protect the public from these violent acts. Finally, the legislature  
19 finds that changes to the involuntary treatment act to account for this  
20 small number of individuals is necessary in order to serve Washington's  
21 compelling interest in public safety and to provide for the proper care  
22 of these individuals.

23 **Sec. 2.** RCW 10.77.086 and 2012 c 256 s 6 are each amended to read  
24 as follows:

25 (1)(a) If the defendant is charged with a felony and determined to  
26 be incompetent, until he or she has regained the competency necessary  
27 to understand the proceedings against him or her and assist in his or  
28 her own defense, or has been determined unlikely to regain competency

1 pursuant to RCW 10.77.084(1)(b), but in any event for a period of no  
2 longer than ninety days, the court:

3 (i) Shall commit the defendant to the custody of the secretary who  
4 shall place such defendant in an appropriate facility of the department  
5 for evaluation and treatment; or

6 (ii) May alternatively order the defendant to undergo evaluation  
7 and treatment at some other facility as determined by the department,  
8 or under the guidance and control of a professional person.

9 (b) For a defendant whose highest charge is a class C felony, or a  
10 class B felony that is not classified as violent under RCW 9.94A.030,  
11 the maximum time allowed for the initial period of commitment for  
12 competency restoration is forty-five days.

13 (2) On or before expiration of the initial period of commitment  
14 under subsection (1) of this section the court shall conduct a hearing,  
15 at which it shall determine whether or not the defendant is  
16 incompetent.

17 (3) If the court finds by a preponderance of the evidence that a  
18 defendant charged with a felony is incompetent, the court shall have  
19 the option of extending the order of commitment or alternative  
20 treatment for an additional period of ninety days, but the court must  
21 at the time of extension set a date for a prompt hearing to determine  
22 the defendant's competency before the expiration of the second  
23 restoration period. The defendant, the defendant's attorney, or the  
24 prosecutor has the right to demand that the hearing be before a jury.  
25 No extension shall be ordered for a second or third restoration period  
26 as provided in subsection (4) of this section if the defendant's  
27 incompetence has been determined by the secretary to be solely the  
28 result of a developmental disability which is such that competence is  
29 not reasonably likely to be regained during an extension.

30 (4) For persons charged with a felony, at the hearing upon the  
31 expiration of the second restoration period or at the end of the first  
32 restoration period, in the case of a defendant with a developmental  
33 disability, if the jury or court finds that the defendant is  
34 incompetent, the charges shall be dismissed without prejudice, and the  
35 court shall (~~either order the release of the defendant or~~) order the  
36 defendant be committed to a state hospital (~~or secure mental health~~  
37 ~~facility~~) as defined in RCW 72.23.010 for up to seventy-two hours  
38 starting from admission to the facility, excluding Saturdays, Sundays,

1 and holidays, for evaluation for the purpose of filing a civil  
2 commitment petition under chapter 71.05 RCW. The criminal charges  
3 shall not be dismissed if the court or jury finds that: (a) The  
4 defendant (i) is a substantial danger to other persons; or (ii)  
5 presents a substantial likelihood of committing criminal acts  
6 jeopardizing public safety or security; and (b) there is a substantial  
7 probability that the defendant will regain competency within a  
8 reasonable period of time. In the event that the court or jury makes  
9 such a finding, the court may extend the period of commitment for up to  
10 an additional six months.

11 **Sec. 3.** RCW 10.77.270 and 2010 c 263 s 1 are each amended to read  
12 as follows:

13 (1) The secretary shall establish an independent public safety  
14 review panel for the purpose of advising the secretary and the courts  
15 with respect to persons who have been found not guilty by reason of  
16 insanity, or persons committed under the involuntary treatment act  
17 where the court has made a special finding under RCW 71.05.280(3)(b).

18 The panel shall provide advice regarding all recommendations to the  
19 secretary, decisions by the secretary, or actions pending in court:

20 (a) For a change in commitment status; (b) to allow furloughs or  
21 temporary leaves accompanied by staff; (c) not to seek further  
22 commitment terms under RCW 71.05.320; or ~~((+e+))~~ (d) to permit movement  
23 about the grounds of the treatment facility, with or without the  
24 accompaniment of staff.

25 (2) The members of the public safety review panel shall be  
26 appointed by the governor for a renewable term of three years and shall  
27 include the following:

- 28 (a) A psychiatrist;
- 29 (b) A licensed clinical psychologist;
- 30 (c) A representative of the department of corrections;
- 31 (d) A prosecutor or a representative of a prosecutor's association;
- 32 (e) A representative of law enforcement or a law enforcement  
33 association;
- 34 (f) A consumer and family advocate representative; and
- 35 (g) A public defender or a representative of a defender's  
36 association.

1 (3) Thirty days prior to issuing a recommendation for conditional  
2 release under RCW 10.77.150 or forty-five days prior to issuing a  
3 recommendation for release under RCW 10.77.200, the secretary shall  
4 submit its recommendation with the committed person's application and  
5 the department's risk assessment to the public safety review panel.  
6 The public safety review panel shall complete an independent assessment  
7 of the public safety risk entailed by the secretary's proposed  
8 conditional release recommendation or release recommendation and  
9 provide this assessment in writing to the secretary. The public safety  
10 review panel may, within funds appropriated for this purpose, request  
11 additional evaluations of the committed person. The public safety  
12 review panel may indicate whether it is in agreement with the  
13 secretary's recommendation, or whether it would issue a different  
14 recommendation. The secretary shall provide the panel's assessment  
15 when it is received along with any supporting documentation, including  
16 all previous reports of evaluations of the committed person in the  
17 person's hospital record, to the court, prosecutor in the county that  
18 ordered the person's commitment, and counsel for the committed person.

19 (4) The secretary shall notify the public safety review panel at  
20 appropriate intervals concerning any changes in the commitment or  
21 custody status of persons found not guilty by reason of insanity, or  
22 persons committed under the involuntary treatment act where the court  
23 has made a special finding under RCW 71.05.280(3)(b). The panel shall  
24 have access, upon request, to a committed person's complete hospital  
25 record, and any other records deemed necessary by the public safety  
26 review panel.

27 (5) The department shall provide administrative and financial  
28 support to the public safety review panel. The department, in  
29 consultation with the public safety review panel, may adopt rules to  
30 implement this section.

31 (6) By December 1, 2014, the public safety review panel shall  
32 report to the appropriate legislative committees the following:

33 (a) Whether the public safety review panel has observed a change in  
34 statewide consistency of evaluations and decisions concerning changes  
35 in the commitment status of persons found not guilty by reason of  
36 insanity;

37 (b) Whether the public safety review panel should be given the  
38 authority to make release decisions and monitor release conditions;

1 (c) Whether further changes in the law are necessary to enhance  
2 public safety when incompetency prevents operation of the criminal  
3 justice system and long-term commitment of the criminally insane; and  
4 (d) Any other issues the public safety review panel deems relevant.

5 **Sec. 4.** RCW 71.05.280 and 2008 c 213 s 6 are each amended to read  
6 as follows:

7 At the expiration of the fourteen-day period of intensive  
8 treatment, a person may be confined for further treatment pursuant to  
9 RCW 71.05.320 if:

10 (1) Such person after having been taken into custody for evaluation  
11 and treatment has threatened, attempted, or inflicted: (a) Physical  
12 harm upon the person of another or himself or herself, or substantial  
13 damage upon the property of another, and (b) as a result of mental  
14 disorder presents a likelihood of serious harm; or

15 (2) Such person was taken into custody as a result of conduct in  
16 which he or she attempted or inflicted physical harm upon the person of  
17 another or himself or herself, or substantial damage upon the property  
18 of others, and continues to present, as a result of mental disorder, a  
19 likelihood of serious harm; or

20 (3) Such person has been determined to be incompetent and criminal  
21 charges have been dismissed pursuant to RCW 10.77.086(4), and has  
22 committed acts constituting a felony, and as a result of a mental  
23 disorder, presents a substantial likelihood of repeating similar acts.

24 (a) In any proceeding pursuant to this subsection it shall not be  
25 necessary to show intent, willfulness, or state of mind as an element  
26 of the crime;

27 (b) For any person subject to commitment under this subsection  
28 where the charge underlying the finding of incompetence is for a felony  
29 classified as violent under RCW 9.94A.030, the court shall determine  
30 whether the acts the person committed constitute a violent offense  
31 under RCW 9.94A.030; or

32 (4) Such person is gravely disabled.

33 **Sec. 5.** RCW 71.05.320 and 2009 c 323 s 2 are each amended to read  
34 as follows:

35 (1) If the court or jury finds that grounds set forth in RCW  
36 71.05.280 have been proven and that the best interests of the person or

1 others will not be served by a less restrictive treatment which is an  
2 alternative to detention, the court shall remand him or her to the  
3 custody of the department or to a facility certified for ninety day  
4 treatment by the department for a further period of intensive treatment  
5 not to exceed ninety days from the date of judgment. If the grounds  
6 set forth in RCW 71.05.280(3) are the basis of commitment, then the  
7 period of treatment may be up to but not exceed one hundred eighty days  
8 from the date of judgment in a facility certified for one hundred  
9 eighty day treatment by the department.

10 (2) If the court or jury finds that grounds set forth in RCW  
11 71.05.280 have been proven, but finds that treatment less restrictive  
12 than detention will be in the best interest of the person or others,  
13 then the court shall remand him or her to the custody of the department  
14 or to a facility certified for ninety day treatment by the department  
15 or to a less restrictive alternative for a further period of less  
16 restrictive treatment not to exceed ninety days from the date of  
17 judgment. If the grounds set forth in RCW 71.05.280(3) are the basis  
18 of commitment, then the period of treatment may be up to but not exceed  
19 one hundred eighty days from the date of judgment.

20 (3) The person shall be released from involuntary treatment at the  
21 expiration of the period of commitment imposed under subsection (1) or  
22 (2) of this section unless the superintendent or professional person in  
23 charge of the facility in which he or she is confined, or in the event  
24 of a less restrictive alternative, the designated mental health  
25 professional, files a new petition for involuntary treatment on the  
26 grounds that the committed person:

27 (a) During the current period of court ordered treatment: (i) Has  
28 threatened, attempted, or inflicted physical harm upon the person of  
29 another, or substantial damage upon the property of another, and (ii)  
30 as a result of mental disorder or developmental disability presents a  
31 likelihood of serious harm; or

32 (b) Was taken into custody as a result of conduct in which he or  
33 she attempted or inflicted serious physical harm upon the person of  
34 another, and continues to present, as a result of mental disorder or  
35 developmental disability a likelihood of serious harm; or

36 (c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result  
37 of mental disorder or developmental disability continues to  
38 present(~~s~~) a substantial likelihood of repeating (~~similar~~) acts

1 (~~considering~~) similar to the charged criminal behavior, when  
2 considering the person's life history, progress in treatment, and the  
3 public safety. (ii) In cases under this subsection where the court has  
4 made an affirmative special finding under RCW 71.05.280(3)(b), the  
5 commitment shall continue for up to an additional one hundred eighty  
6 day period whenever the petition presents prima facie evidence that the  
7 person continues to suffer from a mental disorder or developmental  
8 disability that results in a substantial likelihood of committing acts  
9 similar to the charged criminal behavior, unless the person presents  
10 proof through an admissible expert opinion that the person's condition  
11 has so changed such that the mental disorder or developmental  
12 disability no longer presents a substantial likelihood of the person  
13 committing acts similar to the charged criminal behavior. The initial  
14 or additional commitment period may include transfer to a specialized  
15 program of intensive support and treatment, which may be initiated  
16 prior to or after discharge from the state hospital; or

17 (d) Continues to be gravely disabled.

18 If the conduct required to be proven in (b) and (c) of this  
19 subsection was found by a judge or jury in a prior trial under this  
20 chapter, it shall not be necessary to prove such conduct again.

21 (4) For a person committed under subsection (2) of this section who  
22 has been remanded to a period of less restrictive treatment, in  
23 addition to the grounds specified in subsection (3) of this section,  
24 the designated mental health professional may file a new petition for  
25 continued less restrictive treatment if:

26 (a) The person was previously committed by a court to detention for  
27 involuntary mental health treatment during the thirty-six months that  
28 preceded the person's initial detention date during the current  
29 involuntary commitment cycle, excluding any time spent in a mental  
30 health facility or in confinement as a result of a criminal conviction;

31 (b) In view of the person's treatment history or current behavior,  
32 the person is unlikely to voluntarily participate in outpatient  
33 treatment without an order for less restrictive treatment; and

34 (c) Outpatient treatment that would be provided under a less  
35 restrictive treatment order is necessary to prevent a relapse,  
36 decompensation, or deterioration that is likely to result in the person  
37 presenting a likelihood of serious harm or the person becoming gravely  
38 disabled within a reasonably short period of time.

1 (5) A new petition for involuntary treatment filed under subsection  
2 (3) or (4) of this section shall be filed and heard in the superior  
3 court of the county of the facility which is filing the new petition  
4 for involuntary treatment unless good cause is shown for a change of  
5 venue. The cost of the proceedings shall be borne by the state.

6 (6) The hearing shall be held as provided in RCW 71.05.310, and if  
7 the court or jury finds that the grounds for additional confinement as  
8 set forth in this section are present, the court may order the  
9 committed person returned for an additional period of treatment not to  
10 exceed one hundred eighty days from the date of judgment. At the end  
11 of the one hundred eighty day period of commitment, the committed  
12 person shall be released unless a petition for another one hundred  
13 eighty day period of continued treatment is filed and heard in the same  
14 manner as provided in this section. Successive one hundred eighty day  
15 commitments are permissible on the same grounds and pursuant to the  
16 same procedures as the original one hundred eighty day commitment.  
17 However, a commitment is not permissible under subsection (4) of this  
18 section if thirty-six months have passed since the last date of  
19 discharge from detention for inpatient treatment that preceded the  
20 current less restrictive alternative order, nor shall a commitment  
21 under subsection (4) of this section be permissible if the likelihood  
22 of serious harm in subsection (4)(c) of this section is based solely on  
23 harm to the property of others.

24 (7) No person committed as provided in this section may be detained  
25 unless a valid order of commitment is in effect. No order of  
26 commitment can exceed one hundred eighty days in length.

27 **Sec. 6.** RCW 71.05.425 and 2011 c 305 s 5 are each amended to read  
28 as follows:

29 (1)(a) Except as provided in subsection (2) of this section, at the  
30 earliest possible date, and in no event later than thirty days before  
31 conditional release, final release, authorized leave under RCW  
32 71.05.325(2), or transfer to a facility other than a state mental  
33 hospital, the superintendent shall send written notice of conditional  
34 release, release, authorized leave, or transfer of a person committed  
35 under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex,  
36 violent, or felony harassment offense pursuant to RCW 10.77.086(4) to  
37 the following:



1 (i) The chief of police of the city, if any, in which the person  
2 will reside; (~~and~~)

3 (ii) The sheriff of the county in which the person will reside; and

4 (iii) The prosecuting attorney of the county in which the criminal  
5 charges against the committed person were dismissed.

6 (b) The same notice as required by (a) of this subsection shall be  
7 sent to the following, if such notice has been requested in writing  
8 about a specific person committed under RCW 71.05.280(3) or  
9 71.05.320(3)(c) following dismissal of a sex, violent, or felony  
10 harassment offense pursuant to RCW 10.77.086(4):

11 (i) The victim of the sex, violent, or felony harassment offense  
12 that was dismissed pursuant to RCW 10.77.086(4) preceding commitment  
13 under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin  
14 if the crime was a homicide;

15 (ii) Any witnesses who testified against the person in any court  
16 proceedings;

17 (iii) Any person specified in writing by the prosecuting attorney.  
18 Information regarding victims, next of kin, or witnesses requesting the  
19 notice, information regarding any other person specified in writing by  
20 the prosecuting attorney to receive the notice, and the notice are  
21 confidential and shall not be available to the person committed under  
22 this chapter; and

23 (iv) The chief of police of the city, if any, and the sheriff of  
24 the county, if any, which had jurisdiction of the person on the date of  
25 the applicable offense.

26 (c) The thirty-day notice requirements contained in this subsection  
27 shall not apply to emergency medical transfers.

28 (d) The existence of the notice requirements in this subsection  
29 will not require any extension of the release date in the event the  
30 release plan changes after notification.

31 (2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c)  
32 following dismissal of a sex, violent, or felony harassment offense  
33 pursuant to RCW 10.77.086(4) escapes, the superintendent shall  
34 immediately notify, by the most reasonable and expedient means  
35 available, the chief of police of the city and the sheriff of the  
36 county in which the person escaped and in which the person resided  
37 immediately before the person's arrest and the prosecuting attorney of  
38 the county in which the criminal charges against the committed person

1 were dismissed. If previously requested, the superintendent shall also  
2 notify the witnesses and the victim of the sex, violent, or felony  
3 harassment offense that was dismissed pursuant to RCW 10.77.086(4)  
4 preceding commitment under RCW 71.05.280(3) or 71.05.320(3) or the  
5 victim's next of kin if the crime was a homicide. In addition, the  
6 secretary shall also notify appropriate parties pursuant to RCW  
7 71.05.390(18). If the person is recaptured, the superintendent shall  
8 send notice to the persons designated in this subsection as soon as  
9 possible but in no event later than two working days after the  
10 department learns of such recapture.

11 (3) If the victim, the victim's next of kin, or any witness is  
12 under the age of sixteen, the notice required by this section shall be  
13 sent to the parent or legal guardian of the child.

14 (4) The superintendent shall send the notices required by this  
15 chapter to the last address provided to the department by the  
16 requesting party. The requesting party shall furnish the department  
17 with a current address.

18 (5) For purposes of this section the following terms have the  
19 following meanings:

20 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

21 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

22 (c) "Next of kin" means a person's spouse, state registered  
23 domestic partner, parents, siblings, and children;

24 (d) "Felony harassment offense" means a crime of harassment as  
25 defined in RCW 9A.46.060 that is a felony.

26 **Sec. 7.** RCW 10.77.200 and 2010 c 263 s 8 are each amended to read  
27 as follows:

28 (1) Upon application by the committed or conditionally released  
29 person, the secretary shall determine whether or not reasonable grounds  
30 exist for release. In making this determination, the secretary may  
31 consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140,  
32 and 10.77.160, and other reports and evaluations provided by  
33 professionals familiar with the case. If the secretary approves the  
34 release he or she then shall authorize the person to petition the  
35 court.

36 (2) In instances in which persons have not made application for  
37 release, but the secretary believes, after consideration of the reports

1 filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and  
2 other reports and evaluations provided by professionals familiar with  
3 the case, that reasonable grounds exist for release, the secretary may  
4 petition the court. If the secretary petitions the court for release  
5 under this subsection, notice of the petition must be provided to the  
6 person who is the subject of the petition and to his or her attorney.

7 (3) The petition shall be served upon the court and the prosecuting  
8 attorney. The court, upon receipt of the petition for release, shall  
9 within forty-five days order a hearing. Continuance of the hearing  
10 date shall only be allowed for good cause shown. The prosecuting  
11 attorney shall represent the state, and shall have the right to have  
12 the ~~((petitioner))~~ person who is the subject of the petition examined  
13 by an expert or professional person of the prosecuting attorney's  
14 choice. If the secretary is the petitioner, the attorney general shall  
15 represent the secretary. If the ~~((petitioner))~~ person who is the  
16 subject of the petition is indigent, and the person so requests, the  
17 court shall appoint a qualified expert or professional person to  
18 examine him or her. If the ~~((petitioner))~~ person who is the subject of  
19 the petition has a developmental disability, the examination shall be  
20 performed by a developmental disabilities professional. The hearing  
21 shall be before a jury if demanded by either the petitioner or the  
22 prosecuting attorney. The burden of proof shall be upon the petitioner  
23 to show by a preponderance of the evidence that the ~~((petitioner))~~  
24 person who is the subject of the petition no longer presents, as a  
25 result of a mental disease or defect, a substantial danger to other  
26 persons, or a substantial likelihood of committing criminal acts  
27 jeopardizing public safety or security, unless kept under further  
28 control by the court or other persons or institutions. If the person  
29 who is the subject of the petition will be transferred to a state  
30 correctional institution or facility upon release to serve a sentence  
31 for any class A felony, the petitioner must show that the person's  
32 mental disease or defect is manageable within a state correctional  
33 institution or facility, but must not be required to prove that the  
34 person does not present either a substantial danger to other persons,  
35 or a substantial likelihood of committing criminal acts jeopardizing  
36 public safety or security, if released.

37 (4) For purposes of this section, a person affected by a mental  
38 disease or defect in a state of remission is considered to have a

1 mental disease or defect requiring supervision when the disease may,  
2 with reasonable medical probability, occasionally become active and,  
3 when active, render the person a danger to others. Upon a finding that  
4 the ((petitioner)) person who is the subject of the petition has a  
5 mental disease or defect in a state of remission under this subsection,  
6 the court may deny release, or place or continue such a person on  
7 conditional release.

8 (5) Nothing contained in this chapter shall prohibit the patient  
9 from petitioning the court for release or conditional release from the  
10 institution in which he or she is committed. The petition shall be  
11 served upon the court, the prosecuting attorney, and the secretary.  
12 Upon receipt of such petition, the secretary shall develop a  
13 recommendation as provided in subsection (1) of this section and  
14 provide the secretary's recommendation to all parties and the court.  
15 The issue to be determined on such proceeding is whether the  
16 ((petitioner)) patient, as a result of a mental disease or defect, is  
17 a substantial danger to other persons, or presents a substantial  
18 likelihood of committing criminal acts jeopardizing public safety or  
19 security, unless kept under further control by the court or other  
20 persons or institutions.

21 (6) Nothing contained in this chapter shall prohibit the committed  
22 person from petitioning for release by writ of habeas corpus.

23 NEW SECTION. Sec. 8. If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

27 NEW SECTION. Sec. 9. If specific funding for the purposes of  
28 sections 3 through 5 of this act, referencing sections 3 through 5 of  
29 this act by bill or chapter number and section number, is not provided  
30 by June 30, 2013, in the omnibus appropriations act, sections 3 through  
31 5 of this act are null and void."

**ADOPTED 04/17/2013**

1           On page 1, line 1 of the title, after "Relating to" strike the  
2 remainder of the title and insert "criminal incompetency, civil  
3 commitment, and commitments based on criminal insanity; amending RCW  
4 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.425, and 10.77.200;  
5 and creating new sections."

EFFECT:       This amendment removes the changes made by the Senate Human Services & Corrections Committee and makes the following changes to the underlying bill:

(1) Amendatory language is added allowing transfer of a person committed after dismissal of violent felony charges based on incompetence to stand trial to an intensive support and treatment program during the initial 180-day period of commitment (rather than subsequent periods of commitment), and providing that transfer to a specialized program may occur prior to or after discharge from a state hospital (rather than release from a state hospital).

(2) A null and void clause is added relating to sections three through five of this act if funding is not provided in the omnibus appropriations act.

(3) A provision is added requiring a person committed as criminally insane who petitions superior court for release from confinement to serve a copy of the petition on DSHS. A modification is made to release criteria for a person committed as criminally insane providing that when such a person will be transferred to prison upon release to serve a sentence for a class A felony, the court must not require proof that the person will not present a danger to others or public safety after release.

(4) A provision is removed allowing the superintendent of a treatment facility to intervene in the criminal case of a felony defendant by filing a petition for civil commitment following a period of competency restoration and before resolution of the felony charges by the superior court.

(5) The title is amended to incorporate a reference to commitments based on criminal insanity.

--- END ---