

**SSB 5176 - S AMD 65**

By Senators Carrell, Hargrove, Darneille

ADOPTED 03/04/2013

1 On page 15, line 36, after "the" strike "petitioner" and insert  
2 "~~((petitioner))~~ person who is the subject of the petition"

3 On page 15, line 37, after "choice." insert "If the secretary is  
4 the petitioner, the attorney general shall represent the secretary."

5 On page 15, line 37, after "If the" strike "petitioner" and insert  
6 "~~((petitioner))~~ person who is the subject of the petition"

7 On page 16, line 2, after "If the" strike "petitioner" and insert  
8 "~~((petitioner))~~ person who is the subject of the petition"

9 On page 16, line 7, after "evidence that the" strike "petitioner"  
10 and insert "~~((petitioner))~~ person who is the subject of the petition"

11 On page 16, line 11, after "institutions." insert "If the person  
12 who is the subject of the petition will be transferred to a state  
13 correctional institution or facility upon release to serve a sentence  
14 for any class A felony, the petitioner must show that the person's  
15 mental disease or defect is manageable within a state correctional  
16 institution or facility, but must not be required to prove that the  
17 person does not present either a substantial danger to other persons,  
18 or a substantial likelihood of committing criminal acts jeopardizing  
19 public safety or security, if released."

20 On page 16, line 17, after "the" strike "petitioner" and insert  
21 "~~((petitioner))~~ person who is the subject of the petition"

22 On page 16, at the beginning of line 28, strike "petitioner" and  
23 insert "~~((petitioner))~~ patient"

EFFECT: When a release petition is filed for a person committed as criminally insane who will be transferred to a correctional facility upon release to serve a sentence for any class A felony, the petitioner must show that the person's mental disease or defect is manageable within a correctional facility but need not prove that the person does not present a substantial danger to other persons or a substantial likelihood of committing criminal acts jeopardizing public safety or security if released.

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