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## Judiciary Committee

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### HB 1599

**Title:** An act relating to secure facilities for the criminally insane.

**Brief Description:** Concerning secure facilities for the criminally insane.

**Sponsors:** Representatives Rodne, Jinkins and Wylie; by request of Department of Social and Health Services.

#### Brief Summary of Bill

- Removes the expiration on the authority granted to the Department of Social and Health Services to place a person in a secure Department of Corrections facility when that person is committed following an insanity acquittal and has been determined to present an unreasonable safety risk.

**Hearing Date:** 2/3/15

**Staff:** Omeara Harrington (786-7136).

#### Background:

##### Commitment of Persons Found Not Guilty by Reason of Insanity.

A person is not guilty by reason of insanity (NGRI), if he or she, at the time of the act underlying the charge, was unable to perceive the nature and quality of the act or unable to tell right from wrong with respect to the particular act because of a mental disease or defect. A person found NGRI must be committed to the custody of the Department of Social and Health Services (DSHS) if the fact finder determines that the person is a substantial danger to other persons or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court, other persons, or institutions.

The maximum term of commitment following an NGRI acquittal is equal to the maximum possible sentence for any offense that was charged against the person. Persons committed as NGRI undergo a mental condition evaluation at least once every six months, and may petition for

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conditional release or final release by making an application to the Secretary of the DSHS, or by making a direct petition to the court.

Transfer to Secure Facilities of Persons Committed NGRI.

If the DSHS determines in writing that a person committed to its custody as NGRI presents an unreasonable safety risk which, based on behavior, clinical history, and facility security is not manageable in a state hospital setting, the DSHS may place the person in any secure facility operated by the DSHS or the Department of Corrections (DOC). The person remains in the legal custody of the DSHS, and the person's placement must be reviewed at least every three months. Persons placed in secure facilities are entitled to appropriate mental health treatment governed by a formalized treatment plan, and retain the right to examination of his or her mental condition every six months and the right to petition for conditional or final release.

The authority of the DSHS to place a person in a secure facility expires June 30, 2015.

**Summary of Bill:**

The expiration on the authority granted to the DSHS to place a person in a DOC facility when that person is committed following an insanity acquittal and has been determined to present an unreasonable safety risk is removed.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 2015.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.