

FINAL BILL REPORT

HB 1599

C 253 L 15
Synopsis as Enacted

Brief Description: Concerning secure facilities for the criminally insane.

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

House Committee on Judiciary

House Committee on Appropriations

Senate Committee on Human Services, Mental Health & Housing

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 was 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 or other persons or institutions.

The maximum term of commitment following an NGRI acquittal is equal to the maximum possible sentence for any offense with which the person was charged. Persons committed as NGRI undergo a mental condition evaluation at least once every six months, and may petition for conditional release or final release by making an application to the Secretary of the DSHS or by making a direct petition to the court.

Placement of Persons Committed as NGRI in Secure Facilities.

If the DSHS determines in writing that a person committed to its custody as NGRI presents an unreasonable safety risk that, 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. A person placed in a secure facility is entitled to appropriate mental health treatment governed by a formalized treatment plan and retains the right to an examination of

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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:

The expiration on the authority granted to the DSHS to place a person committed as NGRI in a secure DSHS or DOC facility when that person has been determined to present an unreasonable safety risk is removed.

Before the DSHS places a person who is committed as NGRI in a secure facility, the Secretary of the DSHS must give consideration to reasonable alternatives that would be effective to manage the person's behavior and must include written documentation of the decision and reasoning in the patient's medical file.

Votes on Final Passage:

House	96	2	
Senate	49	0	(Senate amended)
House	96	2	

Effective: July 24, 2015