

# SENATE BILL REPORT

## SSB 6227

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As Passed Senate, February 6, 2024

**Title:** An act relating to allowing entry of a civil protection order to protect victims when a person is found not guilty by reason of insanity.

**Brief Description:** Allowing entry of a civil protection order to protect victims when a person is found not guilty by reason of insanity.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Cleveland, Hasegawa, Keiser, Nobles, Randall, Torres and Wilson, C.).

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/24, 1/25/24 [DPS].

**Floor Activity:** Passed Senate: 2/6/24, 49-0.

**Brief Summary of First Substitute Bill**

- Allows a court to issue a separate no-contact order to protect a victim when a person is found not guilty by reason of insanity and committed for a period of inpatient treatment or conditional release.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6227 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

**Staff:** Kevin Black (786-7747)

**Background:** Not Guilty by Reason of Insanity. A court or jury may find a person is not guilty by reason of insanity (NGRI) of a criminal offense if it finds that at the time of the

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alleged act, as a result of a mental disease or defect, the person was unable to perceive the nature and quality of their action or unable to tell right from wrong.

Not Guilty by Reason of Insanity Commitment. A defendant who is found NGRI may be committed for a period of inpatient treatment at a state hospital if a judge or jury finds that the defendant presents a substantial danger to other persons or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, and there is no less restrictive treatment than detention for inpatient hospitalization. The term of commitment may not exceed the maximum sentence for the offense for which the defendant was acquitted.

If the court or jury finds the person does not present a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, but that the person is in need of control by the court or other persons or institutions, the court must direct the person's conditional release and will retain supervision of the person in the community.

**Summary of First Substitute Bill:** A court may enter a separate no-contact order to protect a victim when a person is found not guilty by reason of insanity and committed by the court to a period of inpatient treatment or conditional release, or upon application by the prosecuting attorney at any subsequent time during which the court retains supervision over the person. The maximum term of the no-contact order is the person's maximum term of commitment, or until the court orders final release of the person from supervision, whichever comes first. The clerk's office must provide a written certified copy of the no-contact order to the victim. Whenever a no-contact order is issued, modified, or terminated the court clerk must forward a copy of the order by the next judicial day to the appropriate law enforcement agency for entry into the computer-based criminal intelligence information system used to list outstanding warrants, which shall constitute notice to all law enforcement agencies and cause the order to be fully enforceable in any jurisdiction in the state.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: When a case is dismissed, it takes away protections for the victim. NGRI cases are some of the most serious and challenging cases prosecutors see. For the victims of these crimes, acquittal does not change their fears or the lasting trauma from these events. Currently not having contact is just a condition

embedded within the treatment order, so the no-contact order does not go to law enforcement and is not entered into their databases. Victims often are not willing to draw attention to themselves by filing a civil protection order. This bill ensures NGRI victims receive the same protections as other crime victims. Getting a civil protection order is not a smart move for all victims.

CON: These individuals were found not guilty, and we do not treat them the same as those who were convicted of a crime. Criminal courts should not be used; there should be a civil hearing. Civil no-contact orders do not require disclosure of private information such as an address.

**Persons Testifying:** PRO: Senator Manka Dhingra, Prime Sponsor; Gabrielle Charlton, King County Prosecuting Attorney; David Talley, King County Prosecuting Attorney.

CON: Kari Reardon, Washington Defender Association/Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** No one.