
**Public Safety & Emergency Preparedness
Committee**

HB 2422

Brief Description: Changing escape or disappearance notification requirements.

Sponsors: Representatives Parker, Hurst, Driscoll, Kelley, Dammeier, Schmick and Ormsby.

Brief Summary of Bill

- Expands the list of persons that must be notified when a person escapes or disappears from a Department of Social and Health Services mental health facility.

Hearing Date: 1/20/10

Staff: Yvonne Walker (786-7841).

Background:

A person who is either "criminally insane" or "incompetent" may be involuntarily committed for a period of time. A person is "criminally insane" if he or she has been acquitted from a crime charged by reason of insanity and is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts. A person is "incompetent" to stand trial if he or she lacks the capacity to understand the nature of the proceedings or assist in his or her own defense.

Generally, if a defendant has committed a felony or misdemeanor offense, and is found to be criminally insane or incompetent, he or she may be committed to the custody of the Department of Social and Health Services (DSHS) or a mental health professional designated by the county for evaluation and treatment.

If a committed person escapes from a mental health institution or a person on conditional release disappears then notification must be made to specified parties. The superintendent of the mental health institution or a community corrections officer from the Department of Corrections (in the

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instance of the disappearance of a person on conditional release), must notify local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons with information necessary for providing public safety and assisting in the apprehension of the person.

Summary of Bill:

In the event of a person escaping from a DSHS mental health facility, or the disappearance of a person on conditional release or any other unauthorized absence, the list of persons that must be notified is expanded.

In order to ensure the public's safety and to assist in the apprehension of the person, the superintendent of the mental health facility must notify the following parties:

- state and local law enforcement officers located in the city and county where the person escaped;
- the victim of the crime for which the person was convicted or the victim's next of kin in the case of a homicide;
- any witnesses who testified against the person in court;
- any appropriate governmental agencies;
- the person's relatives; and
- any other appropriate persons.

Appropriation: None.

Fiscal Note: Requested on January 14, 2010.

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