

# HOUSE BILL REPORT

## HB 2422

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**As Reported by House Committee On:**  
Public Safety & Emergency Preparedness

**Title:** An act relating to escape or disappearance notification requirements.

**Brief Description:** Changing escape or disappearance notification requirements.

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

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 1/20/10, 1/22/10 [DPS].

**Brief Summary of Substitute Bill**

- Expands and clarifies 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.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

**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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 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.

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**Summary of Substitute 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 and clarified.

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 state and local law enforcement officers located in the city and county where the person escaped, the person's relatives, and any other appropriate persons. The superintendent must provide that same type of notification to the following individuals, if they have requested in writing to be notified about an escaped individual: (1) the victim or the victim's next of kin if the crime was a homicide; (2) any witnesses who testified against the person in court; and (3) any other appropriate persons. All information relating to victims, next of kin, and witnesses requesting a notice is confidential and is not available to the person committed to the mental health facility.

**Substitute Bill Compared to Original Bill:**

A clarification is made to state that upon the escape of a person from a mental health facility or conditional release, the superintendent is required to provide notification to the following individuals, if they have requested in writing to be notified about an escaped individual: (1) the victim or the victim's next of kin if the crime was a homicide; (2) any witnesses who testified against the person in court; and (3) any other appropriate persons. All information relating to victims, next of kin, and witnesses requesting a notice is confidential and is not available to the person committed to the mental health facility.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is in response to the escapee at Eastern State Hospital this year. If this bill had been in place it would not have taken two and a half hours for authorities to realize that the individual that had committed murder had escaped. This bill basically requires notification to authorities that a mentally ill patient is out of the facility, whether authorized or not.

There is one amendment that is recommended to the bill. A provision should be added to allow a person to opt-out of receiving such notifications if they choose not to receive such notifications.

(Opposed) None.

**Persons Testifying:** Representative Parker, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.