

# FINAL BILL REPORT

## SHB 2422

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Synopsis as Enacted

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

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Hurst, Driscoll, Kelley, Dammeier, Schmick and Ormsby).

**House Committee on Public Safety & Emergency Preparedness**  
**Senate Committee on Human Services & Corrections**

### **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 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:**

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.

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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.*

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.

**Votes on Final Passage:**

House	96	0
Senate	47	0

**Effective:** June 10, 2010