

# FINAL BILL REPORT

## SHB 2717

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Synopsis as Enacted

**Brief Description:** Restricting leave from state facilities.

**Sponsors:** House Committee on Human Services (originally sponsored by Representatives Shea, Parker, Ross, Haler, Klippert, Taylor, McCune, Short, Kristiansen, Kretz, Crouse, Hinkle, Johnson, Rodne, Bailey, Orcutt, Angel, Fagan, Smith, Condotta, Pearson and Warnick).

**House Committee on Human Services**  
**Senate Committee on Human Services & Corrections**

### **Background:**

#### Commitment to State Facilities.

A court may order that a person be committed to a state hospital facility in order to determine whether the person is competent to stand trial, to restore a person's competence so that the person may stand trial, or as a result of a finding of not guilty by reason of insanity.

#### Authorized Absences.

Once committed to a state hospital facility, the court may order a conditional release allowing release from the state hospital or facility under certain conditions. A conditional release may be allowed for work release, training, or education purposes. A person may also be granted a furlough which would allow him or her to leave the facility for a period of time unescorted.

#### Notice of Authorized Absences.

*County Prosecutors.* Before a person is authorized to leave on an unescorted leave or furlough, the superintendent or professional person in charge of the state facility must notify in writing the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. Notice must be given at least 45 days in advance of the anticipated release and must describe the conditions under which the release is to occur. The prosecuting

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attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

*Law Enforcement.* At least 30 days prior to release on furlough, the superintendent of each state institution must notify appropriate law enforcement agencies. Notification must include the places to which the person has permission to go, and the dates and times during which the person will be on furlough. If the person to be released has been found not guilty by reason of insanity of a sex, violent, or felony harassment offense, the superintendent must notify the Chief of Police of the city in which the person will reside, the Sheriff of the county, and if it has been requested in writing, the victim of the crime for which the person was committed. If the crime was a homicide, the victim's next of kin must be notified, if a request has been made in writing, as well as any person specified in writing by the prosecuting attorney.

**Summary:**

A person committed to a state facility for the purpose of determining competency, restoring competency, or as the result of a finding of not guilty by reason of insanity, unless authorized by the court, is not allowed to leave the state institution where he or she has been committed except for:

- necessary medical or legal proceedings not available in the facility where he or she is confined;
- visits to the bedside of a member of an immediate family member who is seriously ill;  
or
- attendance at the funeral of an immediate family member.

If a person is authorized to leave the facility for one of these reasons, he or she must be escorted by a person approved by the Secretary of the Department of Social and Health Services (Secretary), and the escort must be in visual or auditory contact at all times with the person on leave unless otherwise authorized by the court.

Prior to any authorized release, the Secretary must give notification to any county or city law enforcement agency having jurisdiction in the location of the person's destination.

**Votes on Final Passage:**

House	97	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 10, 2010