

SENATE BILL REPORT

HB 1589

As Reported by Senate Committee On:
Human Services & Corrections, March 19, 2009

Title: An act relating to venue for hearings to modify or revoke an order for conditional release.

Brief Description: Addressing venue for hearings to modify or revoke an order for conditional release.

Sponsors: Representatives Green, Dickerson and O'Brien.

Brief History: Passed House: 2/23/09, 97-0.

Committee Activity: Human Services & Corrections: 3/13/09, 3/19/09 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: Under the Involuntary Treatment Act, a court may order persons to be civilly committed if there is sufficient evidence that they are gravely disabled or have a likelihood to cause serious harm to themselves or others. In some circumstances, rather than involuntarily confining a person to a facility for inpatient treatment, the court may decide that it is in the best interest of a person to be released to a less restrictive alternative (LRA), which is effectively involuntary outpatient treatment.

The hospital or facility that provides involuntary outpatient care to a person may petition to revoke the LRA if it determines that (1) the person is not complying with the terms of the LRA; (2) there is evidence of substantial decompensation which may be reversed by further inpatient treatment; (3) substantial deterioration of functioning has occurred; or (4) the person poses a likelihood of serious harm. In this instance, the designated mental health professional or the Secretary of the Department of Social and Health Services may order that the conditionally released person be apprehended and taken into custody.

Pending a hearing for revocation of an LRA order, the person must be temporarily detained, not more than five days, in an evaluation and treatment facility in or near the county in which

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he or she is receiving outpatient treatment. Proceedings for revocation of an LRA can be initiated without detaining the person prior to the hearing. In that case, a court hearing must take place not less than five days from the date of service of the petition upon the conditionally released person. The revocation hearing must be held in the county that originally ordered the LRA.

Summary of Bill (Recommended Amendments): As an alternative to filing a petition for revocation of an LRA in the court that originally ordered the LRA, a petition may be filed in a county court in the county in which the respondent is present.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): Venue for proceedings regarding a petition for modification or revocation of an order for conditional release must be in the county where the petition was filed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This idea came from a designated mental health professional. Sometimes a professional would like to move to revoke an LRA but the order is in another county. Some counties are good about transitioning venue and paperwork and others are not. It would be easier if the motion could simply be filed in the county where the person is at. If the issue cannot be resolved, the person will continue to deteriorate and may result in the person being re-institutionalized. If the problem was addressed more timely, other means may be used to avoid this.

CON: Civil commitment violates the constitution. Misinformation can be given by caregivers that results in a person's commitment or re-commitment.

Persons Testifying: PRO: Representative Green, prime sponsor.

CON: Carole Willey, citizen advocate.