

SENATE BILL REPORT

SHB 2533

As Reported by Senate Committee On:
Human Services & Corrections, February 25, 2010

Title: An act relating to adopting the interstate compact on mental health.

Brief Description: Concerning the interstate compact on mental health.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Pearson, Hurst, Kelley and Morrell).

Brief History: Passed House: 2/10/10, 96-0.

Committee Activity: Human Services & Corrections: 2/19/10, 2/25/10 [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: Kevin Black (786-7747)

Background: The Uniform Criminal Extradition Act (UCEA) specifies procedures for extradition of a person who is charged with a crime in another state. Extradition is not permitted unless there is a written demand by another state alleging that the person was present in the state at the time of a commission of a crime and subsequently fled from the state, accompanied by an indictment or warrant or judgment of conviction made before a magistrate and a statement by the executive authority of the demanding state that the person has escaped from confinement or has broken the terms of the person's bail, probation, or parole. The UCEA was enacted in Washington in 1971.

The Interstate Compact on Mental Health is a compact enacted in Washington in 1965. It requires adopting states to provide mental health treatment to citizens from other adopting states and specifies terms by which a person receiving treatment may be transferred between states.

Summary of Bill (Recommended Amendments): A civil commitment may be initiated for a person who has been found not guilty by reason of insanity in a state other than Washington and has fled from detention, commitment, or conditional release in that state.

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.

The petition may be filed in the same manner as a petition under the Involuntary Treatment Act, and must be accompanied by a statement from the executive authority of the state from which the person has fled requesting that the person be detained and returned to the custody or care of the requesting state. The detention may occur in an evaluation and treatment facility or state hospital, and the person must be provided with the rights granted under the Involuntary Treatment Act, including the right to counsel. Detention is limited to 30 days pending transfer of the person to the requesting state.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): The provisions are incorporated into chapter 71.05 RCW and no reference is made to the UCEA. Detention must occur in an evaluation and treatment facility or state hospital.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Substitute House Bill: PRO: This issue came to me because a gentlemen in my district caused a disturbance. The prosecutor found out that he was from Florida and fled from his treatment program there. Florida would like to have him come back and finish his mental health treatment, but we can't return him there because Washington is not part of an interstate compact. We would like the Governor to have the ability to extradite this person.

Persons Testifying: PRO: Representative Pearson, prime sponsor.