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HOUSE BILL 2717

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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

Read first time 01/12/10. Referred to Committee on Human Services.

1 AN ACT Relating to restricting outings from state facilities;  
2 amending RCW 10.77.010; and adding a new section to chapter 10.77 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.77 RCW  
5 to read as follows:

6 (1) For any person committed to the custody of the department for  
7 the determination of competency to stand trial under RCW 10.77.060, the  
8 restoration of competency for trial under RCW 10.77.084, 10.77.086, or  
9 10.77.088, or following an acquittal by reason of insanity, no outing  
10 from the facility where the person is confined shall be authorized  
11 except for:

12 (a) Necessary medical or legal proceedings not available in the  
13 facility where the person is confined;

14 (b) Visits to the bedside of a member of the person's immediate  
15 family who is seriously ill; or

16 (c) Attendance at the funeral of a member of the person's immediate  
17 family.

18 (2) No outing under subsection (1) of this section shall be  
19 authorized unless the person who is the subject of the authorization is

1 escorted by a person approved by the secretary. During the outing, the  
2 secretary must be in visual or auditory contact at all times with the  
3 person authorized to go on the outing.

4 (3) Prior to the authorization of any outing under subsection (1)  
5 of this section, the secretary must give notification to any county or  
6 city law enforcement agency having jurisdiction in the location of the  
7 outing destination.

8 (4) At no time and under no circumstance shall a person authorized  
9 to go on an outing under this section go beyond the boundaries of the  
10 state of Washington.

11 **Sec. 2.** RCW 10.77.010 and 2005 c 504 s 106 are each amended to  
12 read as follows:

13 As used in this chapter:

14 (1) "Admission" means acceptance based on medical necessity, of a  
15 person as a patient.

16 (2) "Commitment" means the determination by a court that a person  
17 should be detained for a period of either evaluation or treatment, or  
18 both, in an inpatient or a less-restrictive setting.

19 (3) "Conditional release" means modification of a court-ordered  
20 commitment, which may be revoked upon violation of any of its terms.

21 (4) A "criminally insane" person means any person who has been  
22 acquitted of a crime charged by reason of insanity, and thereupon found  
23 to be a substantial danger to other persons or to present a substantial  
24 likelihood of committing criminal acts jeopardizing public safety or  
25 security unless kept under further control by the court or other  
26 persons or institutions.

27 (5) "Department" means the state department of social and health  
28 services.

29 (6) "Designated mental health professional" has the same meaning as  
30 provided in RCW 71.05.020.

31 (7) "Detention" or "detain" means the lawful confinement of a  
32 person, under the provisions of this chapter, pending evaluation.

33 (8) "Developmental disabilities professional" means a person who  
34 has specialized training and three years of experience in directly  
35 treating or working with persons with developmental disabilities and is  
36 a psychiatrist or psychologist, or a social worker, and such other

1 developmental disabilities professionals as may be defined by rules  
2 adopted by the secretary.

3 (9) "Developmental disability" means the condition as defined in  
4 RCW 71A.10.020(3).

5 (10) "Discharge" means the termination of hospital medical  
6 authority. The commitment may remain in place, be terminated, or be  
7 amended by court order.

8 (11) "Furlough" means an authorized leave of absence for a resident  
9 of a state institution operated by the department designated for the  
10 custody, care, and treatment of the criminally insane, consistent with  
11 an order of conditional release from the court under this chapter,  
12 without any requirement that the resident be accompanied by, or be in  
13 the custody of, any law enforcement or institutional staff, while on  
14 such unescorted leave.

15 (12) "Habilitative services" means those services provided by  
16 program personnel to assist persons in acquiring and maintaining life  
17 skills and in raising their levels of physical, mental, social, and  
18 vocational functioning. Habilitative services include education,  
19 training for employment, and therapy. The habilitative process shall  
20 be undertaken with recognition of the risk to the public safety  
21 presented by the person being assisted as manifested by prior charged  
22 criminal conduct.

23 (13) "History of one or more violent acts" means violent acts  
24 committed during: (a) The ten-year period of time prior to the filing  
25 of criminal charges; plus (b) the amount of time equal to time spent  
26 during the ten-year period in a mental health facility or in  
27 confinement as a result of a criminal conviction.

28 (14) "Immediate family member" means a spouse, child, stepchild,  
29 parent, stepparent, grandparent, sibling, or domestic partner.

30 (15) "Incompetency" means a person lacks the capacity to understand  
31 the nature of the proceedings against him or her or to assist in his or  
32 her own defense as a result of mental disease or defect.

33 ~~((+15+))~~ (16) "Indigent" means any person who is financially unable  
34 to obtain counsel or other necessary expert or professional services  
35 without causing substantial hardship to the person or his or her  
36 family.

37 ~~((+16+))~~ (17) "Individualized service plan" means a plan prepared

1 by a developmental disabilities professional with other professionals  
2 as a team, for an individual with developmental disabilities, which  
3 shall state:

4 (a) The nature of the person's specific problems, prior charged  
5 criminal behavior, and habilitation needs;

6 (b) The conditions and strategies necessary to achieve the purposes  
7 of habilitation;

8 (c) The intermediate and long-range goals of the habilitation  
9 program, with a projected timetable for the attainment;

10 (d) The rationale for using this plan of habilitation to achieve  
11 those intermediate and long-range goals;

12 (e) The staff responsible for carrying out the plan;

13 (f) Where relevant in light of past criminal behavior and due  
14 consideration for public safety, the criteria for proposed movement to  
15 less-restrictive settings, criteria for proposed eventual release, and  
16 a projected possible date for release; and

17 (g) The type of residence immediately anticipated for the person  
18 and possible future types of residences.

19 ~~((+17))~~ (18) "Outing" means an authorized leave of absence for a  
20 resident of a state institution operated by the department for a person  
21 committed pursuant to RCW 10.77.060, 10.77.084, 10.77.086, or  
22 10.77.088, or pursuant to an acquittal by reason of insanity, during  
23 which the resident must be escorted by a person approved by the  
24 secretary.

25 (19) "Professional person" means:

26 (a) A psychiatrist licensed as a physician and surgeon in this  
27 state who has, in addition, completed three years of graduate training  
28 in psychiatry in a program approved by the American medical association  
29 or the American osteopathic association and is certified or eligible to  
30 be certified by the American board of psychiatry and neurology or the  
31 American osteopathic board of neurology and psychiatry;

32 (b) A psychologist licensed as a psychologist pursuant to chapter  
33 18.83 RCW; or

34 (c) A social worker with a master's or further advanced degree from  
35 an accredited school of social work or a degree deemed equivalent under  
36 rules adopted by the secretary.

37 ~~((+18))~~ (20) "Registration records" include all the records of the  
38 department, regional support networks, treatment facilities, and other

1 persons providing services to the department, county departments, or  
2 facilities which identify persons who are receiving or who at any time  
3 have received services for mental illness.

4 ~~((+19+))~~ (21) "Release" means legal termination of the court-  
5 ordered commitment under the provisions of this chapter.

6 ~~((+20+))~~ (22) "Secretary" means the secretary of the department of  
7 social and health services or his or her designee.

8 ~~((+21+))~~ (23) "Treatment" means any currently standardized medical  
9 or mental health procedure including medication.

10 ~~((+22+))~~ (24) "Treatment records" include registration and all  
11 other records concerning persons who are receiving or who at any time  
12 have received services for mental illness, which are maintained by the  
13 department, by regional support networks and their staffs, and by  
14 treatment facilities. Treatment records do not include notes or  
15 records maintained for personal use by a person providing treatment  
16 services for the department, regional support networks, or a treatment  
17 facility if the notes or records are not available to others.

18 ~~((+23+))~~ (25) "Violent act" means behavior that: (a)(i) Resulted  
19 in; (ii) if completed as intended would have resulted in; or (iii) was  
20 threatened to be carried out by a person who had the intent and  
21 opportunity to carry out the threat and would have resulted in,  
22 homicide, nonfatal injuries, or substantial damage to property; or (b)  
23 recklessly creates an immediate risk of serious physical injury to  
24 another person. As used in this subsection, "nonfatal injuries" means  
25 physical pain or injury, illness, or an impairment of physical  
26 condition. "Nonfatal injuries" shall be construed to be consistent  
27 with the definition of "bodily injury," as defined in RCW 9A.04.110.

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