

FINAL BILL REPORT

HB 2652

C 125 L 96

Synopsis as Enacted

Brief Description: Clarifying existing law on the costs of hospitalizing criminally insane patients.

Sponsors: Representatives Ballasiotes, Costa and Scott.

House Committee on Corrections

Senate Committee on Human Services & Corrections

Background: Victims of the Criminally Insane. A court may sometimes order persons found not guilty by reason of insanity to pay restitution or damages to the victims they have harmed.

Hospitalization Costs for the Criminally Insane. Defendants who are found not guilty by reason of insanity are hospitalized at a state mental hospital if they are found to be a substantial danger to other persons or to present a substantial likelihood of committing certain felonies.

The state hospitals housing these criminally insane persons are operated by the Department of Social and Health Services (DSHS). Criminally insane persons housed in state hospitals are responsible for reimbursing the DSHS for their hospitalization costs.

The DSHS investigates the financial condition of a criminally insane person and makes determinations regarding the person's ability to pay all or a portion of the hospitalization costs. The DSHS is authorized to develop general standards to guide its determination of ability to pay in individual cases. The general standards are to be recomputed periodically to take into account changes in the cost of living and other pertinent factors. The standards are to include provisions addressing unusual and exceptional circumstances. Washington's statutes do not specify what items are included in these "pertinent factors" or what constitutes "unusual and exceptional circumstances."

Once the DSHS finds that a particular criminally insane person has an ability to pay, the DSHS serves the finding on the person. The person has an opportunity to contest the finding before an administrative law judge.

After the finding becomes final, the DSHS may apply to a superior court to have a judgment entered against the person for the amounts identified in the finding. The

DSHS can then collect on the judgment through enforcement procedures existing for civil judgments, including the filing of liens.

Summary: The language is clarified that directs the DSHS to take into account "pertinent factors" and "unusual and exceptional circumstances" when setting its reimbursement standards. These factors and circumstances are to take into account judgments owed by the criminally insane person to any victim of an act that would have resulted in a criminal conviction but for the finding of criminal insanity.

When the DSHS obtains a superior court judgment against a criminally insane person for payment of hospitalization expenses, the DSHS may not collect on the judgment until the victims have been fully compensated under their judgment against the criminally insane person.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 6, 1996