
HOUSE BILL 2652

State of Washington 54th Legislature 1996 Regular Session

By Representatives Ballasiotes, Costa and Scott

Read first time 01/16/96. Referred to Committee on Corrections.

1 AN ACT Relating to the costs of hospitalizing criminally insane
2 patients; amending RCW 43.20B.335 and 43.20B.345; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that laws and
6 regulations relating to the rights of the state to collection from
7 criminally insane patients for cost of their hospitalization are in
8 need of clarification. The legislature previously directed the
9 department of social and health services to set standards regarding
10 ability of such patients to pay that would include pertinent factors,
11 as well as unusual and exceptional circumstances. The legislature
12 finds that the regulations established by the department fail to take
13 into account a factor and circumstance that should be paramount:
14 Compensation owed by the patient to victims of his or her criminally
15 insane conduct. The state public policy recognizes the due dignity and
16 respect to be accorded victims of crime and the need for victims to be
17 compensated, as set forth in Article I, section 35 of the state
18 Constitution and in chapter 7.68 RCW. The legislature did not intend,
19 in enacting RCW 43.20B.320, that the department attempt to obtain funds

1 for hospitalization of criminally insane patients that would otherwise
2 have compensated the victims of the patient. The purpose of this act
3 is to clarify legislative intent and existing law.

4 **Sec. 2.** RCW 43.20B.335 and 1987 c 75 s 14 are each amended to read
5 as follows:

6 The department is authorized to investigate the financial condition
7 of each person liable under the provisions of RCW 43.20B.355 and
8 43.20B.325 through 43.20B.350, and is further authorized to make
9 determinations of the ability of each such person to pay
10 hospitalization charges and/or charges for outpatient services, in
11 accordance with the provisions of RCW 43.20B.355 and 43.20B.325 through
12 43.20B.350, and, for such purposes, to set a standard as a basis of
13 judgment of ability to pay, which standard shall be recomputed
14 periodically to reflect changes in the costs of living, and other
15 pertinent factors, and to make provisions for unusual and exceptional
16 circumstances in the application of such standard. Such factors and
17 circumstances shall include judgments owed by the person to any victim
18 of an act that would have resulted in criminal conviction of the
19 patient but for a finding of criminal insanity. A victim shall include
20 a personal representative of an estate who has obtained judgment for
21 wrongful death against the criminally insane patient.

22 In accordance with the provisions of the Administrative Procedure
23 Act, chapter 34.05 RCW, the department shall adopt appropriate rules
24 and regulations relating to the standards to be applied in determining
25 ability to pay such charges, the schedule of charges pursuant to RCW
26 43.20B.325, and such other rules and regulations as are deemed
27 necessary to administer the provisions of RCW 43.20B.355 and 43.20B.325
28 through 43.20B.350.

29 **Sec. 3.** RCW 43.20B.345 and 1987 c 75 s 16 are each amended to read
30 as follows:

31 Whenever any notice and finding of responsibility, or appeal
32 therefrom, shall have become final, the superior court, wherein such
33 person or persons reside or have property either real or personal,
34 shall, upon application of the secretary enter a judgment in the amount
35 of the accrued monthly charges for the costs of hospitalization, and/or
36 the costs of outpatient services, and such judgment shall have and be
37 given the same effect as if entered pursuant to civil action instituted

1 in said court; except, such judgment shall not be the subject of
2 collection by the department unless and until any outstanding judgment
3 for a victim referenced in RCW 43.20B.335 has been fully satisfied.

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