

# FINAL BILL REPORT

## SB 5048

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C 12 L 01 Synopsis as Enacted

**Brief Description:** Changing provisions relating to less restrictive alternative commitments.

**Sponsors:** Senators Long, Hargrove, Winsley and Costa.

**Senate Committee on Human Services & Corrections**  
**House Committee on Criminal Justice & Corrections**

**Background:** In 1997, the Legislature stated a policy to require courts to give great weight to a prior history and pattern of mental decompensation in certain circumstances. In subsequent years, the Legislature has enacted further provisions to address the public safety concerns and treatment needs of persons who are repeatedly committed as a danger to self or others and required the court to give great weight to a person's past history of dangerousness in determining whether to commit him or her.

In 1999, the Court of Appeals reviewed the case of R. W., who was convicted of second degree assault of a psychiatric nurse. Following his release from confinement on the assault, he was sent directly to Western State for mental health evaluation. He was then committed for 14 days. This was his 13th commitment. At the end of the 14 days, a petition for 90-day inpatient treatment was filed and the jury was instructed to give great weight to his prior history and pattern of decompensation and police interventions. R. W. appealed and the court held that the jury instruction was an improper comment on the evidence because the statute used as authority was a legislative intent section and not a substantive law section.

**Summary:** In determining whether an inpatient or a less restrictive alternative is appropriate, the court must give great weight to the person's prior history or pattern of decompensation resulting in repeated hospitalizations or repeated police interventions.

**Votes on Final Passage:**

Senate	43 0
House	92 0

**Effective:** July 22, 2001