

SHB 2533 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED AND ENGROSSED 03/02/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 71.05 RCW
4 to read as follows:

5 (1) A civil commitment may be initiated under the procedures
6 described in RCW 71.05.150 or 71.05.153 for a person who has been found
7 not guilty by reason of insanity in a state other than Washington and
8 who has fled from detention, commitment, or conditional release in that
9 state, on the basis of a request by the state in which the person was
10 found not guilty by reason of insanity for the person to be detained
11 and transferred back to the custody or care of the requesting state.
12 A finding of likelihood of serious harm or grave disability is not
13 required for a commitment under this section. The detention may occur
14 at either an evaluation and treatment facility or a state hospital.
15 The petition for seventy-two hour detention filed by the designated
16 mental health professional must be accompanied by the following
17 documents:

18 (a) A copy of an order for detention, commitment, or conditional
19 release of the person in a state other than Washington on the basis of
20 a judgment of not guilty by reason of insanity;

21 (b) A warrant issued by a magistrate in the state in which the
22 person was found not guilty by reason of insanity indicating that the
23 person has fled from detention, commitment, or conditional release in
24 that state and authorizing the detention of the person within the state
25 in which the person was found not guilty by reason of insanity;

26 (c) A statement from the executive authority of the state in which
27 the person was found not guilty by reason of insanity requesting that
28 the person be returned to the requesting state and agreeing to
29 facilitate the transfer of the person to the requesting state.

1 (2) The person shall be entitled to a probable cause hearing within
2 the time limits applicable to other detentions under this chapter and
3 shall be afforded the rights described in this chapter including the
4 right to counsel. At the probable cause hearing, the court shall
5 determine the identity of the person and whether the other requirements
6 of this section are met. If the court so finds, the court may order
7 continued detention in a treatment facility for up to thirty days for
8 the purpose of the transfer of the person to the custody or care of the
9 requesting state. The court may order a less restrictive alternative
10 to detention only under conditions which ensure the person's safe
11 transfer to the custody or care of the requesting state within thirty
12 days without undue risk to the safety of the person or others.

13 (3) For the purposes of this section, "not guilty by reason of
14 insanity" shall be construed to include any provision of law which is
15 generally equivalent to a finding of criminal insanity within the state
16 of Washington; and "state" shall be construed to mean any state,
17 district, or territory of the United States."

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18 On page 1, line 1 of the title, after "Relating to" strike the
19 remainder of the title and insert "the detention and interstate
20 transfer of persons found not guilty by reason of insanity; and adding
21 a new section to chapter 71.05 RCW."

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