

---

## Human Services Committee

---

### HB 2932

**Brief Description:** Concerning the assessment and treatment of certain persons with mental illnesses.

**Sponsors:** Representatives Kelley, Hope, Green, Conway, Hurst, Campbell, Wallace, Simpson, Ericks, Ericksen, Van De Wege, Johnson, Roach, Kirby, McCune and Morrell; by request of Governor Gregoire.

#### Brief Summary of Bill

- Permits the Secretary of the Department of Social and Health Services (Secretary) to make an application to the court for the conditional release of a person committed to a state hospital facility in instances where the person has not made such application on his or her own behalf.
- Permits the Secretary to petition the court for the release of a person committed to a state hospital facility where reasonable grounds for such release exist and the person has not made such petition on his or her own behalf.
- Requires a community corrections officer to notify the Secretary if a person on conditional release and ordered to report to the community corrections officer is not in compliance with the terms of the conditional release.
- Creates a Public Safety Review Panel (Panel) to review a Secretary's recommendation regarding conditional release or release, and provides that the Panel's recommendations are to be provided to the court.
- Requires the Washington State Institute for Public Policy, in collaboration with the Department of Social and Health Services, to search for a validated mental health assessment tool or a combination of tools for competency evaluations and risk level assessments and for the development of recommendations regarding conditional release.

**Hearing Date:** 1/25/10

**Staff:** Linda Merelle (786-7092).

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### Conditional Release.

Once committed to a state hospital facility, upon application by the person committed, the court may order a conditional release, allowing release from the state hospital or facility under certain conditions. A conditional release may be allowed for work release, training, or for education purposes. A person may also be granted a furlough which would allow him or her to leave the facility for a period of time unescorted. The Secretary of the Department of Social and Health Services (Secretary) may make recommendations concerning the application for conditional release.

### Permanent Release.

Upon approval of the Secretary, a person committed to a state hospital may petition the court for release or discharge from the facility. Periodic reports prepared by experts after conducting examinations upon a person committed to a state facility provide the evidentiary basis for the Secretary's recommendation regarding conditional or permanent release.

Under current law, no express authority exists for the Secretary to petition on behalf of a person committed to a state facility for either conditional or permanent release.

## **Summary of Bill:**

### Risk Assessment Tools.

The Washington State Institute for Public Policy will, in collaboration with the Department of Social and Health Services (DSHS), and other applicable entities, search for a validated mental health assessment tool or combination of tools: (1) for individuals performing competency and risk level assessments for persons for whom a court has ordered a competency evaluation, ordered competency restored, or for whom there has been a finding of not guilty by reason of insanity; and (2) for individuals developing recommendations to courts regarding conditional release. The authority under this provision of the act expires on June 30, 2011.

### Authority to Recommend Conditional Release.

The Secretary of the DSHS may request that a person be conditionally released if he or she reasonably believes that such release is appropriate. The Secretary may do so after reviewing and considering the reports of experts resulting from periodic examinations conducted during the person's commitment. The Secretary's recommendation must include any proposed terms and conditions.

If an order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer must notify the Secretary if the person is not in compliance with the terms of the conditional release.

For persons who have received court approval for conditional release, the Secretary or his or her designee must supervise the person's compliance with the court-ordered conditions of release.

The level of supervision must correspond with the level of the person's assessed public safety risk. The Secretary will coordinate with any treatment providers, Department of Corrections staff, and local law enforcement, as appropriate.

#### Authority to Petition for Release.

The Secretary, in cases where a person has not made an application for release, may petition the court for release where she or he believes that reasonable ground exist for release. Such petition to the court may be made after the Secretary's consideration of reports and evaluations provided by professionals familiar with the case.

#### Public Safety Review Panel.

An independent Public Safety Review Panel (Panel) is established to advise the Secretary and the courts regarding recommendations for persons committed to a state hospital or facility: (1) to change a committed person's legal status; (2) to allow furloughs or temporary leaves accompanied by staff; or (3) to permit movement about the grounds of the treatment facility, with or without the accompaniment of staff. The members of the Panel must be appointed by the Governor for a renewable term of three years and must include the following:

- a psychiatrist;
- a licensed clinical psychologist;
- a representative of the Department of Corrections;
- a prosecutor or a representative of a prosecutor's association;
- a representative of law enforcement or a law enforcement association; and
- a consumer and family advocate representative.

Prior to recommending conditional release or prior to approving release under this act, the Secretary must submit the committed person's application and recommendation and risk assessment conducted by the DSHS to the Panel. The Panel must complete an independent assessment and written determination of the public safety risk of the proposed conditional release or release recommendations. The Panel's determination must be provided to the court considering the recommendation for conditional release or the petition for release in addition to materials submitted by the DSHS.

The Department, in consultation with the Panel, may adopt rules to implement the requirements of the act. The Panel's administrative and financial support will come from the DSHS.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.