

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2533**

Chapter 208, Laws of 2010

61st Legislature  
2010 Regular Session

CIVIL COMMITMENT--PERSONS FOUND NOT GUILTY BY REASON OF INSANITY--  
EXTRADITION

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010  
Yeas 94 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 2, 2010  
Yeas 45 Nays 0

BRAD OWEN

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**President of the Senate**

Approved March 25, 2010, 3:37 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2533** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

March 26, 2010

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2533**

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AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Human Services (originally sponsored by Representatives Pearson, Hurst, Kelley, and Morrell)

READ FIRST TIME 02/02/10.

1            AN ACT Relating to the detention and interstate transfer of persons  
2 found not guilty by reason of insanity; and adding a new section to  
3 chapter 71.05 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 71.05 RCW  
6 to read as follows:

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

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

4 (b) A warrant issued by a magistrate in the state in which the  
5 person was found not guilty by reason of insanity indicating that the  
6 person has fled from detention, commitment, or conditional release in  
7 that state and authorizing the detention of the person within the state  
8 in which the person was found not guilty by reason of insanity;

9 (c) A statement from the executive authority of the state in which  
10 the person was found not guilty by reason of insanity requesting that  
11 the person be returned to the requesting state and agreeing to  
12 facilitate the transfer of the person to the requesting state.

13 (2) The person shall be entitled to a probable cause hearing within  
14 the time limits applicable to other detentions under this chapter and  
15 shall be afforded the rights described in this chapter including the  
16 right to counsel. At the probable cause hearing, the court shall  
17 determine the identity of the person and whether the other requirements  
18 of this section are met. If the court so finds, the court may order  
19 continued detention in a treatment facility for up to thirty days for  
20 the purpose of the transfer of the person to the custody or care of the  
21 requesting state. The court may order a less restrictive alternative  
22 to detention only under conditions which ensure the person's safe  
23 transfer to the custody or care of the requesting state within thirty  
24 days without undue risk to the safety of the person or others.

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

Passed by the House March 6, 2010.

Passed by the Senate March 2, 2010.

Approved by the Governor March 25, 2010.

Filed in Office of Secretary of State March 26, 2010.