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SENATE BILL 5266

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State of Washington

64th Legislature

2015 Regular Session

By Senators O'Ban and Darneille; by request of Department of Social and Health Services

Read first time 01/16/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to secure facilities for the criminally insane;  
2 and amending RCW 10.77.091.

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

4 **Sec. 1.** RCW 10.77.091 and 2010 c 263 s 2 are each amended to  
5 read as follows:

6 (1) If the secretary determines in writing that a person  
7 committed to the custody of the secretary for treatment as criminally  
8 insane presents an unreasonable safety risk which, based on behavior,  
9 clinical history, and facility security is not manageable in a state  
10 hospital setting, the secretary may place the person in any secure  
11 facility operated by the secretary or the secretary of the department  
12 of corrections. Any person affected by this provision shall receive  
13 appropriate mental health treatment governed by a formalized  
14 treatment plan targeted at mental health rehabilitation needs and  
15 shall be afforded his or her rights under RCW 10.77.140, 10.77.150,  
16 and 10.77.200. The secretary of the department of social and health  
17 services shall retain legal custody of any person placed under this  
18 section and review any placement outside of a department mental  
19 health hospital every three months, or sooner if warranted by the  
20 person's mental health status, to determine if the placement remains  
21 appropriate.

1           (2) Beginning December 1, 2010, and every six months thereafter,  
2 the secretary shall report to the governor and the appropriate  
3 committees of the legislature regarding the use of the authority  
4 under this section to transfer persons to a secure facility. The  
5 report shall include information related to the number of persons who  
6 have been placed in a secure facility operated by the secretary or  
7 the secretary of the department of corrections, and the length of  
8 time that each such person has been in the secure facility.

9           (~~(3) This section expires June 30, 2015.~~)

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