

**SSB 6492** - H AMD TO H AMD (H-4693.1/12) **1373**

By Representative Roberts

**ADOPTED 03/08/2012**

1 On page 14, after line 27 of the striking amendment, insert the  
2 following:

3  
4 "NEW SECTION. **Sec. 11.** A new section is added to chapter 70.48  
5 RCW to read as follows:

6 A jail may not refuse to book a patient of a state hospital solely  
7 based on the patient's status as a state hospital patient, but may  
8 consider other relevant factors that apply to the individual  
9 circumstances in each case.

10  
11 NEW SECTION. **Sec. 12.** A new section is added to chapter 10.77  
12 RCW to read as follows:

13 (1) A state hospital may administer antipsychotic medication  
14 without consent to an individual who is committed under this chapter  
15 as criminally insane by following the same procedures applicable to  
16 the administration of antipsychotic medication without consent to a  
17 civilly committed patient under RCW 71.05.217, except for the  
18 following:

19 (a) The maximum period during which the court may authorize the  
20 administration of medication without consent under a single  
21 involuntary medication petition shall be the time remaining on the  
22 individual's current order of commitment or one hundred eighty days,  
23 whichever is shorter; and

24 (b) A petition for involuntary medication may be filed in either  
25 the superior court of the county that ordered the commitment or the  
26 superior court of the county in which the individual is receiving  
27 treatment, provided that a copy of any order that is entered must be

1 provided to the superior court of the county that ordered the  
2 commitment following the hearing. The superior court of the county of  
3 commitment shall retain exclusive jurisdiction over all hearings  
4 concerning the release of the patient.

5 (2) The state has a compelling interest in providing antipsychotic  
6 medication to a patient who has been committed as criminally insane  
7 when refusal of antipsychotic medication would result in a likelihood  
8 of serious harm or substantial deterioration or substantially prolong  
9 the length of involuntary commitment and there is no less intrusive  
10 course of treatment than medication that is in the best interest of  
11 the patient."

12  
13 Renumber the remaining section consecutively and correct the title.

14  
15

EFFECT: Provides that local jails cannot refuse to book a patient of a state hospital solely based on the patient's status as a state hospital patient.

Provides that the state has a compelling interest in providing antipsychotic medication to a patient who has been committed as criminally insane when refusal of antipsychotic medication would result in a likelihood of serious harm or substantial deterioration, or substantially prolong the length of involuntary commitment, and there is no less intrusive course of treatment than medication that is in the best interest of the patient.

Authorizes state hospitals to administer antipsychotic medication without consent to an individual who is committed as criminally insane according to the same general standards that apply to the administration of antipsychotic medication without consent to a patient committed for 180 days under the Involuntary Treatment Act (ITA). (The ITA standards generally allow administration of medication without consent if the petitioner proves by clear, cogent, and convincing evidence that a compelling state interest justifies overriding the patient's lack of consent, the proposed treatment is necessary and effective, and medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.)

The maximum time period for administration of medication without consent to an individual committed as criminally insane may not exceed the time remaining on the commitment order, or 180 days,

whichever is shorter. The petition for involuntary medication may be filed in either the superior court of the county that ordered the commitment or where the individual is receiving treatment. The superior court of the county that ordered the commitment retains exclusive jurisdiction over all hearings concerning the release of the patient.

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