

SENATE BILL REPORT

SB 5617

As of February 18, 2013

Title: An act relating to service of petitions for release by persons committed as criminally insane.

Brief Description: Concerning service of petitions for release by persons committed as criminally insane.

Sponsors: Senators Carrell, Darneille and Pearson.

Brief History:

Committee Activity: Human Services & Corrections: 2/14/13.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: A person may be committed as criminally insane if the person is found not guilty by reason of insanity, plea bargain, or jury, and the fact-finder determines that the person presents a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court, other persons, or institutions. The maximum term of commitment is equal to the maximum possible penal sentence for any offense charged against the person committed.

A person committed as criminally insane may petition for conditional release or final release by making an application to the Secretary of the Department of Social and Health Services (DSHS), or by making a direct petition to the court. When a petition is made to DSHS, the Secretary must determine whether reasonable grounds exist for release. If the Secretary approves release, the Secretary must authorize the person to petition the court. Thirty days before issuing a recommendation approving conditional release, or 45 days prior to issuing a recommendation approving final release, the Secretary must submit its recommendation to the Public Safety Review Panel for an independent assessment. Release recommendations by DSHS are also reviewed by an internal Risk Review Board. The issue to be determined for release is whether the committed person is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security.

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.

Summary of Bill: When a person committed as criminally insane submits a direct petition for release to the court, the petition must be served upon the court, prosecuting attorney, and Secretary of DSHS. Upon receipt of service, the Secretary must determine whether reasonable grounds exist for release using the same procedure as if the petition had been originally submitted to the Secretary, and provide the recommendation to all parties and the court.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This committee created the Public Safety Review Panel, which reviews recommendations for release of persons committed as not guilty by reason of insanity. The panel has capacity to do the additional review which would be called for within current resources. This is an important, good bill that gives more information to the courts.

Persons Testifying: PRO: Tom McBride, WA Assn. of Prosecuting Attorneys.