

**HB 1599** - S COMM AMD

By Committee on Human Services, Mental Health & Housing

**ADOPTED 4/8/2015**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

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

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1        On page 1, line 1 of the title, after "insane;" strike the  
2 remainder of the title and insert "and amending RCW 10.77.091."

EFFECT: Before using legal authority to transfer a criminal insanity patient who presents an unreasonable safety risk from a state hospital to DOC, the Secretary of DSHS must give consideration to reasonable alternatives that would be effective to manage the person's behavior. The Secretary's written decision and reasoning must be documented in the patient's medical file.

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