

HOUSE BILL REPORT

SHB 2717

As Amended by the Senate

Title: An act relating to restricting outings from state facilities.

Brief Description: Restricting leave from state facilities.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Shea, Parker, Ross, Haler, Klippert, Taylor, McCune, Short, Kristiansen, Kretz, Crouse, Hinkle, Johnson, Rodne, Bailey, Orcutt, Angel, Fagan, Smith, Condotta, Pearson and Warnick).

Brief History:

Committee Activity:

Human Services: 1/25/10, 2/1/10 [DPS].

Floor Activity:

Passed House: 2/10/10, 97-0.

Senate Amended.

Passed Senate: 3/4/10, 48-0.

Brief Summary of Substitute Bill

- Restricts the circumstances under which a person committed to a state institution or facility to determine competency, restore competency, or the result of a finding of not guilty by reason of insanity may leave that institution without a court order.
- Requires the Secretary of the Department of Social and Health Services to notify local law enforcement of any authorized leave granted to a person committed to a state institution or facility.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

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.

Background:

Commitment to State Facilities.

A court may order that a person be committed to a state hospital facility in order to determine whether the person is competent to stand trial, to restore a person's competence so that the person may stand trial, or as a result of a finding of not guilty by reason of insanity.

Authorized Absences.

Once committed to a state hospital facility, the court may order a conditional release allowing release from the state hospital or facility under certain conditions. A conditional release may be allowed for work release, training, or education purposes. A person may also be granted a furlough which would allow him or her to leave the facility for a period of time unescorted.

Notice of Authorized Absences.

County Prosecutors.

Before a person is authorized to leave on an unescorted leave or furlough, the superintendent or professional person in charge of the state facility must notify in writing the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. Notice must be given at least 45 days in advance of the anticipated release and must describe the conditions under which the release is to occur. The prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

Law Enforcement.

At least 30 days prior to release on furlough, the superintendent of each state institution must notify appropriate law enforcement agencies. Notification must include the places to which the person has permission to go, and the dates and times during which the person will be on furlough. If the person to be released has been found not guilty by reason of insanity of a sex, violent, or felony harassment offense, the superintendent must notify the Chief of Police of the city in which the person will reside, the Sheriff of the county, and if it has been requested in writing, the victim of the crime for which the person was committed. If the crime was a homicide, the victim's next of kin must be notified, if a request has been made in writing, as well as any person specified in writing by the prosecuting attorney.

Summary of Substitute Bill:

A person committed to a state facility for the purpose of determining competency, restoring competency, or as the result of a finding of not guilty by reason of insanity, unless authorized by the court, is not allowed to leave the state institution where he or she has been committed except for:

- necessary medical or legal proceedings not available in the facility where he or she is confined;
- visits to the bedside of a member of an immediate family member who is seriously ill; or
- attendance at the funeral of an immediate family member.

If a person is authorized to leave the facility for one of these reasons, he or she must be escorted by a person approved by the Secretary of the Department of Social and Health Services (Secretary), and must be in visual or auditory contact at all times unless otherwise authorized by the court.

Prior to any authorized release, the Secretary must give notification to any county or city law enforcement agency having jurisdiction in the location of the destination of the person.

EFFECT OF SENATE AMENDMENT(S):

Removes the prohibition that a person committed to the Department of Social and Health Services for competency assessment or restoration or as a result of a finding of not guilty by reason of insanity may not leave the state pursuant to a court-authorized conditional release, for necessary medical or legal proceedings, or visits to the bedside or the funeral of a immediate family member.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is in response to the incident involving Phillip Paul. The bill codifies some of the Governor's recommendations to reassure that an event like that will not happen again. This bill will insure that persons such as Mr. Paul will be prevented from making an escape and terrorizing families.

(Opposed) We were concerned that there were three different kinds of "outings" from a state hospital. The proposed substitute bill solves that problem.

Persons Testifying: (In support) Representative Shea, prime sponsor; and Representative Johnson.

(Opposed) David Lord, Disability Rights Washington.

Persons Signed In To Testify But Not Testifying: None.