

SSB 6492 - H AMD 1352

By Representative Green

WITHDRAWN 03/08/2012

1 On page 15, after line 4, insert the following:

2 "Sec. 11. RCW 9A.36.100 and 1988 c 151 s 1 are each amended to
3 read as follows:

4 (1) A person is guilty of custodial assault if that person is not
5 guilty of an assault in the first or second degree and where the
6 person:

7 (a) Assaults a full or part-time staff member or volunteer, any
8 educational personnel, any personal service provider, or any vendor or
9 agent thereof at any juvenile corrections institution or local juvenile
10 detention facilities who was performing official duties at the time of
11 the assault;

12 (b) Assaults a full or part-time staff member or volunteer, any
13 educational personnel, any personal service provider, or any vendor or
14 agent thereof at any adult corrections institution or local adult
15 detention facilities who was performing official duties at the time of
16 the assault;

17 (c)((+)) Assaults a full or part-time community corrections
18 officer, other full or part-time community corrections office employee,
19 or volunteer while the officer, employee, or volunteer is performing
20 official duties; or

21 (~~((ii) Assaults any other full or part time employee who is~~
22 ~~employed in a community corrections office while the employee is~~
23 ~~performing official duties; or))~~

24 (d) Assaults (~~(any volunteer who was assisting a person described~~
25 ~~in (c) of this subsection)) a full or part-time staff member or
26 volunteer, any educational personnel, any personal service provider, or
27 any vendor or agent thereof at any state hospital under RCW 72.23.010
28 who was performing official duties at the time of the assault.~~

29 (2) Custodial assault is a class C felony.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 70.48 RCW
2 to read as follows:

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

7 NEW SECTION. **Sec. 13.** A new section is added to chapter 10.77 RCW
8 to read as follows:

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

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

19 (b) A petition for involuntary medication may be filed in either
20 the superior court of the county that ordered the commitment or the
21 superior court of the county in which the individual is receiving
22 treatment, provided that a copy of any order that is entered must be
23 provided to the superior court of the county that ordered the
24 commitment following the hearing. The superior court of the county of
25 commitment shall retain exclusive jurisdiction over all hearings
26 concerning the release of the patient.

27 (2) The state has a compelling interest in providing antipsychotic
28 medication to a patient who has been committed as criminally insane
29 when refusal of antipsychotic medication would result in a likelihood
30 of serious harm or substantial deterioration or substantially prolong
31 the length of involuntary commitment and there is no less intrusive
32 course of treatment than medication in the best interest of the
33 patient."

34 Renumber the remaining section consecutively and correct the title.

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