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**SENATE BILL 6466**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators O'Ban and Conway

AN ACT Relating to standardizing practices relating to the commitment and release of persons committed to a state institution after committing acts of felony violence; amending RCW 10.77.084, 10.77.086, 10.77.270, 71.05.280, 71.05.320, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 10.77.152, 71.24.470, 71.24.385, 72.09.370, and 10.77.163; reenacting and amending RCW 71.05.320 and 71.05.425; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating a new section; providing an effective date; and providing expiration dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that there is significant overlap in treatment needs and public safety considerations related to: (a) Persons civilly committed for inpatient mental health treatment following dismissal of violent felony charges based on incompetence to stand trial who are proven to have committed acts constituting a violent felony; (b) persons civilly committed for inpatient mental health treatment pursuant to laws relating to criminal insanity; and (c) offenders convicted of a violent felony and diagnosed with serious mental illness who receive mental health treatment services through the offender reentry community safety program. The legislature finds that both public safety needs and the recovery needs of these individuals would be better served by consistency in the state programs which serve them. For example, persons civilly committed following dismissal of violent felony charges would benefit from the stable commitment terms, case review provided in the county of commitment, and availability of long-term community supervision by community corrections officers provided for patients civilly committed pursuant to criminal insanity laws. Furthermore, both civil patients committed following dismissal of a violent felony and civil patients committed pursuant to criminal insanity laws would benefit from the coordinated release planning, enhanced case management, and enhanced community monitoring provided for offenders through the offender reentry community safety program, which has been evaluated by the Washington state institute for public policy as one of the state's most effective recidivism abatement programs, returning benefits almost twice as large as the costs of the program.

(2) The legislature further finds that chapter 71.05 RCW contains four different sections requiring the superintendent of a state hospital to notify county prosecutors and other individuals of the release of a patient committed to a state hospital following the dismissal of felony charges under RCW 71.05.280(3) or 71.05.320(4), and three different sections allowing a county prosecutor to petition the court for a hearing to determine whether such patient should be released. This act reduces inconsistency and confusion in this chapter by consolidating these notification requirements under RCW 71.05.425 and consolidating these opportunities to petition the court under RCW 71.05.330, which are revised and expanded to include city attorneys.

**PART I: TRANSFER OF COMMITMENTS FOLLOWING DISMISSAL OF VIOLENT FELONY CHARGES FROM CHAPTER 71.05 RCW TO CHAPTER 10.77 RCW**

**Sec.**  RCW 10.77.084 and 2016 sp.s. c 29 s 410 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

(d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(2) If the defendant is referred for evaluation by a designated crisis responder under this chapter, the designated crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period, or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency, must include:

(a) An assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity; and

(b) If the defendant is charged with a felony classified as violent under RCW 9.94A.030, an opinion whether, due to a mental disorder, the defendant presents:

(i) A substantial likelihood of repeating similar acts;

(ii) A substantial danger to other persons; or

(iii) A substantial likelihood of committing criminal acts jeopardizing public safety or security.

**Sec.**  RCW 10.77.086 and 2015 1st sp.s. c 7 s 5 are each amended to read as follows:

(1)(a)(i) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, but in any event for a period of no longer than ninety days, the court:

(A) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment; or

(B) May alternatively order the defendant to undergo evaluation and treatment at some other facility or provider as determined by the department, or under the guidance and control of a professional person. The facilities or providers may include community mental health providers or other local facilities that contract with the department and are willing and able to provide treatment under this section. ((~~During the 2015-2017 fiscal biennium, the department may contract with one or more cities or counties to provide competency restoration services in a city or county jail if the city or county jail is willing and able to serve as a location for competency restoration services and if the secretary determines that there is an emergent need for beds and documents the justification, including a plan to address the emergency. Patients receiving competency restoration services in a city or county jail must be physically separated from other populations at the jail and restoration treatment services must be provided as much as possible within a therapeutic environment.~~))

(ii) The ninety day period for evaluation and treatment under this subsection (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(b) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial period of commitment for competency restoration is forty-five days. The forty-five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(c) If the court determines or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in subsection (4) of this section.

(2) On or before expiration of the initial period of commitment under subsection (1) of this section the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent.

(3) If the court finds by a preponderance of the evidence that a defendant charged with a felony is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional period of ninety days, but the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second restoration period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third restoration period as provided in subsection (4) of this section if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. The ninety-day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(4) For persons charged with a felony, at the hearing upon the expiration of the second restoration period or at the end of the first restoration period in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, the charges shall be dismissed without prejudice((~~, and the court shall order the defendant be committed to a state hospital as defined in RCW 72.23.010 for up to seventy-two hours starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW~~)). The criminal charges shall not be dismissed if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. The six-month period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(5) If the court dismisses charges under subsection (4) of this section:

(a) If the defendant's charges include a felony classified as violent under RCW 9.94A.030, the prosecutor may immediately provide notice of intent to pursue commitment under this chapter under the grounds provided in RCW 71.05.280(3) with a special allegation that the defendant committed acts constituting a felony classified as violent under RCW 9.94A.030 and either (i) presents a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security. If such notice is given, the court shall stay the order of dismissal for up to fourteen days and continue the proceedings for a commitment hearing under section 103 of this act. The proceeding may be continued for a longer period only for good cause. By stipulation of the parties, the commitment hearing may be held immediately.

(b) If the defendant's charges do not include a felony classified as violent under RCW 9.94A.030, or the prosecutor does not provide notice under (a) of this subsection, the court shall order the defendant be committed to a state hospital as defined in RCW 72.23.010 for up to seventy-two hours starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW.

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

(1) Commitment hearings and subsequent proceedings under RCW 10.77.086(5)(a) shall proceed under the provisions of this chapter, with a maximum commitment term as provided under RCW 10.77.025. To prove the special allegation, it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime. The state shall bear the burden of proof by clear and convincing evidence. The defendant may demand a jury determination within seven days. If the court or jury finds in favor of commitment and affirms the special allegation, the court shall lift the stay on the order of dismissal and enter an order committing the defendant to treatment at a state hospital or other facility under the direction and control of the secretary, unless the court or jury finds that it is in the best interest of the defendant and others that the defendant be placed in treatment that is less restrictive than detention in a state mental hospital. The person shall have the same rights, including the right to periodic examination and to petition for conditional release or final release, as provided under RCW 10.77.020, 10.77.140, 10.77.150, 10.77.200, and other provisions of this chapter.

(2) A prosecutor who alleges grounds for civil commitment under RCW 71.05.280(3) with a special allegation pursuant to RCW 10.77.086(5)(a) may additionally allege other grounds for commitment under RCW 71.05.280. If the court or jury finds the existence of one or more grounds for commitment under RCW 71.05.280 but does not affirm the special allegation, the court shall enter an order of one hundred eighty day commitment under RCW 71.05.320 and remand the defendant to the custody of the department under chapter 71.05 RCW, or to one hundred eighty day less restrictive alternative treatment under chapter 71.05 RCW.

(3) The prosecutor may withdraw the special allegation prior to the commitment hearing, or later by stipulation of the parties, in which case the court shall enter a commitment order under RCW 10.77.086(5)(b).

**Sec.**  RCW 10.77.270 and 2013 c 289 s 3 are each amended to read as follows:

(1) The secretary shall establish an independent public safety review panel for the purpose of advising the secretary and the courts with respect to persons who have been found not guilty by reason of insanity((~~, or persons committed under the involuntary treatment act where the court has made a special finding under RCW 71.05.280(3)(b)~~)) or committed under section 103(1) of this act. The panel shall provide advice regarding all recommendations to the secretary, decisions by the secretary, or actions pending in court: (a) For a change in commitment status; (b) to allow furloughs or temporary leaves ((~~accompanied by staff; (c) not to seek further commitment terms under RCW 71.05.320~~)); or ((~~(d)~~)) (c) to permit movement about the unsecured grounds of the treatment facility, with or without the accompaniment of staff.

(2) The members of the public safety review panel shall be appointed by the governor for a renewable term of three years and shall include the following:

(a) A psychiatrist;

(b) A licensed clinical psychologist;

(c) A representative of the department of corrections;

(d) A prosecutor or a representative of a prosecutor's association;

(e) A representative of law enforcement or a law enforcement association;

(f) A consumer and family advocate representative; and

(g) A public defender or a representative of a defender's association.

(3) Thirty days prior to issuing a recommendation for conditional release under RCW 10.77.150 or forty-five days prior to issuing a recommendation for release under RCW 10.77.200, the secretary shall submit its recommendation with the committed person's application and the department's risk assessment to the public safety review panel. The public safety review panel shall complete an independent assessment of the public safety risk entailed by the secretary's proposed conditional release recommendation or release recommendation and provide this assessment in writing to the secretary. The public safety review panel may, within funds appropriated for this purpose, request additional evaluations of the committed person. The public safety review panel may indicate whether it is in agreement with the secretary's recommendation, or whether it would issue a different recommendation. The secretary shall provide the panel's assessment when it is received along with any supporting documentation, including all previous reports of evaluations of the committed person in the person's hospital record, to the court, prosecutor in the county that ordered the person's commitment, and counsel for the committed person.

(4) The secretary shall notify the public safety review panel at appropriate intervals concerning any changes in the commitment or custody status of persons found not guilty by reason of insanity, or persons committed under ((~~the involuntary treatment act where the court has made a special finding under RCW 71.05.280(3)(b)~~)) section 103(1) of this act. The panel shall have access, upon request, to a committed person's complete hospital record, and any other records deemed necessary by the public safety review panel.

(5) The department shall provide administrative and financial support to the public safety review panel. The department, in consultation with the public safety review panel, may adopt rules to implement this section.

((~~(6) By December 1, 2014, the public safety review panel shall report to the appropriate legislative committees the following:~~

~~(a) Whether the public safety review panel has observed a change in statewide consistency of evaluations and decisions concerning changes in the commitment status of persons found not guilty by reason of insanity;~~

~~(b) Whether the public safety review panel should be given the authority to make release decisions and monitor release conditions;~~

~~(c) Whether further changes in the law are necessary to enhance public safety when incompetency prevents operation of the criminal justice system and long~~‑~~term commitment of the criminally insane; and~~

~~(d) Any other issues the public safety review panel deems relevant.~~))

**Sec.**  RCW 71.05.280 and 2016 sp.s. c 29 s 234 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder or substance use disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder or substance use disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. ((~~(a)~~)) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime((~~;~~

~~(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030~~)); or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient mental health treatment.

**Sec.**  RCW 71.05.320 and 2016 sp.s. c 29 s 237 and 2016 c 45 s 4 are each reenacted and amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)((~~(i)~~)) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety((~~.~~

~~(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital~~)); or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**Sec.**  RCW 71.05.320 and 2016 sp.s. c 29 s 238 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)((~~(i)~~)) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety((~~.~~

~~(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital~~)); or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 71.05 RCW to read as follows:

(1) If an individual is currently committed for inpatient treatment under RCW 71.05.280(3) with an affirmative special finding under RCW 71.05280(3)(b), as it existed prior to the effective date of this section, at the individual's next commitment hearing, the petitioner may file a petition to convert the individual's commitment to a commitment under RCW 10.77.086(5)(a). If it has been previously proven that the individual has committed acts constituting a felony classified as violent under RCW 9.94A.030 relating to the current commitment, it is not necessary to prove those facts again; provided that if such finding was entered by stipulation, the individual must be permitted to withdraw the stipulation.

(2) This section expires January 1, 2020.

**PART II: STANDARDIZING TERMS RELATING TO NOTIFICATION OF RELEASE FROM A STATE HOSPITAL AND OPPORTUNITY TO INTERVENE BY THE COUNTY PROSECUTOR OR CITY ATTORNEY**

**Sec.**  RCW 71.05.325 and 2016 sp.s. c 29 s 239 are each amended to read as follows:

(1) ((~~Before a person committed under grounds set forth in RCW 71.05.280(3) is released because a new petition for involuntary treatment has not been filed under RCW 71.05.320(3), the superintendent, professional person, or designated crisis responder responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.~~

~~(2)~~))(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by ((~~facility~~)) staff of the facility, department, or entity responsible for community treatment under chapter 71.24 RCW, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. The notice shall be provided at least forty-five days before the anticipated leave and shall describe the conditions under which the leave is to occur.

(b) The provisions of RCW ((~~71.05.330(2)~~)) 71.05.425 apply to proposed leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW ((~~71.05.330(2)~~)) 71.05.335.

((~~(3)~~)) (2) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

((~~(4)~~)) (3) The existence of the notice requirements in this section will not require any extension of the leave date in the event the leave plan changes after notification.

((~~(5)~~)) (4) The notice requirements contained in this section shall not apply to emergency medical transfers.

((~~(6) The notice provisions of this section are in addition to those provided in RCW 71.05.425.~~))

**Sec.**  RCW 71.05.330 and 1998 c 297 s 20 are each amended to read as follows:

(1) Nothing in this chapter shall prohibit the superintendent or professional person in charge of the hospital or facility in which the person is being involuntarily treated from releasing him or her prior to the expiration of the commitment period when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer presents a likelihood of serious harm.

(2) Whenever the superintendent or professional person in charge of a hospital or facility providing involuntary treatment pursuant to this chapter releases a person prior to the expiration of the period of commitment, the superintendent or professional person in charge shall in writing notify the court which committed the person for treatment. If the person is committed under RCW 71.05.280(3) or 71.05.320(4), the superintendent or professional person shall additionally provide notice under RCW 71.05.425.

((~~(2) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is released under this section, the superintendent or professional person in charge shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the release date. Notice shall be provided at least thirty days before the release date. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county in which the person is being involuntarily treated for a hearing to determine whether the person is to be released. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and the guardian or conservator of the committed person. The court shall conduct a hearing on the petition within ten days of filing the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the committed person shall be released or shall be returned for involuntary treatment subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.~~))

**Sec.**  RCW 71.05.335 and 1986 c 67 s 7 are each amended to read as follows:

(1) In any proceeding under this chapter to ((~~modify a commitment order of~~)) release a person committed to inpatient treatment under grounds set forth in RCW 71.05.280(3) or 71.05.320((~~(2)~~)) (4)(c) ((~~in which the requested relief includes treatment less restrictive than detention~~)) pursuant to a conditional release under RCW 71.05.340(1), a less restrictive treatment order under RCW 71.05.320(2), or by not filing a new petition for involuntary treatment under RCW 71.05.320(4), the prosecuting attorney of the county in which criminal charges were dismissed, the prosecuting attorney in the county where the person will reside, or the city attorney in the city where the person will reside shall be entitled to intervene. ((~~The party initiating the motion to modify the commitment order shall serve the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed with written notice and copies of the initiating papers.~~))

(2) To intervene under subsection (1) of this section, the intervening party must file a petition in the court of the county of commitment requesting to review the terms of the proposed release. The petition must be filed at least ten days prior to the proposed release. The intervening party must serve the petition upon the superintendent in charge of the facility and the committed person or upon their counsel. The court must hold a hearing on the petition within ten days. At the hearing, it shall be the duty of the superintendent to present evidence establishing that the committed person may be released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. The court shall allow the intervening party to question the witnesses and present argument and evidence on behalf of its interest in the public safety and security of the represented community. The committed person shall have the same rights with respect to notice, hearing, and counsel as in an involuntary treatment proceeding, except that there shall be no right to jury trial.

**Sec.**  RCW 71.05.340 and 2016 sp.s. c 29 s 240 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the facility or agency designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of conditional release shall be given to the patient, the designated crisis responder in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(4)(c) ((~~is~~)) may be conditionally released ((~~under (a) of this subsection~~)), the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall ((~~in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter~~)) provide notice under RCW 71.05.425.

(2) The facility or agency designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions. Enforcement or revocation proceedings related to a conditional release order may occur as provided under RCW 71.05.590.

**Sec.**  RCW 71.05.425 and 2013 c 289 s 6 and 2013 c 200 s 30 are each reenacted and amended to read as follows:

(1)((~~(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following~~)) Before the superintendent may attempt to release a person committed under RCW 71.05.280(3) or 71.05.320(4)(c) pursuant to a conditional release under RCW 71.05.340(1), a petition for less restrictive treatment order under RCW 71.05.320(2), or by failing to file a new petition for involuntary treatment under RCW 71.05.320(4), the superintendent shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed of the decision to release the person. Notice shall be provided at least forty-five days before the action taken or forty-five days before the period of commitment expires.

(2) If the commitment under subsection (1) of this section relates to the dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4):

(a) The superintendent shall provide notice of the proposed release and a copy of the terms of conditional release or less restrictive treatment no later than thirty days before release to the following:

(i) The chief of police of the city, if any, in which the person will reside;

(ii) The sheriff of the county in which the person will reside; ((~~and~~))

(iii) The city attorney in the city in which the person will reside; and

(iv) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed and the prosecuting attorney of the county in which the person will reside.

(b) ((~~The same~~)) If notice of release has been requested in writing with respect to the specific person committed, the superintendent shall send notice ((~~as required by (a) of this subsection shall be sent~~)) of the release to the following, ((~~if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4)~~)) no later than thirty days before the release:

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320((~~(3)~~)) (4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) Notice provided to a prosecuting attorney or city attorney under this subsection (2) must inform the attorney of the attorney's right to intervene by filing a petition under RCW 71.05.335.

(d) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(3) The ((~~thirty-day~~)) notice requirements contained in this subsection shall not apply to emergency medical transfers.

((~~(d)~~)) (4) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

((~~(2)~~)) (5) If a person committed under RCW 71.05.280(3) or 71.05.320((~~(3)~~)) (4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320((~~(3)~~)) (4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(n). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

((~~(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.~~

~~(4)~~)) (6) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

((~~(5)~~)) (7) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

**PART III: IMPLEMENTING FAIR SHARE**

**Sec.**  RCW 10.77.152 and 2011 c 94 s 1 are each amended to read as follows:

(1) In determining whether to support an application for conditional release on behalf of a person committed as criminally insane or under RCW 10.77.086(5)(a) which would permit the person to reside outside of a state hospital, the secretary may not support a conditional release application to a location outside the person's county of origin unless it is determined by the secretary that the person's return to his or her county of origin would be inappropriate considering any court-issued protection orders, victim safety concerns, the availability of appropriate treatment, negative influences on the person, or the location of family or other persons or organizations offering support to the person. When the department assists in developing a placement under this section which is outside of the county of origin, and there are two or more options for placement, it shall endeavor to develop the placement in a manner that does not have a disproportionate effect on a single county.

(2) If the committed person is not conditionally released to his or her county of origin, the department shall provide the law and justice council of the county in which the person is conditionally released with a written explanation.

(3) For purposes of this section, the offender's county of origin means the county of the court which ordered the person's commitment.

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

The secretary may not authorize the discharge of a person committed under RCW 10.77.086(5)(a) to an adult family home.

**PART IV: EXPANSION OF THE REENTRY COMMUNITY SAFETY PROGRAM**

**Sec.**  RCW 71.24.470 and 2014 c 225 s 44 are each amended to read as follows:

(1) The secretary shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the secretary deems necessary to assist offenders identified under RCW 72.09.370 and individuals committed to inpatient treatment under chapter 10.77 RCW following acquittal or dismissal of felony charges for participation in the ((~~offender~~)) reentry community safety program. The contracts may be with behavioral health organizations or any other qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, obtaining chemical dependency treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section and distributed to the behavioral health organizations are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The ((~~offender~~)) reentry community safety program was formerly known as the community integration assistance program.

**Sec.**  RCW 71.24.385 and 2016 sp.s. c 29 s 510 are each amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

(i) Crisis diversion services;

(ii) Evaluation and treatment and community hospital beds;

(iii) Residential treatment;

(iv) Programs for intensive community treatment;

(v) Outpatient services;

(vi) Peer support services;

(vii) Community support services;

(viii) Reentry services;

(ix) Resource management services; and

((~~(ix)~~)) (x) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

(A) Withdrawal management;

(B) Residential treatment; and

(C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, reentry services, or recovery support services.

(iii) The department may contract for the use of an approved substance use disorder treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(2) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

(4) The behavioral health organizations or their successor entities under RCW 71.24.850(2) must ensure that adequate capacity exists in each regional service area to support the operation of the reentry community safety program under RCW 72.09.370 and section 404 of this act.

**Sec.**  RCW 72.09.370 and 2016 sp.s. c 29 s 427 are each amended to read as follows:

(1) The ((~~offender~~)) reentry community safety program is established to ((~~provide~~)) promote public safety by providing intensive services to offenders identified under this subsection and ((~~to thereby promote public safety~~)) individuals committed to inpatient treatment under chapter 10.77 RCW following acquittal or dismissal of felony charges. The secretary shall:

(a) Identify offenders in confinement or partial confinement who: ((~~(a)~~)) (i) Are reasonably believed to be dangerous to themselves or others; and ((~~(b)~~)) (ii) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of offenders with mental illnesses and shall include consideration of an offender's chemical dependency or abuse;

(b) Collaborate with the department of social and health services to provide training, consultation, and support during the implementation of the expansion of the reentry community safety program under section 404 of this act; and

(c) Ensure that community corrections officers engaged in supervision of offenders released under this section and of individuals ordered to receive supervision by a community corrections officer under RCW 10.77.150(3)(d) receive appropriate training related to monitoring and engagement of persons with behavioral health disorders and collaboration with available community behavioral health and state hospital resources to support the recovery of the offender or individual, ensure compliance with conditions of release, and protect the safety of the offender or individual and the public.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the ((~~division of mental health~~)) behavioral health administration, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of ((~~alcohol and substance abuse~~)) behavioral health and recovery and the ((~~division of~~)) developmental disabilities administration, the appropriate behavioral health organization, fully integrated managed care entity or administrative services organization under RCW 71.24.850(2), and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

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

(1) The reentry community safety program established under RCW 72.09.370 is expanded on the effective date of this section to include services for individuals committed to inpatient treatment under this chapter following acquittal or dismissal of felony charges. The secretary shall:

(a) Identify individuals who meet the criteria under this subsection who have been recommended by their treatment teams as potentially ready for conditional release to a community placement within six months if an appropriate community placement and discharge plan can be established providing appropriate treatment, monitoring, and supervision if warranted to support the recovery of the individual and protect the safety of the individual and the public. An individual is not ready for conditional release unless the individual may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security;

(b) Notify the public safety review panel under RCW 10.77.270 when an individual is referred for reentry community safety program services and provide full placement and discharge plan information for the individual to the panel when it is available;

(c) Ensure that reentry community safety program contracts require contractors to provide information to the public safety review panel upon request relating to a proposed conditional release plan and to provide testimony relating to such a plan to the superior court charged with reviewing an application for conditional release made by or on behalf of an individual.

(2) The secretary shall model the expansion of the reentry community safety program off the successful elements of the program as applied to offenders within the jurisdiction of the department of corrections, with appropriate adaptations to account for the differences inherent in commitments under this chapter. The secretary shall collaborate with the secretary of the department of corrections to establish procedures including training and consultation necessary to establish and sustain the program, and including training how to collaborate effectively and appropriately share information with corrections personnel and other program partners.

(3) Upon the effective date of this section, appropriations made to support individuals committed under RCW 71.05.280(3)(b) as it existed prior to the effective date of this section must be redirected to support the expansion of the reentry community safety program.

**Sec.**  RCW 10.77.163 and 2008 c 213 s 4 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by ((~~facility~~)) staff of the facility, department, or entity responsible for providing services or supervision under the reentry community safety program, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify 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, of the decision conditionally to release the person. The notice shall be provided at least forty-five days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW 10.77.086 or 10.77.110. Notification shall be made at least thirty days before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough.

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, 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.

(4) The notice requirements contained in this section shall not apply to emergency medical furloughs.

(5) The existence of the notice requirements contained in this section shall not require any extension of the release date in the event the release plan changes after notification.

(6) The notice provisions of this section are in addition to those provided in RCW 10.77.205.

**PART V: MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec.**  Section 106 of this act expires July 1, 2026.

NEW SECTION. **Sec.**  Section 107 of this act takes effect July 1, 2026.

**--- END ---**