

FINAL BILL REPORT

SSB 6227

Brief Description: Allowing entry of a civil protection order to protect victims when a person is found not guilty by reason of insanity.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Cleveland, Hasegawa, Keiser, Nobles, Randall, Torres and Wilson, C.).

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: Not Guilty by Reason of Insanity. A court or jury may find a person is not guilty by reason of insanity (NGRI) of a criminal offense if it finds that at the time of the alleged act, as a result of a mental disease or defect, the person was unable to perceive the nature and quality of their action or unable to tell right from wrong.

Not Guilty by Reason of Insanity Commitment. A defendant who is found NGRI may be committed for a period of inpatient treatment at a state hospital if a judge or jury finds that the defendant presents a substantial danger to other persons or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, and there is no less restrictive treatment than detention for inpatient hospitalization. The term of commitment may not exceed the maximum sentence for the offense for which the defendant was acquitted.

If the court or jury finds the person does not present a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, but that the person is in need of control by the court or other persons or institutions, the court must direct the person's conditional release and will retain supervision of the person in the community.

Summary: A court may enter a separate no-contact order to protect a victim when a person is found not guilty by reason of insanity and committed by the court to a period of inpatient treatment or conditional release, or upon application by the prosecuting attorney at any subsequent time during which the court retains supervision over the person. The maximum term of the no-contact order is the person's maximum term of commitment, or until the court orders final release of the person from supervision, whichever comes first. The clerk's

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office must provide a written certified copy of the no-contact order to the victim. Whenever a no-contact order is issued, modified, or terminated the court clerk must forward a copy of the order by the next judicial day to the appropriate law enforcement agency for entry into the computer-based criminal intelligence information system used to list outstanding warrants, which shall constitute notice to all law enforcement agencies and cause the order to be fully enforceable in any jurisdiction in the state.

Votes on Final Passage:

Senate 49 0

House 92 3

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