

## SB 206 -2 STAFF MEASURE SUMMARY

### Senate Committee On Judiciary and Ballot Measure 110 Implementation

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**Prepared By:** Amie Fender-Sosa, Counsel

**Meeting Dates:** 3/18, 4/12

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#### WHAT THE MEASURE DOES:

After a defendant has been found guilty except for insanity, if a party intends to request conditional release, requires the party to notify the opposing party, the court, and the Psychiatric Review Board (the board) of the request. Upon receipt of request, directs court to order that a community mental health program director or designee consult with the defendant and provide to the court and the board a report of the consultation findings. Directs the board to produce a recommended conditional release plan, and modifies considerations for the court in determining whether to grant the request for conditional release. If the court grants the request, requires the court to provide a copy of the order to the board within one judicial day. Requires the board hold a review hearing within 90 days for a person conditionally released.

#### ISSUES DISCUSSED:

- Whether the court conditional release system is underutilized
- Decreasing the burden of unnecessary admissions to the hospital
- Increasing notice to community providers
- Workload

#### EFFECT OF AMENDMENT:

-2 Replaces the measure.

After a defendant is found guilty except for insanity, if a party intends to request conditional release, requires the party to, as soon as practicable, notify the opposing party, the court and the Psychiatric Review Board (PSRB) of the request. Modifies requirements for the court when the court is determining whether a person should be conditionally released. Directs the court to take certain actions depending on the seriousness of the offense.

After a court-ordered mental health consultation, if the outcome indicates the necessary supervision and treatment are available in the community and appropriate for the person, requires the local mental health program evaluate the person to determine whether the person can be adequately controlled with supervision and treatment if conditionally released. Directs the program to report to the court and the PSRB its recommendations. Establishes timelines for the court notifying the PSRB of placing a person on conditional release and for the PSRB to hold a review hearing. Directs the PSRB to establish by rule, standards for the mental health consultations and evaluations.

*REVENUE: No revenue impact*

*FISCAL: Has minimal fiscal impact*

#### BACKGROUND: