

CHAPTER 104.

[Senate Bill No. 284.]

SEXUAL PSYCHOPATHS.

AN ACT relating to sexual psychopaths; and amending section 71.06.030, chapter 25, Laws of 1959 and RCW 71.06.030; amending section 71.06.060, chapter 25, Laws of 1959 and RCW 71.06.060; amending section 71.06.100, chapter 25, Laws of 1959 and RCW 71.06.100; amending section 71.06.130, chapter 25, Laws of 1959 and RCW 71.06.130; amending section 71.06.140, chapter 25, Laws of 1959 and RCW 71.06.140; adding a new section to chapter 25, Laws of 1959 and to chapter 71.06 RCW; repealing section 71.06.090, chapter 25, Laws of 1959 and RCW 71.06.090; and repealing section 71.06.110, chapter 25, Laws of 1959 and RCW 71.06.110.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 71.06.030, chapter 25, Laws of 1959 and RCW 71.06.030 are each amended to read as follows:

RCW 71.06.030 amended.

The court shall proceed to hear the criminal charge. If the defendant is convicted or has previously pleaded guilty to such charge, judgment shall be pronounced, but the execution of the sentence may be deferred or suspended, as in other criminal cases, and the court shall then proceed to hear and determine the allegation of sexual psychopathy. Acquittal on the criminal charge shall not operate to suspend the hearing on the allegation of sexual psychopathy: *Provided*, That the provisions of section 6 of this 1967 amendatory act authorizing transfer of a committed sexual psychopath to a correctional institution shall not apply to the committed sexual psychopath who has been acquitted on the criminal charge.

Sexual psychopaths and psychopathic delinquents. Procedure on petition—Effect of acquittal on criminal charge.

Sec. 2. Section 71.06.060, chapter 25, Laws of 1959 and RCW 71.06.060 are each amended to read as follows:

RCW 71.06.060 amended.

Sexual psychopaths and psychopathic delinquents—Preliminary hearing—Commitment, or other disposition of charge.

After the superintendent's report has been filed, the court shall determine whether or not the defendant is a sexual psychopath. If said defendant is found to be a sexual psychopath, the court shall commit him to the director of the department of institutions for designation of the facility for detention, care, and treatment of the sexual psychopath. If the defendant is found not to be a sexual psychopath, the court shall order the sentence to be executed, or may discharge the defendant as the case may merit.

New section.

Sec. 3. There is added to chapter 25, Laws of 1959 and to chapter 71.06 RCW a new section to read as follows:

Post commitment proceedings, releases, and further dispositions.

A sexual psychopath committed pursuant to RCW 71.06.060 shall be retained by the superintendent of the institution involved until in the superintendent's opinion he is safe to be at large, or until he has received the maximum benefit of treatment, or is not amenable to treatment, but the superintendent is unable to render an opinion that he is safe to be at large. Thereupon, the superintendent of the institution involved shall so inform whatever court committed the sexual psychopath. The court then may order such further examination and investigation of such person as seems necessary, and may at its discretion, summon such person before it for further hearing, together with any witnesses whose testimony may be pertinent, and together with any relevant documents and other evidence. On the basis of such reports, investigation, and possible hearing, the court shall determine whether the person before it shall be released unconditionally from custody as a sexual psychopath, released conditionally, returned to the custody of the institution as a sexual psychopath, or returned to the department of institutions to serve the original sentence imposed upon him. The power of the court to grant conditional

release for any such person before it shall be the same as its power to grant, amend and revoke probation as provided by chapter 9.95 RCW. When the sexual psychopath has entered upon the conditional release, the state board of prison terms and paroles shall supervise such person pursuant to the terms and conditions of the conditional release, as set by the court: *Provided*, That the superintendent of the institution involved shall never release the sexual psychopath from custody without a court release as herein set forth.

Sec. 4. Section 71.06.100, chapter 25, Laws of 1959 and RCW 71.06.100 are each amended to read as follows:

RCW 71.06.100 amended.

Where under section 3 of this 1967 amendatory act the superintendent renders his opinion to the committing court, he shall provide the committing court, and, in the event of conditional release, the Washington state board of prison terms and paroles, with a copy of the hospital medical record concerning the sexual psychopath.

Hospital records.

Sec. 5. Section 71.06.130, chapter 25, Laws of 1959 and RCW 71.06.130 are each amended to read as follows:

RCW 71.06.130 amended.

Where a sexual psychopath has been conditionally released by the committing court, as provided by section 3 of this 1967 amendatory act for a period of five years, the court shall review his record and when the court is satisfied that the sexual psychopath is safe to be at large, said sexual psychopath shall be discharged.

Discharge pursuant to conditional release.

Sec. 6. Section 71.06.140, chapter 25, Laws of 1959 and RCW 71.06.140 are each amended to read as follows:

RCW 71.06.140 amended.

The department may designate one or more state hospitals for the care and treatment of sexual psychopaths: *Provided*, That a committed sexual psy-

State hospitals
for sexual
psychopaths—
Transfers to
correctional
institutions—
Examinations,
reports.

chopath who has been determined by the superintendent of such mental hospital to be a custodial risk, or a hazard to other patients may be transferred by the director of the department of institutions to one of the correctional institutions within the department of institutions which has psychiatric care facilities. A committed sexual psychopath who has been transferred to a correctional institution shall be observed and treated at the psychiatric facilities provided by the correctional institution. A complete psychiatric examination shall be given to each sexual psychopath so transferred at least twice annually. The examinations may be conducted at the correctional institution or at one of the mental hospitals. The examiners shall report in writing the results of said examinations, including recommendations as to future treatment and custody, to the superintendent of the mental hospital from which the sexual psychopath was transferred, and to the committing court, with copies of such reports and recommendations to the superintendent of the correctional institution.

Repeal.

Sec. 7. Section 71.06.090, chapter 25, Laws of 1959 and RCW 71.06.090, and section 71.06.110, chapter 25, Laws of 1959 and RCW 71.06.110 are each repealed.

Passed the Senate March 5, 1967.

Passed the House March 4, 1967.

Approved by the Governor March 20, 1967.