

therewith the county treasurer shall perform the duties of the treasurers of such cities.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 25

[Substitute House Bill No. 99]

### CRIMINAL INSANITY—CONFINEMENT—DISCHARGE—CRITERIA

AN ACT Relating to procedures governing defendants acquitted by reason of insanity; amending section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110; and amending section 20, chapter 117, Laws of 1973 1st ex. sess. as amended by section 16, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.200.

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

Sec. 1. Section 11, chapter 117, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 215, Laws of 1979 ex. sess. and RCW 10.77.110 are each amended to read as follows:

If a defendant is acquitted of a felony by reason of insanity, and it is found that he is not a substantial danger to other persons, ~~((or))~~ and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct his final discharge. If it is found that such defendant is a substantial danger to ~~((himself or others and in need of))~~ other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter. If it is found that such defendant is not a substantial danger to other persons, ~~((or))~~ and does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he is in need of control by the court or other persons or institutions, the court shall direct his conditional release. If the defendant is acquitted by reason of insanity of a crime which is not a felony, the court shall order the defendant's release or order the defendant's continued custody only for a reasonable time to allow the county-designated mental-health professional to evaluate the individual and to proceed with civil commitment pursuant to chapter 71.05 RCW, if considered appropriate.

Sec. 2. Section 20, chapter 117, Laws of 1973 1st ex. sess. as amended by section 16, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.200 are each amended to read as follows:

(1) Upon application by the criminally insane or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his choice. If the petitioner is indigent, and he so requests, the court shall appoint a qualified expert or professional person to examine him. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to other persons, ~~((or presents))~~ and without presenting a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

---

## CHAPTER 26

[Substitute House Bill No. 143]

### MOTOR VEHICLE FEES AND LICENSES—NONRESIDENT REFUNDS

AN ACT Relating to vehicle fees; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140; amending section 51, chapter 37, Laws of 1980 and RCW 82.12.0251; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 120, Laws of 1979 and RCW 82.44.120; amending section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520; and repealing section 82.44-.070, chapter 15, Laws of 1961, section 5, chapter 139, Laws of 1969, section 2, chapter 54, Laws of 1974 ex. sess., section 234, chapter 158, Laws of 1979 and RCW 82.44.070.