

right accrued or accruing to any person under RCW Title 41 shall be exempt from inheritance tax.

Passed the Senate March 15, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

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## CHAPTER 9.

[ Senate Bill No. 76. ]

### CRIMINAL PROCEDURE—CRIMINALLY INSANE— PENITENTIARY INMATES.

AN ACT relating to institutions; and amending section 8, chapter 30, Laws of 1907 as amended by section 1, chapter 48, Laws of 1957 and RCW 10.76.060; amending section 6, chapter 30, Laws of 1907 as amended by section 2, chapter 48, Laws of 1957 and RCW 10.76.070; providing that the director of institutions shall institute programs at the state penitentiary which are corrective in nature rather than penal, authorizing the director to make rules for the administration of the penitentiary and providing for the superintendent to be custodian of personal property of inmates, and repealing section 72.08.100, chapter 28, Laws of 1959 and RCW 72.08.100; and repealing section 10, chapter 30, Laws of 1907 as amended by section 3, chapter 48, Laws of 1957 and RCW 10.76.090.

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

SECTION 1. Section 8, chapter 30, Laws of 1907 as amended by section 1, chapter 48, Laws of 1957 and RCW 10.76.060 are each amended to read as follows:

RCW 10.76.060  
amended.

The director of institutions shall forthwith provide adequate facilities at one or several of the state institutions under his direction and control wherein shall be confined persons committed as criminally insane. Such persons shall be under the custody and control of the director of institutions to the same extent that other persons are who are committed to

Criminally  
insane. Com-  
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his custody, but such provision shall be made for their control, care and treatment as is proper in view of their derangement. In order that the director can adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the director to place such individual in a proper institution, all persons who are committed to the director of institutions as criminally insane shall be promptly examined by qualified personnel in such manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the custody of the director of institutions save upon the order of a court of competent jurisdiction made after a trial and judgment of discharge.

When any person so committed petitions for a discharge, the director of institutions shall send him in the custody of a guard to the county where the hearing is to be held at the time the case is called for trial. During the time he is absent from the institution, he shall be confined in the county jail, but shall at all times be deemed to be in the custody of the guard. If he is remitted to custody, the guard shall forthwith return him to such institution as designated by the director of institutions.

If the state does not desire to appeal, the order of discharge shall be sufficient acquittal to the director of institutions. If the state does appeal from an order of discharge, it shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution designated by the director of institutions until the supreme court has rendered a final decision in the cause.

RCW 10.76.070  
amended.

SEC. 2. Section 6, chapter 30, Laws of 1907 as amended by section 2, chapter 48, Laws of 1957 and RCW 10.76.070 are each amended to read as follows:

When any person committed under the authority of this chapter, including persons found sane at the

time of trial but committed by reason of being so liable to a relapse or recurrence of the insane or mentally irresponsible condition as to be an unsafe person to be so at large, claims to be sane or mentally responsible and to be free from danger of any relapse or recurrence of mental unsoundness and a safe person to be at large, he shall apply to the director of institutions for an examination of his mental condition and fitness to be at large. If the director of institutions certifies that there is reasonable cause to believe that the person has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of the trial, that he is not liable to a recurrence of a prior insane or mentally irresponsible condition, and is a safe person to be at large, the director of institutions shall permit him to present a petition to the court that committed him, setting up the facts leading to his commitment, and that he has since become sane and mentally responsible, and is in such condition that he is a safe person to be at large, and shall pray his discharge from custody.

Procedure to secure discharge from confinement as criminally insane.

The petition shall be served upon the prosecuting attorney of the county, and it shall be his duty to resist the application. No other pleadings than the petition need be filed, and the court shall set the cause down for trial before a jury, and the trial shall proceed as in other cases. The sole issue to be tried in the case shall be whether the person petitioning for a discharge has, since his commitment, become a safe person to be at large, and the burden of proof shall be upon him. If the evidence given upon his trial upon the criminal charge has been preserved by a certified statement of facts or bill of exceptions filed in the cause, either party may read such parts of the record as may be desired as evidence upon the hearing.

Criminally insane. Procedure to secure discharge from confinement as.

The jury shall be required to find whether the petitioner has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of the trial, whether he is still liable to a recurrence of a prior insane or mentally irresponsible condition, and, in either case, whether he is a safe person to be at large. If they so find, he shall be entitled to discharge. If not, his petition shall be dismissed, and he shall be remitted to custody. Either party may appeal to the supreme court from the judgment discharging the petitioner or remitting him to custody. The procedure on appeal shall be the same as in other cases. The judgment of remission shall be conclusive that the petitioner is an unsafe person to be at large at the time of its entry.

If he subsequently claims to have become sane and a safe person to be at large, he may upon a certificate of probable cause by the director of institutions, which shows a change in his mental condition since the last trial and his present sanity and fitness to be at large, again petition for discharge, and the proceedings thereon shall be as in this chapter provided.

State penitentiary. Corrective and rehabilitative programs for inmates of.

SEC. 3. The director of institutions shall provide for the establishment of programs and procedures for convicted persons at the state penitentiary, which are designed to be corrective, rehabilitative and reformatory of the undesirable behavior problems of such persons, as distinguished from programs and procedures essentially penal in nature.

Security and disciplinary measures, rules and regulations.

SEC. 4. The director of institutions is authorized to make rules and regulations for the administration, supervision, security and disciplinary measures inflicted upon convicted persons at the state penitentiary.

SEC. 5. The superintendent shall be custodian of all funds and valuable personal property of a convicted person as shall be in his possession upon admission to the state penitentiary, or which shall be sent or brought to such person, or earned by him while in custody, or which shall be forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the personal account of the convicted person and the superintendent shall have authority to disburse moneys from such person's personal account for the personal and incidental needs of the convicted person as may be deemed reasonably necessary. When a convicted person is released from the confines of the state penitentiary either on parole or discharge, all funds and valuable personal property in the possession of the superintendent belonging to such convicted person shall be delivered to him.

Funds and  
personal  
property of  
inmates—  
Custody—  
dispersal.

SEC. 6. Section 72.08.100, chapter 28, Laws of 1959 and RCW 72.08.100 are each repealed.

Repeal.

SEC. 7. Section 10, chapter 30, Laws of 1907 as amended by section 3, chapter 48, Laws of 1957 and RCW 10.76.090 are each repealed.

Repeal.

Passed the Senate March 19, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.