

**RCW 71.05.195 Not guilty by reason of insanity—Detention of persons who have fled from state of origin—Probable cause hearing.**

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington or a tribe and who has fled from detention, commitment, or conditional release in that state or tribe, on the basis of a request by the state or tribe in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state or tribe. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for 120-hour detention filed by the designated crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington or tribe on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state or tribe in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state or tribe and authorizing the detention of the person within the state or tribe in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state or tribe in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state or tribe and agreeing to facilitate the transfer of the person to the requesting state or tribe.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to 30 days for the purpose of the transfer of the person to the custody or care of the requesting state or tribe. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of the requesting state or tribe within 30 days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States. [2024 c 209 s 15; 2020 c 302 s 23; 2016 sp.s. c 29 s 221; 2010 c 208 s 1.]

**Effective date—2020 c 302 ss 13, 16, 19-23, 26, 32, 34, 36, 39, 55, 59, 76, 83, 86, 89, and 92:** See note following RCW 71.05.150.

**Effective dates—2016 sp.s. c 29:** See note following RCW 71.05.760.

**Short title—Right of action—2016 sp.s. c 29:** See notes following  
RCW 71.05.010.