

bill through the committee amendments, it says the court shall place the person in a less restrictive treatment setting if it finds that such placement is consistent with the safety of the public and the treatment needs of the person. So the language there is being changed to compel the court to place the person in the less restrictive setting in the event that these conditions are met. My question is this. What if it's consistent with the safety of the public and the treatment needs of a person but there is simply no place available, there is simply no appropriate treatment level available, are we going to be forcing the expenditures of funds in order to make places available for people? Or can you...could you comment a little on the condition or the...I know in certain areas we have terrible problems with the availability of facilities and I am wondering what effect this would have. Are we going to be forcing the providing of additional facilities through this provision?

SPEAKER BAACK: Senator Wesely.

SENATOR WESELY: Senator Beutler, that's an excellent question and, again, somewhat relates back to the MDSO bill we just heard earlier today. And I will...what I am going to ask you to do is allow me to review that again in light of that because the intent is not to place this in a box like we were in under that program and require us to have to do more and require us to put funding in and yet, at the same time, understand that we have to allow this option which we haven't allowed for in the law. So I guess the answer to your question is we're full up at the regional center. It's very difficult right now financially and we also are having difficulty having the programs out in the community and meeting those needs as well. And so the system is stressed and it is felt advantageous to...if somebody doesn't need to be in the regional center and is ready to leave but there's questions about them, this outpatient treatment program makes a lot of sense and is less costly but I don't want us in a position where we have to do that and have to have the funding but the alternative is keeping them in the regional center which would be more funding. And so, I mean, nobody would...I don't think anybody is interpreting this to mean that you would release these people inappropriately. So I'm going to have to go back and review exactly what obligations we would have under that but I think your question is excellent and it's in the right context.