

FINAL BILL REPORT

ESSB 5760

C 260 L 98

Synopsis as Enacted

Brief Description: Authorizing courts to order evaluation and treatment of mentally ill offenders.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin, Deccio, Thibaudeau, Winsley and Kohl).

Senate Committee on Human Services & Corrections

Senate Committee on Ways & Means

House Committee on Criminal Justice & Corrections

House Committee on Appropriations

Background: Offenders with a mental illness have a higher likelihood of recidivism and reincarceration. Such offenders often receive adequate treatment during incarceration, then discontinue treatment after release.

Presentence reports are currently required for offenders convicted of felony sex offenses. They are used to collect additional information to assist in determining the sentence to be imposed.

Summary: The court must order a presentence report before imposing a sentence when the court determines that the defendant may be a mentally ill person.

The court may order an offender whose sentence includes community placement or community supervision to undergo mental health treatment if reasonable grounds exist to believe that the offender is a mentally ill person and that the offender's condition is likely to have influenced the offense. The order for evaluation must be based on the presentence report and other evaluations filed with the court regarding any defense of insanity.

If an offender violates a condition of a sentence involving failure to undergo mental status evaluation or treatment, the community corrections officer must consult with the treatment provider on the offender's status before taking action on the violation.

Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures in statute are to be considered in preference to incarceration.

Community corrections officers and mental health treatment providers must share information on offenders who are in inpatient treatment.

The Department of Corrections is directed to track outcomes and report to the Legislature on the effectiveness of the provisions of this act.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	38	1	(Senate concurred)

Effective: June 11, 1998