

FINAL BILL REPORT

SSB 5046

C 11 L 99

Synopsis as Enacted

Brief Description: Revising hearing procedures for defendants receiving mental health evaluations.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Costa).

Senate Committee on Human Services & Corrections

House Committee on Criminal Justice & Corrections

Background: Under 1998 legislation, a defendant whose misdemeanor charges have been dismissed due to his or her incompetency, but who remains in custody, is required to have an additional mental health evaluation under the civil commitment statute. If the professional person recommends that the defendant be released, the superior court must review the recommendation not later than the next judicial day. The 1998 legislation does not specify court procedures or provide guidance for the required hearing when the court disagrees with the professional person's recommendation.

Summary: Incompetent misdemeanor offenders who could not be made competent to stand trial, who have a prior history of violent acts or findings of either incompetence or not guilty by reason of insanity, who are still in custody at the time charges are dismissed, and regarding whom a judge disagrees with a mental health professional's recommendation of unconditional release are subject to a review.

At the review, the court may order the person held at an evaluation and treatment center for 72 hours prior to a hearing or may order the person conditionally released subject to a hearing within 11 days.

If the court releases the individual subject to a hearing and the person fails to appear, the court must order the person taken into custody at an evaluation and treatment facility and brought to court the next judicial day.

If the court releases the person subject to a hearing, the prosecutor may file a direct petition for 90-day inpatient or outpatient treatment. If the prosecutor files a petition, the court may order the person detained at the evaluation and treatment facility that performed the evaluation or order the person to participate in outpatient treatment.

Votes on Final Passage:

Senate 49 0

House 92 0

Effective: April 15, 1999

