

SENATE BILL REPORT

SB 6375

As Reported By Senate Committee On:
Human Services & Corrections, January 28, 2000

Title: An act relating to clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

Brief Description: Clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

Sponsors: Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley, Costa and McAuliffe.

Brief History:

Committee Activity: Human Services & Corrections: 1/27/2000, 1/28/2000 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6375 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Stevens and Zarelli.

Staff: Fara Daun (786-7459)

Background: In 1998 the Legislature passed 2SSB 6214 which addressed issues related to mentally ill offenders and provided a competency restoration process for misdemeanor defendants. The portions of this act relating to competency evaluation and restoration took effect in March 1999. Since their implementation, some procedures and standards have demonstrated a need for refinement. Some practitioners have also requested clarification with regard to coordination between the civil commitment and forensic commitment provisions of the code.

Summary of Substitute Bill: Procedural, technical, and clarifying amendments to competency restoration provisions are made. A prior acquittal by reason of insanity or finding of incompetence under any equivalent out-of-state or federal statute also qualifies an incompetent defendant to receive competency restoration treatment.

The competency evaluator must provide an opinion as to whether the defendant should be evaluated by a county designated mental health professional under the civil commitment chapter. The local correctional facilities must inform the evaluator to which professional person the report must be submitted. If there is no professional person at the jail, the jail must designate a person or work with the Regional Support Network (RSN) to designate a professional person at the RSN to receive the report. The local correctional facility must notify the evaluator no later than the commencement of the defendant's evaluation.

The court calculates the time for restoration.

Information sharing between civil and criminal courts is permitted for the purpose of preventing inconsistent evaluation and treatment orders.

The procedure is specified for determining whether a past conviction, guilty plea, or not guilty by reason of insanity finding are for a violent act, and the facts are permitted to be established based on documentary evidence in cases where there has been a court finding.

The detention for a 72-hour hold for evaluation under the civil commitment statute begins on the next nonholiday weekday following the court order, does not include weekends or holidays, and continues through the end of the last nonholiday weekday in the period. It is clarified that the timing and procedure for a petition for civil commitment following competency evaluation and failed restoration conform to the civil commitment chapter and that a civil commitment proceeding brought as a result of the competency process must be brought in the county in which the criminal charge was dismissed.

Substitute Bill Compared to Original Bill: The substitute bill does not define a standard of review on appeal.

Appropriation: None.

Fiscal Note: Requested on January 17, 2000.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill contains clarifications and revisions that will help to implement the Legislature's intent from SB 6214 which was enacted in 1998.

Testimony Against: Either expand or strike the standard of review.

Testified: Hon. Jim Cayce, King County Dist. Court (pro); Dave Stewart, Pierce County RSN (pro); Richard Onizuka, DSHS, Mental Health Division (pro); Paul Trause, King County Prosecuting Attorney's Office (pro); Mike Finkle, Seattle City Attorney's Office (pro); Lois Smith, Seattle Municipal Court (pro); Jean Wessman, Washington Association of Counties (pro).