

5458

Sponsor(s): Senators Costa, Benton, Hargrove, Zarelli, Heavey and Goings

Brief Description: Authorizing a new finding of "guilty and mentally ill" in criminal trials.

**SB 5458 - DIGEST**

Declares an intent to increase the accuracy of jury verdicts, to ensure just sentencing under the standards of the sentencing reform act for offenders who are mentally ill but not insane, to ensure that offenders who are mentally ill but not insane are kept securely confined and have access to treatment within available resources, and to reduce the incentive for the raising of meritless insanity pleas.

Provides that a person who timely offers a defense of insanity pursuant to RCW 10.77.030 may be found "guilty and mentally ill" at trial if the trier of fact finds that: (1) The state has proven beyond a reasonable doubt that the defendant is guilty of the crime charged;

(2) the defendant has failed to prove by a preponderance of the evidence the asserted insanity defense; and

(3) the defendant has proven by a preponderance of the evidence that he or she was mentally ill.