

# SENATE BILL REPORT

## SB 5886

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As Passed Senate, February 5, 2002

**Title:** An act relating to the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW.

**Brief Description:** Authorizing agreements to change the number of experts or professional persons who must make competency evaluations for the state under chapter 10.77 RCW.

**Sponsors:** Senators Long and Hargrove.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/01, 2/21/01 [DP].

Passed Senate: 3/13/01, 47-0; 2/5/02, 46-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

**Staff:** Fara Daun (786-7459)

**Background:** The Joint Legislative Audit and Review Committee was required by the Legislature to conduct a study of the impact of SB 6214, the mentally ill offender act (Ch. 297, Laws 1998). The committee presented its proposed final report on December 13, 2000. The report found that increases in misdemeanor competency evaluations indirectly attributable to SB 6214 were handled differently at Eastern Washington State Hospital and that following SB 6214 the existing waiting list for competency evaluations got longer. Court and jail officials concurred that the wait was "weeks" long, sometimes 30-60 days.

Unlike Western State Hospital, which conducts most of these evaluations on an outpatient basis in the county jails, Eastern State conducts these on an inpatient basis resulting in an average 13 to 15 day stay. Eastern State Hospital cited staffing requirements and court rulings when asked why they did not conduct more outpatient evaluations. Due to the distances they must cover, providing two staff to perform the evaluation was not a possibility. In Western Washington, the two person evaluation is typically waived with the agreement of both prosecutors and defense for outpatient evaluations in the jails. Eastern State Hospital officials reported that this requirement is not usually waived in Eastern Washington jurisdictions. This was confirmed by Spokane court officials.

According to state hospital professionals, when an evaluation is conducted by two professionals, there is almost always concurrence in their findings.

**Summary of Bill:** When both prosecution and defense agree, the requirement for a competency evaluation to be conducted by at least two professional persons may be waived by the court.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The Department of Social and Health Services concurs with the JLARC recommendation and supports the legislation.

**Testimony Against:** Concerns were expressed that the evaluations be adequate and fair.

**Testified:** Richard Onizuka, Mental Health Division, Department of Social and Health Services (pro); Andrea Stephenson, Empower Alliance (concerns).