

SENATE BILL REPORT

SB 6287

As of January 19, 2004

Title: An act relating to detention of certain felony defendants in a treatment facility following competency restoration.

Brief Description: Setting standards for detention of defendants following competency restoration.

Sponsors: Senators Kline, Stevens, Hargrove, Regala and Roach.

Brief History:

Committee Activity: Children & Family Services & Corrections: 1/21/04.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Staff: Fara Daun (786-7459)

Background: Some criminal defendants whose competency is restored and who are returned to jail to await trial following competency restoration become incompetent again before their trial date and must be ordered back to the state hospital for additional competency restoration. In occasional cases, a defendant's competency cannot be maintained in a jail setting.

Summary of Bill: A court that orders a felony defendant's competency restored may also order the defendant to be detained at the state hospital or in an appropriate less restrictive setting if the court determines that all of the following criteria are met:

- continued treatment is medically appropriate and is necessary to maintain the defendant's competency to stand trial;
- the defendant is likely to become incompetent again if held in a correctional facility; and
- no setting less restrictive than the one ordered is appropriate.

Appropriation: None.

Fiscal Note: Requested on January 16, 2004.

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