
SENATE BILL 6287

State of Washington

58th Legislature

2004 Regular Session

By Senators Kline, Stevens, Hargrove, Regala and Roach

Read first time 01/16/2004. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to detention of certain felony defendants in a
2 treatment facility following competency restoration; adding a new
3 section to chapter 10.77 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that in some instances
6 defendants who have been restored to competency subject to a valid
7 court order and returned to a local correctional facility to await
8 trial decompensate to the point of incompetency between the time of
9 their return to incarceration and their trial date. The legislature
10 also finds that repeated mental decompensation is detrimental to the
11 health and welfare of all persons and often causes overall degeneration
12 in the person's mental condition. The legislature further finds that
13 the court's authority to order a defendant held at a state hospital or
14 in an appropriate less restrictive treatment setting to maintain the
15 defendant's competency to stand trial has been brought into question.
16 The legislature therefore finds that this combination of circumstances
17 impairs the state's ability to adequately protect the public because
18 it: (1) Prevents the state from determining the guilt or innocence of
19 defendants in a court of law; (2) results in a situation in which

1 guilty defendants cannot be held accountable for their actions; and (3)
2 may result in a situation in which persons whose competency was
3 restored and lost present a larger risk to public safety. The
4 legislature, therefore, intends to remedy this situation by clarifying
5 that the court has the authority to order felony defendants held at the
6 state hospital or in an appropriate less restrictive treatment setting
7 and establishing standards for a court to make this order.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.77 RCW
9 to read as follows:

10 (1) When the court has ordered competency restoration for a
11 defendant, the court may, subject to the provisions of subsection (2)
12 of this section, order the defendant held at the state hospital or in
13 an appropriate less restrictive alternative pending trial or during
14 breaks for longer than forty-eight hours that occur during the trial.

15 (2) In order to order a defendant held at the state hospital, the
16 defendant must be charged with a felony offense and the court must find
17 that:

18 (a) Continued treatment is medically appropriate and necessary to
19 maintain the defendant's competency to stand trial;

20 (b) The defendant is likely to decompensate into incompetency if
21 held in a correctional facility; and

22 (c) No setting less restrictive than the one ordered is
23 appropriate.

24 (3) In determining whether a less restrictive setting is
25 appropriate, the court shall consider both whether the setting is
26 medically appropriate and whether it provides an appropriate level of
27 security.

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