

6287

Sponsor(s): Senators Kline, Stevens, Hargrove and Regala

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

SB 6287 - DIGEST

Provides that, when the court has ordered competency restoration for a defendant, the court may, subject to the provisions of this act, order the defendant held at the state hospital or in an appropriate less restrictive alternative pending trial or during breaks for longer than forty-eight hours that occur during the trial.

Provides that, in order to order a defendant held at the state hospital, the defendant must be charged with a felony offense and the court must find that: (1) Continued treatment is medically appropriate and necessary to maintain the defendant's competency to stand trial;

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

(3) No setting less restrictive than the one ordered is appropriate.

Requires that, in determining whether a less restrictive setting is appropriate, the court shall consider both whether the setting is medically appropriate and whether it provides an appropriate level of security.