
SENATE BILL 6261

State of Washington

62nd Legislature

2012 Regular Session

By Senators Kohl-Welles, Hargrove, Stevens, and Regala

Read first time 01/16/12. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notification of release of a person following
2 dismissal of charges based on incompetence to stand trial; and amending
3 RCW 10.77.065.

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

5 **Sec. 1.** RCW 10.77.065 and 2008 c 213 s 1 are each amended to read
6 as follows:

7 (1)(a)(i) The facility conducting the evaluation shall provide its
8 report and recommendation to the court in which the criminal proceeding
9 is pending. A copy of the report and recommendation shall be provided
10 to the designated mental health professional, the prosecuting attorney,
11 the defense attorney, and the professional person at the local
12 correctional facility where the defendant is being held, or if there is
13 no professional person, to the person designated under (a)(ii) of this
14 subsection. Upon request, the facility shall also provide copies of
15 any source documents relevant to the evaluation to the designated
16 mental health professional. The report and recommendation shall be
17 provided not less than twenty-four hours preceding the transfer of the
18 defendant to the correctional facility in the county in which the
19 criminal proceeding is pending.

1 (ii) If there is no professional person at the local correctional
2 facility, the local correctional facility shall designate a
3 professional person as defined in RCW 71.05.020 or, in cooperation with
4 the regional support network, a professional person at the regional
5 support network to receive the report and recommendation.

6 (iii) When a defendant is transferred to the facility conducting
7 the evaluation, or upon commencement of a defendant's evaluation in the
8 local correctional facility, the local correctional facility must
9 notify the evaluator or the facility conducting the evaluation of the
10 name of the professional person, or person designated under (a)(ii) of
11 this subsection to receive the report and recommendation.

12 (b) If the facility concludes, under RCW 10.77.060(3)(f), the
13 person should be kept under further control, an evaluation shall be
14 conducted of such person under chapter 71.05 RCW. The court shall
15 order an evaluation be conducted by the appropriate designated mental
16 health professional: (i) Prior to release from confinement for such
17 person who is convicted, if sentenced to confinement for twenty-four
18 months or less; (ii) for any person who is acquitted; or (iii) for any
19 person: (A) Whose charges are dismissed pursuant to RCW 10.77.086(4);
20 or (B) whose nonfelony charges are dismissed.

21 (2) The designated mental health professional shall provide written
22 notification within twenty-four hours of the results of the
23 determination whether to commence proceedings under chapter 71.05 RCW.
24 The notification shall be provided to the persons identified in
25 subsection (1)(a) of this section.

26 (3) The prosecuting attorney shall provide a copy of the results of
27 any proceedings commenced by the designated mental health professional
28 under subsection (2) of this section to the facility conducting the
29 evaluation under this chapter.

30 (4) A facility conducting a civil commitment evaluation under RCW
31 10.77.086(4) or 10.77.088(1)(b)(ii) that makes a determination to
32 release the person instead of filing a civil commitment petition must
33 provide written notification to the prosecuting attorney within twenty-
34 four hours of the determination.

35 (5) The fact of admission and all information and records compiled,
36 obtained, or maintained in the course of providing services under this
37 chapter may also be disclosed to the courts solely to prevent the entry

1 of any evaluation or treatment order that is inconsistent with any
2 order entered under chapter 71.05 RCW.

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