

ESSB 5551 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/16/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 10.77 RCW
4 to read as follows:

5 (1) If, at the time of a referral for an evaluation of competency
6 to stand trial in a jail for an in-custody defendant, the department
7 has not met the performance target for timely completion of competency
8 evaluations under RCW 10.77.068(1)(a)(ii) during the most recent
9 quarter in fifty percent of cases submitted by the referring county, as
10 documented in the most recent quarterly report under RCW 10.77.068(3)
11 or confirmed by records maintained by the department, the department
12 shall reimburse the county for the cost of appointing a qualified
13 expert or professional person under RCW 10.77.060(1)(a) subject to
14 subsections (2) and (3) of this section.

15 (2) Appointment of a qualified expert or professional person under
16 this section must be from a list of qualified experts or professional
17 persons assembled with participation by representatives of the
18 prosecuting attorney and the defense bar of the county. The qualified
19 expert or professional person shall complete an evaluation and report
20 that includes the components specified in RCW 10.77.060(3).

21 (3) The county shall provide a copy of the evaluation report to the
22 applicable state hospital upon referral of the defendant for admission
23 to the state hospital. The county shall maintain data on the
24 timeliness of competency evaluations completed under this section.

25 (4) A qualified expert or professional person appointed by a court
26 under this section must be compensated for competency evaluations in an
27 amount that will encourage in-depth evaluation reports. Subject to the
28 availability of amounts appropriated for this specific purpose, the
29 department shall reimburse the county in an amount determined by the
30 department to be fair and reasonable with the county paying any excess

1 costs. The amount of reimbursement established by the department must
2 at least meet the equivalent amount for evaluations conducted by the
3 department.

4 (4) Nothing in this section precludes either party from objecting
5 to the appointment of an evaluator on the basis that an inpatient
6 evaluation is appropriate under RCW 10.77.060(1)(d).

7 (5) This section expires June 30, 2016.

8 NEW SECTION. **Sec. 2.** Within current resources, the office of the
9 state human resources director shall gather market salary data related
10 to psychologists and psychiatrists employed by the department of social
11 and health services and department of corrections and report to the
12 governor and relevant committees of the legislature by June 30, 2013.

13 NEW SECTION. **Sec. 3.** Section 2 of this act is necessary for the
14 immediate preservation of the public peace, health, or safety, or
15 support of the state government and its existing public institutions,
16 and takes effect immediately."

17 Correct the title.

EFFECT: Provides that the Department's obligation to reimburse
counties is subject to amounts appropriated for this specific purpose.
Requires the county to: Provide a copy of the evaluation report to the
applicable state hospital upon referral of the defendant for admission;
and maintain data on the timeliness of competency evaluations by
appointed evaluators. Specifically requires the evaluator to complete
an evaluation and report that includes components specified in statute.
Adds an emergency clause and immediate effective date for section 2,
which requires the market salary data report to be submitted to the
Legislature and Governor by June 30, 2013.

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